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**Town Planner's Review**  
**Wednesday, September 12, 2018**

- XIII. **Public Hearing – Downtown Zoning Amendments**. Presentation explaining proposal and then public hearing on amendments to the Zoning Ordinance including changes to Section 175-7 Definitions; Section 175-42 Central Business District regarding the front entrance, number of stories, configuration of uses, and related issues; Section 175-54 Table of Dimensions regarding minimum lot area per dwelling unit in the CB District; Section 175-55 adding a reference; Section 175-56 General Dimensional Standards regarding minimum habitable floor area per occupant; and Section 175-112 Central Business District Special Conditions regarding the parking exemption. **Recommended action**: Initiate amendment or continue review.
- The Planning Board will need to provide comments to the Town Council on the proposed amendment. It can do so on Wednesday or continue the discussion. It can close the public hearing or continue it as appropriate.

The proposed amendments and the Council Communication providing background to the amendments are enclosed.

The Town Council initiated the amendment so please disregard my note on the agenda about initiating the amendment. The board's role is to provide comments on the proposal. The Planning Board as three options:

- 1) Recommend adoption of the amendment as written
- 2) Recommend that the amendment not be adopted
- 3) Recommend specific changes to the amendment

If the Planning Board recommends very minor changes it can forward those right to the Town Council. If the Planning Board wishes to recommend significant changes it will need to hold a new public hearing on those changes. Here is the pertinent excerpt on the procedure from the Zoning Ordinance:

**175-14. Amendment Procedure.**

- ...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 and the zoning map. 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 Town

Administrator. 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. (the date of the letter from the Town Administrator). The Town Council may grant extensions to this timeframe at its discretion.

The Council Communication states: “In late 2016, the Council referred a proposed zoning amendment to the Planning Board that made Mixed Use with Residential a “Not Permitted” use in the Central Business District. The Planning Board recommended that the Town Council not adopt the proposed zoning changes, and the Town Council ultimately did not move to First Reading on the proposal. During the Planning Board review and Town Council discussions, many long term downtown property owners became engaged in the review and discussion. Although the proposal did not move forward, there was a consensus between the Town Council and property owners that Central Business District zoning should be reviewed during the following year with more community and property owner input.

“This past year, Councilors Tobias and Howland, Economic Development Director Humphrey and the Economic Development Committee have engaged in informal discussions with many Central Business District stakeholders. A working group comprised of Councilors Howland, Tobias and Lawson, Town Planner Behrendt and Economic Development Director Humphrey was established by the Town Administrator this spring to review the CBD zoning and make recommendations on zoning changes. The zoning changes presented in this Council Communication were developed by this working group.”

The proposed changes include the following:

- Allowing more flexibility in configuring office/retail and residential uses within a building by overall percentage of square footage rather than by designating uses by floor. Please note: in item 8. and probably item 7. under Section 175-42 Central Business District, we probably need to include a reference to mixed-use buildings (as this is in the current language). We will clarify this on Wednesday.
- Increasing the allowable density of dwelling units from a minimum of 1,200 square feet of land per unit to a minimum of 600 square feet of land per unit
- Increasing the allowable density of occupants in an unrelated household in an apartment from a minimum of 600 habitable square feet to a minimum of 450 habitable square feet
- Increasing the allowable density of occupants in an unrelated household in an apartment from a minimum of 600 habitable square feet to a minimum of 300 habitable square feet where two out of three floors are used for office/retail
- Requiring Planning Board approval for a developer to pay the parking impact fee rather than building the minimum number of parking spaces.
- Changes in Definitions
- Minor changes in architectural standards that are now covered by the Architectural Regulations
- Other minor organizational changes