

175-55. General Use Standards. The following additional standards apply to the specific uses listed below:

1. Occupancy of Residences. See Section 175-56 A. regarding limitations on the number of unrelated occupants.
2. Junkyards. Junkyards are prohibited in all districts.
3. Untreated wastes. Untreated sewage or household wastes shall not be discharged into any flowing stream or body of water. Owners and users of land not served by town water and sewer shall be required to furnish plans for a satisfactory on-site sewage disposal system with percolation tests that indicate satisfactory drainage before a building permit will be issued, provided that such system satisfies all local and state ordinances, statutes and regulations.
4. Inoperative motor vehicles. The outdoor storage of unregistered or inoperative motor vehicles shall be prohibited in all zones except as follows:
 - a. Not more than one (1) such vehicle may be stored on any lot during any calendar year, for a period not to exceed ninety (90) days except for lots used for permitted motor vehicle related businesses.
 - b. The provisions of state law shall determine the storage period for abandoned, improperly registered or wrecked vehicles by any garage or other persons properly storing the same according to law. (See RSA 236.)
5. Combination of uses. Any combination of uses contemplated as a single enterprise may be established in only those districts in which all such uses are permitted. Any establishment having combination of uses must meet all the requirements of each use as outlined by the Durham Zoning Ordinance. In the case of conflicting duly adopted rules, regulations or ordinances, the more restrictive shall apply.
6. Airports and Heliports. Private and commercial airports and heliports shall be prohibited in all Zoning Districts within the Town of Durham, unless otherwise expressly permitted in a Zoning District
7. Number of bedrooms. The maximum number of bedrooms in any dwelling unit in any “Residence, Multi-unit” or “Mixed Use with Residential (office/retail down, multi-unit residential up)” shall be four.
8. Basement units. No new basement dwelling unit, nor any unit that is partially below grade, shall be permitted in any “Residence, Multi-unit” or “Mixed Use with Residential (office/retail down, multi-unit residential up)” building.
9. Accessory uses and structures. Accessory uses and structures are permitted for all uses in all zones as defined in this ordinance except as otherwise specifically prohibited in the Table of Uses and elsewhere in this ordinance. Site plan review, issuance of a building permit, and other permitting is required for all accessory uses and structures in similar manner as for all principle uses and structures.

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.)

B. Minimum floor area per occupant in unrelated household. The minimum required habitable floor area per occupant in an unrelated household is shown in Table 175-56 below. (See definition for “Household.”).

Table 175-56. MINIMUM HABITABLE FLOOR AREA BY DWELLING TYPE FOR UNRELATED HOUSEHOLD

DWELLING TYPE	Minimum habitable floor area per occupant in unrelated household
Single-family dwelling	300
Duplex or townhouse	300
Apartment (but not including accessory apartments, apartments in the ORLI and MUDOR districts, and apartments in the CB District conforming to the provisions of Section 175-42 B.7.d).	400
Three-story apartment in the CB District conforming to the provisions of Section 175-42 B.7.d.	300
Apartment in the Central Business District (excluding accessory apartments) where the number of unrelated occupants does not exceed two	300

Apartment in the ORLI and MUDOR districts (but not including accessory apartments)	200
Accessory Apartment	200
Rooming/boarding, including accessory rooming/boarding	150
Dormitory	100
Fraternity or sorority	150
Nursing home	150
Senior housing	200

(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.)

C. *Permitted uses in setback areas.*

1. No building is permitted within the setback areas specified for the zoning district. However, accessory structures (not including driveways and parking areas) 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.

D. ***Corner clearance.*** No object, vegetation or slope which impedes visibility at street intersections shall be allowed within a triangle, two (2) of whose sides extend twenty (20) feet from the intersection along the street lines and between two (2) planes three (3) feet and seven (7) feet above the level of the traveled way.

E. ***Changes in lot dimensions.*** Any change made to the dimensions of an undeveloped lot shall meet all the requirements of this Article in effect at the time of the proposed change. In the case of a legal nonconforming lot which has been developed, the lot dimensions may be changed to decrease the violation of the dimensional requirements of this chapter.

F. ***Calculation of usable area.*** The usable area of a parcel of land shall be determined by subtracting the following unsuitable areas from the gross area of the parcel. A High Intensity Soil Survey (HISS) shall be used to determine the unusable areas of soils set forth below. The unsuitable areas shall be deducted in the following order and no geographic area shall be deducted more than once:

1. All very poorly drained, poorly drained, and somewhat poorly drained soils as identified on the HISS.
2. All floodways and all non-wetland portions of the 100-year floodplain.

3. All areas with ledge outcroppings, shallow depth-to-ledge soils (0" to 20" to bedrock), and variable depth-to-ledge soils (0" to 40" to bedrock) as identified on the HISS if the site will use on-site sewage disposal.
4. Fifty (50) percent of the area with moderate depth-to-ledge soils (20" to 40" to bedrock) as identified on the HISS if the site will use on-site sewage disposal.
5. All areas with a slope of twenty-five (25) percent or greater as identified on the HISS.
6. Fifty (50) percent of the area with a slope between fifteen (15) and twenty-four (24) percent as identified on the HISS.
7. Areas within rights-of-way or easements that impose restrictions on the use of the area such as to make it unavailable for building purposes or intensive use as part of the development.
8. Stream channels as measured from the top of the banks and other water bodies as measured by the normal high water mark.
9. Any otherwise usable area that is fragmented or isolated by unsuitable areas such that the contiguous area of usable land is less than five thousand (5,000) square feet or is narrower than fifty (50) feet.

G. *Septic systems* (including leach fields) may be placed closer to property lines than otherwise permitted under this chapter by special exception. However, septic systems may not be placed closer to property lines than permitted by New Hampshire Department of Environmental Services.

175-57. Special Situations Affecting Dimensions.

A. *Density.*

1. Density for senior residential uses. In determining the maximum density for Senior Housing, Senior care Facilities, and Nursing Homes, the following provisions shall apply to the entire development:
 - a dwelling unit containing one bedroom or a studio unit without a separate bedroom shall count as 0.33 dwelling units for the purpose of the density calculation
 - a dwelling unit containing two or more bedrooms shall count as 0.50 dwelling units for the purpose of the density calculation
 - four (4) beds or accommodations for four (4) residents in those facilities that do not provide dwelling units shall count as one (1) dwelling unit for the purpose of the density calculation

B. *Lot frontage.*

Frontage variation. The minimum frontage otherwise required may be varied by the Zoning Board of Adjustment by special exception for plots of land of unusual shape or at corners where an increased setback can provide the same effective spacing of the usable portion of a lot, whether or not the lot is part of a subdivision plan.

C. *Front yards.*

1. Average setbacks along minor streets. When the average front yard of other buildings within three hundred (300) feet each way on the same side of a minor street is less than thirty (30) feet, the street yard may be reduced accordingly.

2. Central Business District fronting on a minor street. The front yard requirement for a Central Business lot fronting on a minor street may be varied by the Zoning Board of Adjustment by special exception.

D. *Side and rear yards.*

1. Nonresidential or multiunit structures abutting or within residence districts. No nonresidential or multiunit structures, other than permitted signs, and no parking shall be permitted within seventy (70) feet of a side or rear lot line abutting a residence district or use unless screened as provided in Article XXII or as specified in the Site Plan Regulations.
2. Within business districts. Side and rear yards in the CB District may be omitted where buildings are separated by fire partitions meeting the requirements of the Durham Building Code and/or where the remainder of the yard is occupied by publicly maintained parking, circulation or landscaping.
3. Shore frontage. Any building lot which abuts on the Great or Little Bay and significant rivers and brooks shall conform to the following additional requirements:
 - a. The minimum length of the shorefrontage shall be two hundred (200) feet, exclusive of the width of creeks at mean low tide.
 - b. The minimum shorefront setback for any building other than a marina or boatyard shall be in accordance with Article XIV.