

**Proposed Amendments
Durham Zoning Ordinance
Off-Street Parking**
Simplified version with explanations

New language as proposed in the draft presented for public hearing on April 10 is shown like this.

[Comments are shown like this.]

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ARTICLE II – DEFINITIONS

175-7. Definitions.

SETBACK AREA – See “Yard.”

[This is just for clarification.]

ARTICLE XII – BASE ZONING DISTRICTS

[Nine zoning districts have varying restrictions for locating parking in front of buildings. They are placed within separate sections on each of those districts. I removed all of those provisions from this article and consolidated them below in Article XXI, 175-111 D.]

ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS

175-56. General Dimensional Standards.

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.**

[This replaces another provision. It is not significantly different but is changed mainly for clarity.

We should probably add at the end of C.1. “(See Article XXI for parking requirements.)” as this second sentence does not apply to parking which is considered a “structure.”]

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 think this is an appropriate provision. Every home occupation is different: some require additional parking and some do not. It makes sense for the Building Official to make a determination on a case by case basis.]



ARTICLE XXI – OFF-STREET PARKING AND DRIVEWAYS

[The intent is to place all provisions dealing with parking and driveways in this one article.]

175-110. Applicability.

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

[Uses other than single family and duplex are addressed as part of site plan review, which is not required for single family and duplex residences.]

175-111. General Requirements.

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.**

[This proposal brought much concern and clearly needs to be re-examined. The issue appears to occur mainly in Residence A zones. The current ordinance and the old ordinance place no limit on the total number of parking spaces other than a limitation of 3 vehicles per household in the front setback area. One suggestion is to permit a maximum number of spaces only as needed for the number of vehicles registered to the house.]

- 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.**

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

[I think this discretion for the Zoning Administrator makes sense. The intent is to prevent parking on dirt or grass and in other inappropriate places and manners. Every situation is different and should be looked at on a case by case basis. The requirement is not for striping.]

[The suggestion was raised to include a requirement that spaces on a single family or duplex lot may serve only residents of the property and may not be leased to others who do not live there. This is worth discussing.]

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.

[There may be cases where a double-width driveway is appropriate for a single family house, such as where the house is close to the street and the driveway must be short. A double-width driveway could be allowed by special exception.]

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.
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.

[It should be clarified that this means the line of the front wall extended all the way across the lot parallel to the front property line.]

2. 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.

[Using a percentage like 25 percent may not be as effective as simply setting a maximum number of spaces in this area.]

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.

[We do not address garages in this ordinance. We could add provisions in this article if desired. The only general requirement for garages is that they meet setbacks.]

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.

[This provision should be changed to read: “Fire Department. Where three or more lots, houses, or dwelling units are or will be accessed, approval from the Fire Department is required for any new driveway, shared driveway, or private road, or for any significant change to any existing driveway, shared driveway or private road.”]

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.

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.

[Here are other provisions below in the current ordinance or the old ordinance pertinent to single family or duplex residences that we did not include in this new proposal. The Planning Board may consider whether any of these provisions should be included in some form.]

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.

Parking serving single-family and duplex units will be permitted in the front yard setback for up to three (3) vehicles per household.

No driveway in the front yard setback shall be wider than twenty-two (22) feet, except as permitted under 175-118 C 3.

Parking is allowed in the side yard setbacks and rear yard to serve residential uses and all nonresidential uses, provided that:

- a. A five-foot strip of landscaping and solid screening is provided and maintained adjacent to the adjoining property boundary or a public right-of-way.
- b. A commercial residential or commercial use does not abut a single-family or duplex household.

Any lighting provided to illuminate any parking area shall be arranged so as to direct the light away from any abutting or adjacent residential district or residential use. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).