



TOWN OF DURHAM  
15 NEWMARKET ROAD  
DURHAM, NH 03824-2898  
Tel: 603/868-5571  
Fax: 603/868-5572

## ORDINANCE #2005-06 (G) OF DURHAM, NEW HAMPSHIRE

### AN ORDINANCE ADOPTING PROPOSED REVISIONS TO ORDINANCE #2005-06, SECTION G, RELATIVE TO THE PERSONAL WIRELESS SERVICE FACILITIES OVERLAY DISTRICT OF CHAPTER 175 "ZONING" OF THE DURHAM TOWN CODE

**WHEREAS**, the Durham Zoning Rewrite Committee held numerous meetings drafting changes and soliciting public input for the zoning map, non-residential zoning district provisions, definitions, tables of uses, table of dimensional requirements, amendments to address questions with prior amendments, Shoreland Protection Overlay, Wetland Conservation Overlay, Aquifer Protection Overlay, Personal Wireless Service Facilities Overlay, and Durham Historic Overlay of the Durham Zoning Ordinance; and

**WHEREAS**, the Durham Zoning Rewrite Committee forwarded these remaining sections to the Planning Board for public hearings; and

**WHEREAS**, the Durham Planning Board held public hearings on June 9, 2004, October 13, 2004, January 5, 2005, January 19, 2005, March 30, 2005, April 6, 2005, May 4, 2005, and May 11, 2005 on these remaining sections; and

**WHEREAS**, the Durham Planning Board forwarded these remaining sections to the Durham Town Council; and

**WHEREAS**, on June 20, 2005, the Durham Town Council received a presentation and conducted a first reading on Ordinance #2005-06 regarding revisions to the Durham Zoning Ordinance that were proposed by the Durham Planning Board, referred to as:

*Ordinance #2005-06 (A) - Proposed Amendments to Chapter 175 "Zoning" to Address Questions with Prior Amendments.*

*Ordinance #2005-06 (B) - Proposed Amendments to Chapter 175 "Zoning" to Implement the Master Plan Recommendations Dealing with the Non-Residential Zones.*

*Ordinance #2005-06 (C) - Proposed Amendments to Chapter 175 "Zoning" Relative to the Shoreland Protection Overlay District.*

*Ordinance #2005-06 (D) - Proposed Amendments to Chapter 175 "Zoning" Relative to the Wetland Conservation Overlay District.*

*Ordinance #2005-06 (E) - Proposed Amendments to Chapter 175 "Zoning" Relative to the Aquifer Protection Overlay District.*

*Ordinance #2005-06 (F) - Proposed Amendments to Chapter 175 "Zoning" Relative to the Durham Historic Overlay District.*

*Ordinance #2005-06 (G) - Proposed Amendments to Chapter 175 "Zoning" Relative to the Personal Wireless Service Facilities Overlay District; and*

**WHEREAS**, on November 30, 2005, the Durham Town Council adopted Ordinance #2005-06, Section (E) relative to the Aquifer Protection Overlay District and remanded Sections #2005-06 (B) (C) (D) (F) and (G) back to the Planning Board for further review; and

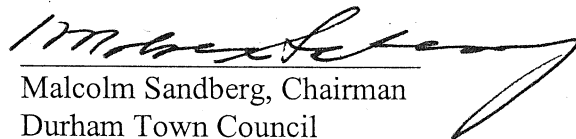
**WHEREAS**, on January 9, 2006, the Durham Town Council adopted Ordinance #2005-06, Section (A) "to address questions with prior amendments"; and

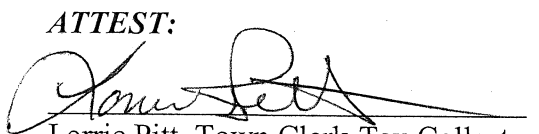
**WHEREAS**, upon receiving the remanded sections of Ordinance #2005-06 back from the Durham Town Council, the Durham Planning Board held a Public Hearing on January 25, 2006 on Ordinance #2005-06, Section (G) relative to the Personal Wireless Service Facilities Overlay District; and

**WHEREAS**, upon holding the Public Hearing and receiving no public comments, the Planning Board passed a motion to forward Ordinance #2005-06, Section (G) relative to the Personal Wireless Service Facilities Overlay District to the Town Council for further review and final approval,

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, New Hampshire hereby adopts Ordinance #2005-06, Section (G) relative to the Personal Wireless Service Facilities Overlay District and does hereby approve the proposed revisions to the Durham Zoning Ordinance, as recommended by the Durham Planning Board. The document, in its approved form, is attached to this Ordinance as a matter of final record.

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this 20<sup>th</sup> day of February, 2006 by Nine (9) affirmative votes, Zero (0) negative votes, and Zero (0) abstentions.

  
Malcolm Sandberg, Chairman  
Durham Town Council

**ATTEST:**  
  
Lorrie Pitt, Town Clerk-Tax Collector