



CITY OF CONCORD

REPORT TO THE ECONOMIC DEVELOPMENT ADVISORY COUNCIL

FROM: Christopher Carley, Chair of EDAC

DATE: June 5, 2009

SUBJECT: Report from the Regulations Sub-Committee

APPROVED EXCERPTS FOR CONCORD 2020

Recommendation

Accept this report from the sub-committee and forward it to the City of Concord.

Brief History

In February 2008, Concord Mayor Jim Bouley attended a meeting of EDAC in which he heard concerns regarding the City's current zoning ordinance adopted in 2001. While substantive amendments to the zoning ordinance require Planning Board review, ultimately authority rests with the Mayor and Council.

EDAC's Focus

Mayor Bouley initially welcomed EDAC to draft solutions to problem areas within the existing ordinance. He has since invited the entire Concord community to present recommendations for improving the City's zoning and subdivisions regulations bringing them into better alignment with the City's 2020 Vision and updated Master Plan (July 2008). Chairman Carley subsequently convened a subcommittee to examine the ordinance in detail and called on volunteers toward this effort.

The committee was comprised of:

Chairman Chris Carley
Mayor Pro-Tem Dan St. Hilaire
Councilor Jan McClure
Claudia Walker

Tim Bernier
David Feller
Bill Norton
Byron Champlin
Carlos Baía

The subcommittee began meeting in June 2008. The subcommittee's initial work program was to recommend changes to the most problematic areas of the ordinance. This limitation notwithstanding, a number of the members felt that a comprehensive re-writing of the ordinance was warranted. As a result, the subcommittee began a more in depth reading, analysis and discussion regarding the current ordinance, public hearings, procedures and development permitting processes.

The direct level of experience of the subcommittee members varied greatly. With a practicing architect, land surveyor and commercial broker/developer, a number of specific examples were cited by some while other members were focused more on process, big picture and outcomes. The sub-committee anticipates that its suggestions will be circulated to staff and others who have a practicing knowledge of the ordinance and regulations for a full vetting and balanced review.

The subcommittee prepared this report of its findings and recommendations to be presented to EDAC, allowing for full discussion and editing in order to submit a written report to the City by the June 30, 2009 deadline set by the Mayor. All members committed themselves to insure that any potential changes were reviewed and considered carefully. Where consensus could not be reached, the committee noted the concerns of those not supporting a recommendation.

The recommendations provided in this report mirror the two-step approach taken to examine the ordinance. Section 1 is an outline of the ordinances identified for immediate amendment. The provisions in this section are based on the assumption that the existing ordinance remains largely intact, so they are changes that could be made relatively quickly. Section 2 presents a more dynamic approach that seeks to improve the fundamental underpinnings of the city's zoning principles.

Section 1: Areas for Improvement Within the Existing Code of Ordinances

Reviewing Authority

1. Modify the ordinance to eliminate provisions that require an applicant to apply to both the Zoning Board of Adjustment (ZBA) and the Planning Board (PB) for approval of the same design element or use. Articles in the Zoning Ordinance that currently lead to this situation should be amended or excised so that the applicant need only address the Planning Board;
2. In the spirit of #1 above, the committee recommends transferring appropriate sections of the Zoning Ordinance to the site plan/subdivision regulations, further eliminating the need for applicants to visit two boards;
3. In cases where the Architectural Design Review Committee (ADRC) recommends approval of a particular design, the Planning Board should not have the authority to suggest aesthetic changes at a subsequent meeting. Instances in which the ADRC did not recommend approval of a particular design would confer the Planning Board the right to hear the applicant's appeal pertaining to this detail as part of the site plan review process;
4. Require members to key city boards such as ZBA and PB to attend training on procedure and legal precedent and encourage attendance at the Local Government Center annual conference;
5. Allow applicants to make the initial presentation directly to the PB or ZBA;
6. Encourage site walks by board members;
7. Consider term limits for all City boards;
8. Establish guidelines regarding the submittal of plan details and the timeliness of responses from both staff and applicants;
9. Reduce overlap between Fire Department and Code Administration in terms of site plan and building permit review.

EDAC approved to this point.

Zoning Elements That Warrant Transfer to Site Plan Regulations

1. Buffer requirements;
2. Parking requirements: A threshold for parking should be created. If a plan provided for parking was within a certain % above or below this threshold, the plan could be eligible for a Conditional Use Permit from the Planning Board. The objective is to limit paved parking to the amount actually needed rather than requiring compliance with a rigid standard;
3. Provide conditional use permit option to enhance flexibility for stacking space requirements for drive-up windows;
4. Base curbing and guard rail requirements on industry-accepted engineering principles;
5. Establish a provision for alternate surface parking lots;

6. Modify regulations that discourage sustainable design.

EDAC approved to this point

Zoning Elements That Merit Re-Examination or Elimination

1. Examine current industry standards for mobile home models to establish a percentage threshold for instances when an older model is replaced and newer unit cannot meet existing setbacks;
2. Eliminate involuntary lot mergers;
3. Transfer driveway widths to site plan regulations. Widths should also be reduced from current standards. Accommodation for a wider drive in cases where factors unique to the site/project (for example, line of sight) warrant such an increase would be considered;
4. Seek areas in the community that may be candidates for more flexible parking requirements. For example, parking requirements might be waived for uses within 300' of a public parking garage;

5. END OF EDAC-APPROVED ITEMS 2-2010