

F. *Development Standards in the Central Business District*

In addition to the dimensional standards, development in the Central Business District shall conform to the following additional requirements:

1. Parking – No new parking shall be located on the portion of the lot between the front wall of the principal building and the front property line. This restriction shall apply to the full width of the lot. For corner lots, this restriction shall apply to all frontages abutting a public street.
2. Building Setback – Along the westerly side of Madbury Road from Main Street to Pettee Brook Lane, the front wall of the principal building shall be located no closer than fifteen (15) feet to, and no farther than twenty (20) feet from, the front property line. Along the westerly side of Madbury Road from Pettee Brook Lane to Garrison Avenue, the front wall of the principal building shall be located no closer than twenty (20) feet to, and no farther than thirty (30) feet from, the front property line. For corner lots, this requirement shall apply to all frontages abutting a public street. Up to fifty percent (50%) of the front façade may be recessed beyond the maximum setback distance if the space between the front wall and the front property line is used as pedestrian area in accordance with paragraph 4. below. The expansion or modification of an existing building shall be exempt from this requirement if the Planning Board finds that conformance with this requirement would not be consistent with the character of the existing building.
3. Pedestrian Area – The area directly in front of the front wall of the building and extending to the front property line shall be maintained as a pedestrian area and shall be improved with appropriate amenities to link the building with the sidewalk and to encourage pedestrian and/or customer use of this space. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
4. Front Entrance – The front wall of the principal building shall contain a “front” door providing access to the building for tenants, customers, or other users of the building. If the front wall of the building is located behind the front property line, a paved sidewalk or other appropriate pedestrian way shall be provided from the sidewalk to the front door. This provision shall not be interpreted to prevent the creation of other entrances to the building. For corner lots, this provision shall apply only to the frontage on the street with a greater amount of pedestrian traffic.
5. Storage and Service Areas – All storage and service areas and facilities including dumpsters shall be located to the side or rear of the principal building and shall not be visible from a public street. Dumpsters and storage areas shall be screened or landscaped in accordance with the provisions of Article XXII and Chapter 118, Article 3, Section 10 of the Solid Waste Ordinance.
6. Minimum Building Height – All new principal buildings or additions to existing principal buildings that increase the building footprint by more than twenty

percent (20%), shall have a minimum of two usable stories or a height equivalent of two stories above adjacent grade at the front wall of the building.

7. Maximum Height of Mixed-Use Buildings – The height of a new or redeveloped mixed use building that provides both residential and nonresidential space shall be a maximum of three (3) stories notwithstanding other height limitations. The first floor shall be nonresidential. However, if the building contains nonresidential uses on the first floor and one additional story of nonresidential, the maximum permitted height shall be four (4) stories. If the proposal is for a four (4) story building, the first floor shall be nonresidential and the remaining three floors shall consist of two residential and one nonresidential. However, see Sections 8 and 9 below for limitations to this provision.
8. Maximum Height of Mixed-Use Buildings, Section of Main Street - No building in the Central Business District on any lot with frontage along either side of Main Street, from and including Tax Map 2, Lot 14-4 to the easterly boundary of the district, shall exceed three (3) stories. This provision specifically includes the following properties: Tax Map 2, Lot 14-4; Tax Map 4, Lot 7-0; Tax Map 4, Lot 6-0; Tax Map 4, Lot 5-0; Tax Map 4, Lot 4-0; Tax Map 4, Lot 3-0; Tax Map 4, Lot 2-0; Tax Map 4, Lot 1-0; Tax Map 5, Lot 1-0; Tax Map 5, Lot 1-2; Tax Map 5, Lot 1-3; Tax Map 5, Lot 1-17; Tax Map 5, Lot 1-4; Tax Map 5, Lot 1-5; Tax Map 5, Lot 1-6; Tax Map 5, Lot 1-7; and Tax Map 5, Lot 1-8.
9. Maximum Height of Mixed-Use Buildings, Madbury Road – No building in the Central Business District on any lot with frontage along Madbury Road shall exceed three (3) stories. This provision specifically includes the following properties: Tax Map 2, Lot 12-0; Tax Map 2, Lot 12-2; Tax Map 2, Lot 12-3; Tax Map 2, Lot 12-4; Tax Map 2, 12-5; Tax Map 4, Lot 1-0; Tax Map 4, Lot 11-0; Tax Map 4, Lot 12-0; Tax Map 4, Lot 13-0UNH; and Tax Map 4, Lot 14-0.
10. Treatment of the Front Façade – The front wall of the principal building shall be designed to include windows appropriate to the proposed use. On the first floor, not less than twenty (20) percent of the surface area of the front wall shall be windows. On upper floors, not less than ten (10) percent of the surface area shall be windows.
11. Conditional use for nonresidential use. The requirement for nonresidential use, specified in subsection 7. Maximum Height of Mixed Use Buildings, above, may be adjusted by conditional use where the Planning Board determines that: a) devoting the entire floor(s) to nonresidential uses is not practical; b) there is a superior alternative arrangement that will serve the intent of this requirement (Example: on a large, deep, and irregularly-shaped lot with multiple buildings, it is proposed to situate all nonresidential uses on all of the floors of the building located at the front of the lot along the street. This example should not be construed as necessarily meeting this criterion, but is offered for illustrative purposes only); and c) the amount of square footage of the nonresidential use under this alternative arrangement is at least as much as would otherwise be required.

B. **General use regulations** - The following additional standards apply to the specific uses listed below:

1. Occupancy of Residences. No more than three (3) unrelated occupants shall occupy a dwelling unit located in a residence in an R, RA, RB, RC, PO, CH, C or CC District.
2. Junkyards. Junkyards are prohibited in all districts.
3. Untreated wastes. Untreated sewage or household wastes shall not be discharged into any flowing stream or body of water. Owners and users of land not served by town water and sewer shall be required to furnish plans for a satisfactory on-site sewage disposal system with percolation tests that indicate satisfactory drainage before a building permit will be issued, provided that such system satisfies all local and state ordinances, statutes and regulations.
4. Inoperative motor vehicles. The outdoor storage of unregistered or inoperative motor vehicles shall be prohibited in all zones except as follows:
 - a. Not more than one (1) such vehicle may be stored on any lot during any calendar year, for a period not to exceed ninety (90) days except for lots used for permitted motor vehicle related businesses.
 - b. The provisions of state law shall determine the storage period for abandoned, improperly registered or wrecked vehicles by any garage or other persons properly storing the same according to law. (See RSA 236.)
5. Combination of uses. Any combination of uses contemplated as a single enterprise may be established in only those districts in which all such uses are permitted. Any establishment having combination of uses must meet all the requirements of each use as outlined by the Durham Zoning Ordinance. In the case of conflicting duly adopted rules, regulations or ordinances, the more restrictive shall apply.
6. Airports and Heliports. Private and commercial airports and heliports shall be prohibited in all Zoning Districts within the Town of Durham, unless otherwise expressly permitted in a Zoning District
7. **Number of bedrooms. The maximum number of bedrooms in any dwelling unit in any "Residence, multi-unit" or "Mixed Use with residential (office/retail down, multi-unit residential up)" shall be four.**
8. **Basement units. No new basement dwelling unit shall be permitted in any "Residence, multi-unit" or "Mixed Use with residential (Office/retail down, multi-unit residential up)" building.**

TABLE 175-54 TABLE OF DIMENSIONAL REQUIREMENTS

DISTRICTS

STANDARD	Residence A (RA)	Residence B (RB)	Residence C (RC)	Rural (R)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	OR-Route 108 (OR)	Multi-Unit Dwelling/ Office Res. (MUDOR)	Office, Research Light Ind. (ORLI)	Durham Business Park (DBP)
Minimum Lot Size - Single-Family Residence that is not part of a Conservation Subdivision - Multifamily Housing - Allowed Nonresidential Use - Any Other Allowed Use Minimum Lot Area Per Dwelling Unit ²	20,000 SF NA 20,000 SF 20,000 SF	40,000 SF NA 40,000 SF 40,000 SF	150,000 SF NA 150,000 SF	150,000 SF NA 150,000 SF	NA 5,000 SF 5,000 SF 5,000 SF	10,000 SF 10,000 SF 10,000 SF 10,000 SF	5,000 SF 5,000 SF 5,000 SF 5,000 SF	5,000 SF 5,000 SF 5,000 SF 5,000 SF	30,000 SF 30,000 SF 30,000 SF 30,000 SF	40,000 SF 80,000 SF 80,000 SF 80,000 SF	NA 40,000 SF 40,000 SF 40,000 SF	40,000 SF 40,000 SF 40,000 SF 40,000 SF	40,000 SF NA 40,000 SF
Minimum Usable Area Per Dwelling Unit In a Conservation Subdivision ³	20,000 SF	40,000 SF	150,000 SF ²	150,000 SF ²	999 <u>1,200</u> SF	3,000 SF	4,200 SF	4,200 SF	4,200 SF	4,200 SF	4,200 SF	4,200 SF	NA
Minimum Lot Frontage - Minor Street - Collector Street - Arterial Street	100 FT	150 FT	300 FT	300 FT	50 FT	100 FT	50 FT	50 FT	100 FT	50 FT 100 FT 200 FT	100 FT 100 FT 200 FT	150 FT	150 FT
Minimum Front Yard Setback - Minor Street ¹ - Collector Street - Arterial Street	30 FT 30 FT 40 FT	30 FT 30 FT 40 FT	30 FT 30 FT 40 FT	30 FT 30 FT 40 FT	None-- except per Note 5	30 FT 30 FT 30 FT	15 FT 15 FT 15 FT	15 FT 15 FT 15 FT	30 FT 30 FT 50 FT	50 FT 50 FT See Note 6	30 FT 30 FT 100 FT	30 FT 30 FT 50 FT	30 FT 30 FT 50 FT
Maximum Front Yard Setback	NA	NA	NA	NA	See Note 5	NA	NA	25 ft	NA	NA	NA	NA	NA
Minimum Side Yard Setback ⁴	10 FT	20 FT	50 FT	50 FT	NA	15 FT	5 FT	10 FT	15 FT	25 FT	20 FT	20 FT	20 FT
Minimum Rear Yard Setback ⁴	20 FT	30 FT	50 FT	50 FT	NA	20 FT	15 FT	15 FT	20 FT	25 FT	20 FT	20 FT	20 FT
Minimum Shoreland Shorefrontage	200 FT	200 FT	200 FT	200 FT	NA	NA	NA	NA	NA	NA	NA	NA	NA
Maximum Permitted Building Height	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	30 FT	50 FT	40 FT	40 FT	40 FT