



TOWN OF DURHAM
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Town Planner's Review
Wednesday, June 26, 2024

XI. Other Business

- **Discuss whether to change the definition of "Household" which includes "Family" in the Zoning Ordinance**

Town Administrator Todd Selig has requested that the Planning Board discuss this issue. Planning Board Chair Paul Rasmussen agreed to include this under Other Business. The legislature in Concord recently came close to enacting a law that would have most likely prevent Durham from enforcing its three-unrelated rule. It appears that the legislature could revisit this issue in future terms. In addition, perhaps the Town's definition of family is out of date.

- **Here is the current definition for Household in the Zoning Ordinance:**

HOUSEHOLD – A group of occupants of a dwelling unit defined by one of the following two categories:

1. FAMILY – An individual or two (2) or more persons related within the second degree of kinship by civil law or by marriage or adoption or foster care arrangement living together as a single housekeeping unit, including necessary domestic help such as nurses or servants not to exceed three (3) in number.
2. UNRELATED HOUSEHOLD – Any household not conforming to the definition of a "family," above. (Note. See specific requirements for unrelated households in Section 175-56 - General Dimensional Standards.)

- **Here is the language regarding three unrelated:**

175-56. General Dimensional Standards.

- A. Limitation on number of unrelated occupants. Within the following zoning districts, any dwelling unit consisting of an unrelated household shall contain no more than three (3) unrelated occupants:
1. Rural (R)
 2. Residence A (RA)
 3. Residence B (RB)
 4. Residence C (RC)
 5. Central Business District (CB)
 6. Professional Office (PO)
 7. Church Hill (CH)
 8. Courthouse (C) and
 9. Coe's Corner (CC)

(Note that there may be more restrictive occupancy requirements than these under the New Hampshire State Building Code and Fire Code and the Durham Rental Housing Ordinance.)

- **Here is Hanover's definition of Family:**

FAMILY

A person living alone, or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities

1. Any number of people related by blood, marriage, civil union, adoption, foster care, guardianship, or other duly authorized custodial relationship. (Related by blood shall include only persons having one of the following relationships with another individual(s) residing within the same dwelling unit: parents, grandparents, children, sisters, brothers, grandchildren, stepchildren, first cousins, aunts, uncles, nieces, and nephews);
2. Two (2) unrelated persons and any dependent(s) related to either of them;
3. A cumulative total of up to three (3) adult persons (18 years old or older);
4. Persons living together as a functional family as determined by the criteria listed below. To qualify as a functional family, all of the following criteria shall be met:
 - A. The occupants must share the entire dwelling unit living and cooking together as a single housekeeping unit; and
 - B. The group shares expenses for food, rent or ownership costs, utilities, and other household expenses; and
 - C. The group is permanent and stable and not temporary or transient in nature. Evidence of such permanency and stability must include:
 - (1) Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration, and filing of taxes; And at least one of the following:
 - (2) The presence of dependent(s) regularly residing in the household;
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 - (3) At least one member of the household is employed in the area;
 - (4) All members of the household have been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.
5. In dwelling units of three bedrooms or more in the Main Wheelock District, any group of not more than six persons not related by blood, marriage or adoption living together as a single housekeeping unit
6. The following groups do not constitute a family or functional family:
 - A. Occupancy in a student residence, residential institution, or similar group occupancy
 - B. Students enrolled at a college or university and groups of more than three (3) persons living together who do not qualify as a family based on categories one or two of this definition
 - C. Occupants who are separate roomers in the same dwelling