

AGENDA ITEM: **# 11B**

DATE: June 2, 2014

## COUNCIL COMMUNICATION

**INITIATED BY:** Jay Gooze, Councilor

**AGENDA ITEM:** DISCUSSION AND POSSIBLE REFERRAL TO THE PLANNING BOARD FOR ITS REVIEW AND STUDY, A COUNCIL-INITIATED ORDINANCE AMENDING CHAPTER 175 "ZONING", ARTICLE XII "ZONE REQUIREMENTS", SECTION 175-53(A) "TABLE OF USES" OF THE DURHAM TOWN CODE TO CHANGE SINGLE-FAMILY RESIDENTIAL USE IN THE OFFICE RESEARCH LIGHT INDUSTRY AND MULTI-UNIT DWELLING OFFICE RESEARCH DISTRICTS FROM NOT PERMITTED TO CONDITIONAL USE

**CC PREPARED BY:** Jay Gooze

**PRESENTED BY:** Jay Gooze

### **AGENDA DESCRIPTION:**

The purpose of this agenda item is to discuss and consider referring a Town Council initiated zoning change to the Planning Board. The change will allow "Residence, Single-Family" as a Conditional Use in the MUDOR and ORLI districts.

### **BACKGROUND**

The Town Council referred a set of zoning amendments to the Planning Board on January 13, 2014 making residential uses without age restrictions, including single family homes, Not Permitted in the MUDOR and ORLI districts.

The Planning Board recommended that the Town Council not proceed with the amendments, and provided no further information or recommendation for changes to be considered. The Town Council, in accordance with Section 175-14 (B), moved to First Reading the proposed changes which were subsequently adopted on May 19, 2014 by unanimous vote of the Town Council after the public hearing.

This zoning amendment proposes to reintroduce "Residence, Single Family" as a Conditional Use in the ORLI and MUDOR districts based on comments provided to the

Planning Board and Town Council during public hearings on the original amendments restricting all residential uses.

**LEGAL AUTHORITY:**

RSA 674:16, RSA 675:2, and 175-14 of the Durham Zoning Ordinance

**LEGAL OPINION:**

N/A

**FINANCIAL DETAILS:**

N/A

**SUGGESTED ACTION OR RECOMMENDATIONS:**

**Suggested Motion:**

*The Durham Town Council hereby refers to the Durham Planning Board for its review and study a proposed ordinance to amend Chapter 175 "Zoning", Section 175-52 "Use Standards" to change the Table of Land Uses such that the Residential Uses of "Residence, Single Family" is changed from Not Permitted to Conditional Use in the ORLI and MUDOR districts.*

**Conditional Uses.** In the Table of Land Uses, Table 175-53, change the designation of use under Section III Residential Uses to Conditional Use "CU" as follows:

Residence, Single Family		
Office Research Light Industry (ORLI)	<del>X</del>	<u>CU</u>
Multiunit Dwelling Office Research (MUDOR)	<del>X</del>	<u>CU</u>