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Town Planner's Review
Wednesday, October 26, 2016

XIII. **Zoning Amendments – Elderly and Multi-Unit.** Consideration of Town Council-initiated zoning amendments.

- A. **Mixed Use with Residential.** Change Mixed Use with Residential (office/retail down, multiunit residential up) from conditional use to not permitted in the Central Business District.
- B. **Mixed Use with Elderly Housing.** Add a new definition for Mixed Use with Elderly Housing (office/retail down, elderly housing up), allow as a conditional use in the Central Business District, and add references to this use in Section 175-41 Central Business District and Section 175-53 B. General Use Regulations.

➤ I recommend setting a public hearing for both amendments on November 9

Please note the following:

- 1) **Town Council.** The Town Council initiated these two amendments at its meeting on October 17. The following are enclosed: a) a letter from Town Administrator Todd Selig; b) a council communication explaining the proposed amendments; and c) the proposed ordinance.
- 2) **Amendment - Residential.** The amendment for Mixed Use with Residential simply changes the CU to X for the Central Business District in the Table of Uses.
- 3) **Amendments – Elderly Housing.** The amendment for elderly housing includes the following changes:

- Add this definition in Article II – Definitions:

MIXED USE WITH ELDERLY HOUSING (OFFICE/RETAIL DOWN, MULTIUNIT ELDERLY HOUSING UP) – A building in which the first floor is used for office or retail or similar non-residential uses and the upper floor(s) is used, in whole or in part, for multiunit Elderly Housing.

- Insert this language in Article XII – Zone Requirements:

175-41. Central Business District (CB)

...F. *Development Standards in the Central Business District*

...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 or Elderly Housing and one nonresidential. However, see Sections 8 and 9 below for limitations to this provision.

- Add this use to the Table of Uses, as a conditional use in the Central Business District and as not permitted in the other zones.
- Insert this language in Article XII – Zone Requirements:

175-53. Use Standards

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

...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)” or “Mixed Use with Elderly Housing (office/retail down, multi-unit Elderly Housing 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)” or “mixed Use with Elderly Housing (office/retail down, multi-unit Elderly Housing up)” building.

- 4) Multi-unit dwellings. With this proposed change multi-unit dwellings (not including elderly housing and special facilities like nursing homes and fraternities) will be allowed only as *residence, multi-unit* as a conditional use/adaptive reuse in the Professional Office District.
- 5) Table of Uses line item. With this change Mixed Use with residential (office/retail down, multiunit residential down) will not be allowed in any districts. The question thus arises whether or not it should still be included in the table and the definitions article. I would recommend retaining it, at least as a definition, for reference and in the event the Town wishes to add it back in sometime in the future.

- 6) Procedure. Here is the pertinent amendment procedure from the Zoning Ordinance:

175-14. Amendment Procedure.

Amendments to the Zoning Ordinance including the Official Zoning Map may be initiated by the Planning Board, Town Council, or citizens in accordance with the following procedures:

...B. *Amendments Initiated by the Town Council*. The Town Council may, upon its own initiative, from time to time, consider changes to the Zoning Ordinance, including its overlay districts. All such Council-initiated changes shall be referred to the Planning Board for its review and study. The referral shall be made in writing by the chair of the Town Council. The Planning Board shall, after following the public notice and hearing requirements contained in Subsection D below, submit a recommendation regarding the changes to the Town Council members within sixty (60) days of their referral.

- 7) Timeframe. The 60 day timeframe above starts from October 18, the date of Todd Selig's letter to Andrew Corrow about the amendments. The Planning Board can thus make its recommendation on either November 9 or December 14.

- 9) Notices to property owners. We will send notices to all property owners in the Central Business District alerting them to the proposed change and the public hearing date (once set), in accordance with this RSA:

675:7 Notice Requirements for Public Hearing. –

I. ... If a proposed amendment to a zoning ordinance would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owner of each property in the district...