

**Proposed Amendments
Durham Zoning Ordinance
Off-Street Parking**

*Incorporating changes to the draft made by the Planning Board on January 23, 2019
and other suggested changes*

❖ Make the changes to the existing language as shown

Additions from the present ordinance are shown like this.

~~*Deletions from the present ordinance are shown like this.*~~

[Comments are shown like this.]

ARTICLE II – DEFINITIONS

175-7. Definitions.

SETBACK AREA – See “Yard.”

[This was not discussed but I recommend adding this definition as the question may arise what this refers to. The term is added in several places below. This area was called a “yard” before.]

ARTICLE XII – BASE ZONING DISTRICTS

175-39. Residence A District (RA).

B. Development Standards in the Residence A District.

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

~~***3. No parking shall be permitted in the area between the front property line and the front wall of the principal building except on a driveway in conformance with the provisions of Article XXI.***~~

[I have relocated all of the provisions relating to parking from this article to Article XXI – Off-Street Parking for ease of use and comparison. There are presently specific provisions about parking in Article XII for every zoning district except for the Rural, Residence Coastal, ORLI, and Durham Business Park Districts. See Article XXI. It was the sense of the board on January 23 to include a provision regarding parking for all districts except Rural and Residence Coastal.]

175-40. Residence B District (RB).

B. Development Standards in the Residence B District.

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

~~3. *No parking shall be permitted in the area between the front property line and the front wall of the principal building except on a driveway in conformance with the provisions of Article XXI.*~~

175-42. Central Business District (CB)

B. *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.*~~

175-43. Professional Office District (PO)

B. *Development Standards in the Professional Office District*

In addition to the dimensional standards, development in the Professional Office 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.*~~

175-44. Church Hill District (CH)

B. *Development Standards in the Church Hill District*

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

~~1. *Parking* — *New parking shall be located behind the building.*~~

175-45. Courthouse District (C)

B. *Development Standards in the Courthouse District*

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

~~2. *Parking* — *New parking shall be located to the side or rear of the building unless the Planning Board allows parking between the front wall of the principal building and the front property line, including within the setback, as part of a site plan review application or conditional use application.*~~

175-46. Coe’s Corner District (CC)

B. Development Standards in the Coe’s Corner District

In addition to the dimensional standards, development in the Coe’s Corner District shall conform to the following additional requirements:

~~1. **Parking**—Parking shall be located to the side or rear of the building. No parking shall be located on the portion of the lot between the front wall of the principal building and the front property line except on driveways in accordance with Article XXI. This restriction shall apply to the full width of the lot.~~

175-48. Office and Research District – Route 108 (OR)

B. Development Standards in the Office and Research District - Route 108

In addition to the dimensional standards, development in the Office and Research District – Route 108 shall conform to the following additional requirements:

~~4. **Parking**—Parking shall be located to the side and rear of the building. No parking shall be located on the portion of the lot between the front wall of the building and the front property line. This restriction shall apply to the full width of the lot. The Planning Board may waive this requirement for lots which have a side or rear lot line that abuts Route 108 and the waiver is necessary to accomplish the Route 108 buffer provided for above. In granting the waiver, the Planning Board shall balance the desire to preserve the rural character of the Route 108 corridor and the appearance of the front of the building when seen from a public street.~~

175-50. Mixed Use and Office Research District (MUDOR)

B. Development Standards in the Mixed Use and Office Research District

In addition to the dimensional standards, development in the Mixed Use and Office Research District shall conform to the following additional requirements:

~~1. **Parking**—Parking shall be located to the side or rear of the building. No parking shall be located on the portion of the lot between the front wall of the principal building and the front property line except on driveways in accordance with Article XXI. This restriction shall apply to the full width of the lot.~~

ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS

175-56. General Dimensional Standards.

~~C. **Permitted uses in required yards.** No building or parking is permitted within the minimum yards required for the district, except as otherwise allowed below. All required minimum yards, except for driveways and walkways, shall be landscaped or left with natural vegetation, with the following exceptions:~~

- ~~1. Up to twenty-five (25) percent of the area of street yards of noncommercial residential lots may be used for accessory parking.~~
- ~~2. Structures accessory to residential uses shall occupy no more than thirty (30) percent of the required yard and be no closer than ten (10) feet to any lot line nor more than twenty (20) feet high.~~

[The provision is reworded below and 1. is relocated to Article XXI]

C. Permitted uses in setback areas.

- 1. No building is permitted within the setback area specified for the zoning district. However, accessory structures for residential uses may occupy up to 30 percent of a front, side, or rear setback area provided they are set back at least 10 feet from any lot line and do not exceed 20 feet in height.
- 2. All setback areas, except for driveways, walkways, and permitted structures, shall be landscaped or left with natural vegetation.

[Audrey questioned the purpose of 2.]

ARTICLE XX – STANDARDS FOR SPECIFIC USES

175-109. Compliance Required.

K. Home Occupation. The criteria for home occupations are given in the Definitions article. Any person seeking to establish a home occupation shall submit an application to the Building Official who shall review the application for conformance with the criteria for home occupations. The Building Official may specify adding parking space(s) to accommodate the home occupation at her/his reasonable discretion.

[I recommend adding this.]

ARTICLE XXI – OFF-STREET PARKING AND DRIVEWAYS

175-110. Applicability.

~~*This article applies to single-family dwellings, duplex/two-family dwellings, other sites and conditions that are not subject to site plan review, and exemptions in the Central Business District (See special provision below).*~~

The provisions in this article apply specifically to single-family and duplex residences, except where reference is made to all uses.

175-111. General Requirements.

~~A. Storage. The parking or storage of any truck or truck trailer in excess of one (1) ton for more than twenty-four (24) hours in any three-day period shall not be allowed in the front or side yard setback.~~

~~B. Design Requirements~~

- ~~1. All parking areas and driveways shall have, at a minimum:~~
 - ~~a. A smoothly graded stabilized dust-free gravel surface.~~
 - ~~b. Adequate drainage to minimize runoff from flowing onto adjacent property, sidewalks and public roads. The infiltration of stormwater on site is strongly encouraged.~~
- ~~2. Parking serving single family and duplex units will be permitted in the front yard setback for up to three (3) vehicles per household.~~

[I rearranged the provisions below but did not change anything substantive other than as discussed on January 23.]

A. Parking Spaces.

- 1. A driveway shall be provided for each lot. Otherwise, there is no minimum parking requirement for single family and duplex residences.
- 2. Maximum Spaces. There shall be no more than 3 parking spaces for a dwelling unit located in the Residence A and Residence B Districts, not including the parking spaces situated on a single-lane driveway or within a garage or required parking for an accessory dwelling unit/apartment or home occupation. More than 3 parking spaces may be established if approved as a special exception subject to the general special exception criteria contained in Section 175-26 and a finding that the proposed parking spaces are serving the on-site dwelling(s) only.

[I suggest including “or required parking for an accessory dwelling unit/apartment or home occupation”.]

- 3. Dimensions. Each parking space shall measure 9 feet x 18 feet. The Zoning Administrator may adjust this provision as appropriate for the site conditions.

[We had “at least 9 feet x 18 feet.” Audrey recommends deleting “at least” to enhance flexibility.]

- 4. Delineation. Parking areas shall be clearly delineated on the site, as determined by the Zoning Administrator.

B. Driveways.

- 1. Driveway width.
 - a. For all uses, within the Town right of way the driveway may not exceed 12 feet in width (excluding turning radii) unless approved by the Durham Public Works Department.

b. The driveway shall be single lane except as needed to provide access to parking areas and garages.

2. Number of driveways.

a. For a single family residence there shall be no more than one driveway access point where the frontage is less than 200 feet. One additional driveway access point for each additional 100 feet or major fraction thereof may be permitted by the Department of Public Works should site conditions warrant.

b. For a duplex residence, the Department of Public Works may approve a second driveway access point as warranted.

c. A circular driveway may be allowed where conditions warrant as determined by the Department of Public Works.

C. Setbacks. The following setbacks apply:

1. There is no required setback for a single-lane driveway. A driveway that is wider than a single lane shall be set back at least 10 feet from side lot lines and in accordance with the rear setback for the zoning district from rear lot lines.

[Audrey and I recommend removing this provision above.]

2. All parking spaces shall be in compliance with the required setbacks for structures in the zoning district. However, parking spaces may be established within the setback areas by special exception subject to: a) meeting the special exception criteria contained in Section 175-26; b) a finding that it is not practical to situate the proposed parking outside of the setback areas; and c) a finding that situating the proposed parking within the setback areas will not have an adverse impact upon abutting properties nor upon the character of the streetscape.

3. See Article XIII – Wetland Conservation Overlay District and Article XIV – Shoreland Protection Overlay District for required setbacks for driveways and parking areas within these overlay districts.

D. Placement of Parking Spaces.

1. For all uses except for single-family and duplex residences, in the Residence A and Residence B Districts no parking shall be permitted in the area between the front property line and the front wall of the principal building except in conformance with the provisions of this article.

[I suggest changing 1. as shown to exclude single-family and duplex residences.]

2. Up to twenty-five (25) percent of the area of the front setback area of noncommercial residential lots may be used for accessory parking.

[This provision was relocated from Article XII.1. This should be revised. I suggest revising as: “For a single-family or duplex residence in the Residence A and Residence B Districts a maximum of 25 percent of the area between the front property line and the front wall of the building is allowed. A greater percent of the area may be allowed by special exception.”]

3. For all uses, in the Central Business District no 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 for the full width of the lot. For corner lots, this restriction shall apply to all frontages abutting a public street.

4. For all uses, in all Commercial Core Districts, except the Central Business District, and in all Research-Industry Districts, all parking shall be located to the side or rear of the building unless the Planning Board allows parking between the front wall of the principal building and the front property line, including within the setback, as part of a site plan review application or conditional use application.

[I relocated all of the provisions about parking under each separate zoning district to this consolidated location. I think the ordinance is easier to use if all parking standards are placed in this article.]

E. Surface and drainage. The following shall be provided for parking areas and driveways:

1. A smooth paved surface or a smoothly graded stabilized dust-free surface using gravel, paving stones or the equivalent.

2. Adequate drainage to minimize runoff from flowing onto adjacent property, sidewalks and public roads. The infiltration of stormwater on site is strongly encouraged.

175-112. Required Permits.

A. Building permit. A building permit is required to create or expand a parking space, parking area, or driveway area.

B. Fire department. Permit applications for new driveways must be approved by the Durham Fire Department.

[I am checking with Audrey and the Fire Department for clarification on this.]

C. Access to Town roads. For all uses, a written permit from the Durham Public Works Department is required prior to the construction or alteration, including paving and repaving, of any driveway, entrance, exit or approach within the limits of any right of way of the Durham roadway system.

D. Standards of construction. For all uses, any section of a driveway located within the right of way of the Durham roadway system shall be built in conformance with the requirements of the Durham Public Works Department. The latest Policy and Procedure for Driveways and Other Accesses to the State Highway System, as published by the New Hampshire Department of Transportation, will be used to guide the design.

[I am checking with April and the Fire Department for clarification on this.]

E. Access onto State roads. For all uses, a written permit from the New Hampshire Department of Transportation is required prior to the construction or alteration of any driveway, entrance, exit or approach within the limits of any right of way of the State of New Hampshire roadway system.

175-~~112~~ 113. Central Business District Special Conditions.

Exemptions. All proposed new development (including construction of new buildings and additions to existing buildings) may be exempt from the parking requirements for the number of spaces specified in the Site Plan Regulations within the Central Business District, provided that:

1. A one-time parking impact fee (as established in the Master Fee Schedule) is paid by the owner and/or developer for the number of spaces required less the number of on-site spaces provided.
2. The existing number of required parking spaces is not reduced by any proposed development unless approved as part of a property redevelopment plan by the Planning Board; and
3. The Planning Board waives the requirement for the number of parking spaces specified in the Site Plan Regulations, as part of the Site Plan Review based upon pertinent information provided by the applicant, Planning Department and any other interested party and an analysis of the parking demand of the use(s), parking capacity available from municipal parking and the parking capacity of other property owned by the applicant for the use(s). The parking demand of the use(s) may vary from the parking requirements specified in the Site Regulations. The waiver should be granted only if it is demonstrated that adequate parking exists and the impact on municipal parking by the proposed uses(s) will not be materially detrimental to existing uses in the CB District.

~~*175-113.— Required Parking. Two parking spaces shall be provided for a single-family residence and four parking spaces shall be provided for a duplex residence.*~~