

Chapter 9

LAND DEVELOPMENT REGULATIONS

VISION

The residents of Durham value its small-town flavor and rural characteristics, and desire to maintain these qualities in the face of increasing pressure for residential and commercial growth. At the same time, the Town needs to encourage those types of fiscally beneficial commercial developments that broaden its tax base and contribute to stabilization of the tax rate in the face of increasing costs for public education and other municipal responsibilities.

The Town's land use regulations should reflect these goals in a clear and unambiguous way. Regulations should clearly permit those uses that, after careful analysis, the Town has decided are beneficial for the future growth and development of the Town. The permitting process should be strengthened so those development proposals which meet the goals reflected in the Master Plan are efficiently addressed.

Commercial development should be primarily restricted to those areas currently zoned for commercial use, with some limited expansion into appropriate areas. Land use regulations should allow renewal and revitalization of these areas by increasing density allowances where appropriate and by removing unnecessary restrictions in the commercial core. Areas outside the commercial core zoned for compatible and acceptable commercial uses should be provided with the necessary infrastructure to support such uses. Such uses should be environmentally benign and provide the highest possible assessed value relative to municipal costs, traffic generation, burden on municipal infrastructure, etc.

The Town should also recognize the presence of the University of New Hampshire as an asset to its long-term development, and enact regulations that allow the Town to broaden its tax base through taxable commercial development related to the University and its mission.

The Town has a rich cultural, historic, and natural heritage that must be considered in all development proposals. Shoreland along the Oyster River, along the Lamprey River, around Great and Little Bays, as well as along other freshwater rivers and streams is a major public resource that is important to the citizens and must be protected. Wherever possible, public access to water bodies should be encouraged.

Much of the remaining undeveloped land in the rural areas of Durham is of a fragile nature or contains soils that are not able to support significant new development in the absence of municipal water and sewer. For these reasons, all development proposals should be based on the particular characteristic of each parcel and its specific ability to support the development density proposed. Land use regulations that are land or resource based should be established and should include objective standards to specifically measure the land's ability to support development..

The future land use vision for Durham is shown in the map entitled Durham Future Land Use.

RESIDENTIAL DEVELOPMENT AND SUBDIVISION DESIGN

BACKGROUND

The Town's developable land in areas currently served by municipal services (primarily the Residence A, Central Business, and Limited Business Districts) has largely been developed to its fullest extent (see Table 9.1 and the map of Vacant and Current Use Land without Wetlands or Shoreland Constraints). Significant new development has occurred over the last decade in outlying areas without municipal services, largely in cluster developments (see map of Location of Building Permits, 1988 - 1998). While measured against the region as a whole, the Town has not experienced unusual growth (see Table 9.2 and Chapter 1 –Demographics, Housing, and Growth Management). However, there is a widespread feeling that increased residential development threatens the Town's rural character and puts undue pressure on the ability of the school district to

continue to meet the high educational standards that the community expects.

Table 9.1. ESTIMATED ACREAGE OF DEVELOPABLE LAND FOR EACH ZONING DISTRICT IN DURHAM*

<p>Residence Coastal</p> <p>Total Acreage – 2,705 Developable Acreage – 715 Percent Developable – 26%</p> <p>Rural</p> <p>Total Acreage – 6,670 Developable Acreage – 1,325 Percent Developable – 20%</p> <p>Residence A</p> <p>Total Acreage – 1,035 Developable Acreage – 80 Percent Developable – 8%</p>	<p>Residence B</p> <p>Total Acreage – 2,350 Developable Acreage – 80 Percent Developable – 10%</p> <p>Limited Business</p> <p>Total Acreage – 152 Developable Acreage – 2.5 Percent Developable – 2%</p> <p>Office and Research</p> <p>Total Acreage – 1,430 Developable Acreage – 261 Percent Developable – 18%</p> <p>Central Business</p> <p>No Vacant Developable Land</p>
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* These estimates are based upon the map entitled Vacant and Current Use Land Without Wetlands or Shoreland Constraints. Developable acreage is intended to identify land without structures or large lots with limited structures. These are gross estimates and land identified as developable may not be, and conversely.

Table 9.2. POPULATION CHANGE IN DURHAM COMPARED TO THE REGION

	1990	1997	Percent Change	Annual Change
Durham	12,294	13,095	6.5%	0.9%
Minus Group Quarters	6,468	7,001	8.2%	1.2%
Dover	25,042	26,323	5.1%	0.7%
Exeter	12,481	13,019	4.3%	0.6%
Lee	3,729	4,050	8.6%	1.2%
Madbury	1,404	1,532	9.1%	1.3%
Newmarket	7,157	7,625	6.5%	0.9%
Stratham	4,955	5,748	16.0%	2.3%
Strafford County	104,233	109,906	5.4%	0.8%
State	1,109,251	1,173,000	5.7%	0.8%

Sources: U.S. Census, OSP Population Estimates,
 Durham Planning Population Estimate

Under Durham’s current Zoning Ordinance, single-family residential densities vary from one half acre per unit in areas served by water and sewer to 2.75 acres per unit in outlying districts. Transitional zones allow for density of one acre per unit.

For the last ten years the Zoning Ordinance has included the possibility of planned unit developments through a Conditional Use Permit. These provisions allow for increased residential density through bonuses provided in exchange for open space. This type of development method requires an approval that allows for too much discretion. Furthermore, the amount of open space required in order to obtain the density bonus is not usually effective in providing significant areas of conservation land.

The region is expected to grow at a rate of 1.13% annually. Given the Town’s high quality of life and strategic location, Durham will undoubtedly experience continued pressure for residential growth. Under the current zoning regulations there is the potential for the development of all land in Durham. The Build-Out Map depicts what the Town could look like under the Town’s current Zoning Ordinance (see Durham Build-Out Map). If the Town were to experience a full build-out under current regulations, there is potential for a total of 1,768 new housing lots. Wetland setbacks enacted over the past decade have limited development on significant areas of fragile soils. However, the Town has a relatively high percentage of marginal soils that could be developed under current regulations. Although this build-out may not as drastic as seen in communities that lack the environmental protections afforded in Durham, it still shows a large part of Durham cut into “cookie cutter” subdivisions. Cookie cutter subdivisions are developments in which lots are carved out using the basic areas and dimensional requirements required under the Zoning Ordinance and Town regulations without much regard to the resources and landform.

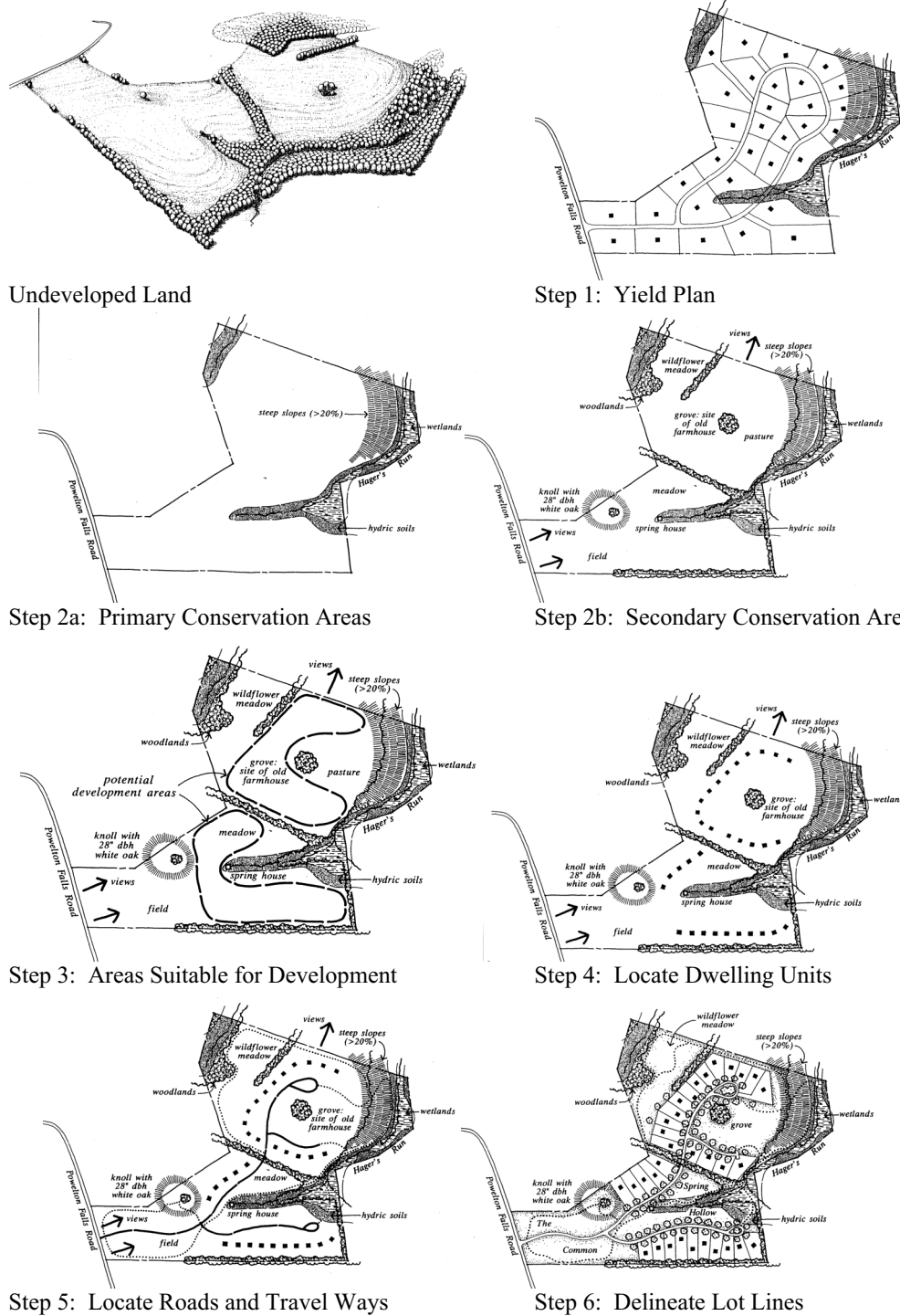
An answer to the sprawling landform created under conventional cookie cutter subdivisions is a new approach to subdivision design for rural areas, as outlined in the book entitled *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, by Randall Arendt (Island Press, 1996). Figure 9.1 shows graphics from Arendt’s book depicting the typical scenario for the development of a parcel under the conservation development design process. In its most basic form, the conservation development process can be broken into six logical steps, which are not the typical steps taken in for a conventional subdivision.

These six steps are as follows:

1. Create a “yield plan” for the site that assesses the number of viable building lots on the site under a conventional subdivision design. This plan establishes the density for the conservation development design. Although a yield plan is conceptual, it must be consistent with Town ordinances and regulations already in place.
2. Prepare a conservation site analysis plan that identifies prominent open spaces and important natural features broken out into primary and secondary conservation areas. Primary conservation areas are those resources for which development should be excluded almost without exception. Secondary conservation areas are those areas that should not be developed, if at all possible.
3. After evaluating the primary and secondary conservation areas, locate the portions of the site most suitable for development.
4. Locate dwelling unit sites using innovative arrangements to maximize views of open space and resources.
5. Locate and design the roadway and pedestrian travel ways. Maximize the protection of viewsheds and natural terrain in the design. Locate septic fields.
6. Delineate lot lines.

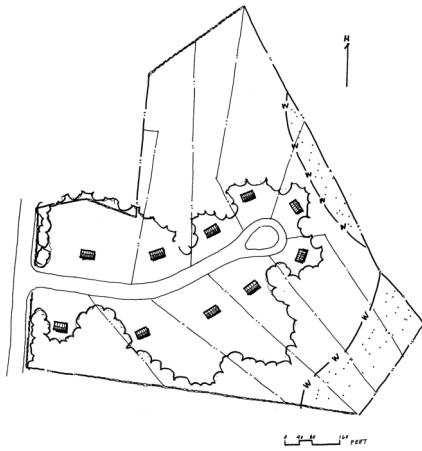
In order to show a local application of this process a conceptual rendering of this approach was prepared for the Durham’s Falls Way neighborhood located off of Packers Falls Road (see Figure 9.2). This concept shows how this development could be redesigned to be more in keeping with the land character and resources present on the site, while at the same time achieving the same density permitted under the more conventional approach. Because the site was already developed and modified, certain assumptions had to be made; however, the concept conveys the basic aspects of the Conservation Development approach.

Figure 9.1. CONSERVATION DEVELOPMENT SUBDIVISION DESIGN APPROACH*

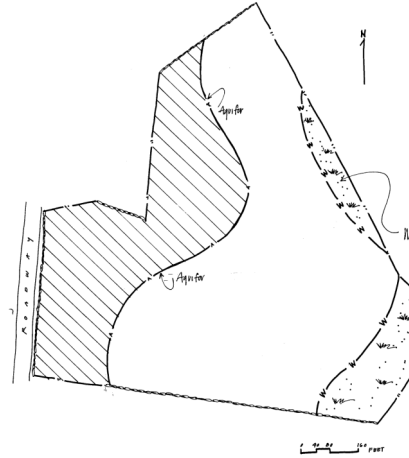


* Graphics from Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks by Randall Arendt

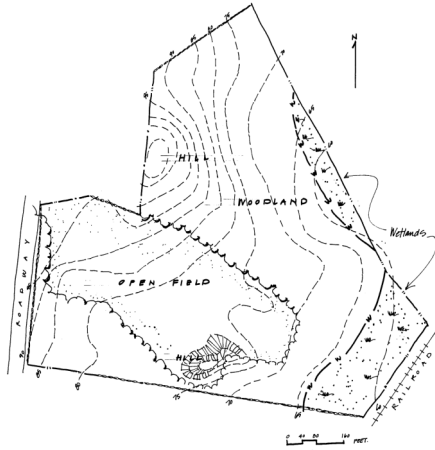
Figure 9.2. TOWN OF DURHAM EXAMPLE OF CONSERVATION DEVELOPMENT DESIGN – FALLS WAY NEIGHBORHOOD



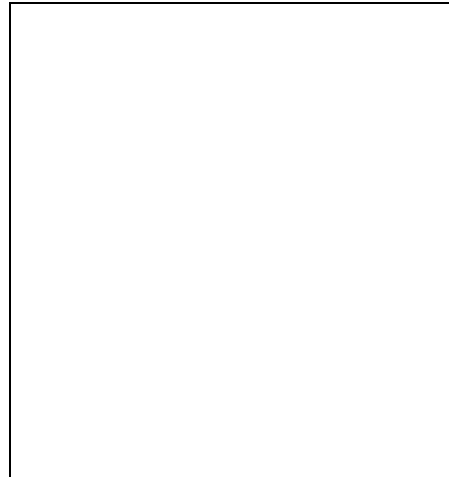
Yield plan



Primary conservation areas



Secondary conservation areas



Conservation development design

OPPORTUNITIES FOR IMPROVED LAND DEVELOPMENT

- Land- or resource-based regulations can enhance lot values and preserve cultural, scenic, and natural resources.
- Density standards based on a particular area's carrying capacity will likely decrease build-out potential.
- Limits on extension of municipal services for residential development will limit build-out.

CHALLENGES FOR IMPROVED LAND DEVELOPMENT

- Regulations must recognize rights of landowners and balance these rights against the broader interests of the community and the protection of natural resources.
- Resource-based regulations are a new concept that will take time to work out.
- It is critical that the community develop working standards and benchmarks to guide the decision-making process for employment of the resource-based development method. The community must clearly identify and categorize the important resource criteria in order to evaluate the important visual, cultural, social, and natural resources to be conserved through this approach. Input must be solicited from a number of sources including the Planning Board, the Conservation Commission, and the Historic District Commission. These criteria must be defined in a manner which is as clear and objective as possible to assist the Planning Board in its evaluation of these subdivisions.

RESIDENTIAL DEVELOPMENT AND SUBDIVISION DESIGN ISSUES, GOALS, AND RECOMMENDATIONS

ISSUE:

Current regulations do not reflect the Town's desire to preserve rural character and open space. Road and subdivision regulations require excessive cutting and grading, and result in roadways that are incompatible with rural character and out of scale with traditional rural residential development patterns. Current regulations will allow excessive development on unsuitable soils. Planned unit developments, as currently

allowed, do not effectively meet the goal of conservation of significant open space.

GOAL:

Preserve significant cultural, scenic, and natural features as well as rural town and neighborhood character, and limit new residential development to levels that reflect the land's carrying capacity.

RECOMMENDATIONS:

1. Enact a new land/resource-based zoning ordinance for conservation-based development, according to principles contained in *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks* by Randall Arendt. Under this approach, use existing minimum lot sizes as the basis for conventional residential density on the best soils, with reduced densities according to declining soil quality. The minimum lot sizes that are currently in place for residential uses should represent the maximum aggregate density on the best soils under the soils-based lot sizing approach. Lower quality soils would require lower density development. Primary conservation areas may include wetlands, steep slopes, aquifer recharge zones, and floodplains. Secondary conservation areas may include stonewalls, viewsheds, prominent vegetation, prominent landforms, prime agricultural soils, historic sites and features, archeological sites, and communities and species identified in the Natural Heritage Inventory. These are only suggestions; however, the Town must solicit community input and establish more definitive community priorities for primary and secondary resources under the conservation based development design approach for resources, such as open space, water bodies, shoreland, wildlife corridors, scenic views, farmland, historical and cultural resources, and rare and endangered species.
2. The conservation based development design approach should be adopted as the only "by right" development method for all residential zones, including those in the urban service area with Town services. In addition, the Town should adopt soils-based density standards for all residential developments in areas not served by public water or sewer. Set baseline density at three acres in current Rural (R) and Residence Coastal (RC) districts, with lower densities allowed for less suitable soils. In areas served by public water and sewer, use a "Yield Plan" approach to calculate the permitted density. The Yield Plan should be based upon the Zoning Ordinance and Subdivision Regulations in place at the time this Master Plan was prepared.

3. Eliminate current “cookie cutter” lot zoning and “frontage lot” zoning along existing roads. Require buffer zones from existing roadways in rural zones to retain maximum setbacks, views, and forested areas.
4. For the rural areas of Town, revise the Road Regulations and Subdivision Regulations so that new roads and neighborhoods in these areas are in keeping with the rural character of the area, yet still provide adequate provisions for safety measures. Changes to the regulations should limit scale and scope of required roadways (including reduction of pavement and shoulder widths to minimum fire code requirements) and right-of-way clearings, with respect to vegetation and stone walls, traffic sight distances, minimum vertical and horizontal curves and related construction. Factors should all be re-evaluated in order to limit disturbance to existing areas.
5. Employ all possible measures to create open space that is protected in perpetuity.

PREVENTING STRIP DEVELOPMENT

BACKGROUND

As the Town, the University, and the region continue to grow, the pressure for new retail and other automobile-oriented development will increase, especially along Main Street and Route 108. The results of the 1998 Master Plan workshops show that the community is concerned that these pressures will lead to the creation of strip malls and strip retail development, as has been experienced in other communities in the area. It is felt that such development will contribute negatively to the quality of life in Town and the overall goal of preserving Durham’s rural character and small-town image. Many members of the community feel that Durham should not lose its identity to encroachments from “Franchise America” architecture.

The Town has historically been able to limit retail commercial development to the downtown core, Mill Road Plaza, and Gasoline Alley. It is the consensus of the community that these developed areas should, in general, be the areas in which additional retail commercial development and other automobile-oriented development should occur. These areas are also considered to be in need of revitalization, which could be accomplished by allowing increases in the intensity of uses in these areas. This would have the multiple impact of supporting existing local businesses, encouraging new investment in existing retail properties, and

meeting growing retail demand so as to relieve pressure for development in other areas.

Traffic growth in the area of Gasoline Alley has increased from 16,697 vehicles per day (vpd) in 1989 to 17,253 vpd in 1997, for a 0.42% annual increase. Traffic on Route 4 has increased from 15,330 vpd in 1990 to 17,647 vpd in 1997, for a 1.97% annual increase. University enrollment is expected to increase to 14,000 students by the Year 2010, although the University was already at 13,472 full-time equivalent students enrolled in 1998. University commuter traffic and regional traffic on Route 4 is particularly suited to the creation of strip development of restaurants and other automobile-oriented business. These conditions will create a market for the kinds of activities commonly associated with strip development. Durham's high-value, automobile-oriented retail properties can contribute to tax base stabilization. New retail development may allow significant upgrades for existing commercial properties. These properties' locations and demographics may allow the Town to require architecture that is acceptable and consistent with Town's goals and image; however, it is difficult to develop appropriate architectural standards. In addition, most automobile-oriented retail uses require drive-through service to be financially viable.

PREVENTING STRIP DEVELOPMENT ISSUES, GOALS, AND RECOMMENDATIONS

ISSUE:

The Town desires to upgrade existing retail/commercial strip areas and limit further strip development.

GOAL:

Revise land use regulations to limit strip development, intensify development on already developed commercial properties, and provide greater Town influence on architectural and other design elements.

RECOMMENDATIONS:

1. Create zoning regulations and districts which limit potential for strip development by methods such as limiting the designation of linear commercial zones by creating nodal/concentrated commercial zones.

2. In areas where commercial uses are permitted, there should be an increased level of permitted uses for commercial properties, especially for the downtown area.
3. Durham’s Site Plan Review Regulations should be amended to include provisions for compatible architectural design so that improvements can be facilitated in the downtown.

COMMERCIAL LAND AVAILABILITY

BACKGROUND

The Town has provided for significant areas for commercial development by creating the Office Research Zone, which is over 1,430 total acres in size, of which 261 acres would be available for development with the installation or extension of necessary utilities and roads. In addition, there is the potential for considerable additional commercial space to be created in the downtown core and nearby areas.

The Town acquired a site along the Oyster River and Route 4 that it has attempted to market as a business park, but with little success due to the prevalence of wetlands on the site, required setbacks under shoreland protection regulations, the odor impacts of the adjacent wastewater treatment plant, inconsistent marketing, and access implications due to high traffic levels on Route 4.

The community is generally in favor of commercial development for office and research facilities, and there appears to be a market for such development in the region. The community prefers such development to occur in areas with good highway access and adequate screening from residential areas.

OPPORTUNITIES PROVIDED BY ADDITIONAL COMMERCIAL DEVELOPMENT

- Business and professional offices and research parks provide high property taxes with relatively low impact on school and Town costs.
- The downtown area could provide major new sources of development potential by building higher and by eliminating parking restrictions.

- Extension of an office zone along Madbury Road would create significant additional commercial potential adjacent to downtown and would encourage conversion of existing student housing and fraternity/sorority housing to more beneficial uses.

COMMERCIAL DEVELOPMENT CHALLENGES

- Development of new commercial property within the region will occur regardless of Durham’s participation.
- Without a balance between residential and commercial development, Durham will increasingly be a bedroom community for other municipalities. In such a case, Durham bears the bulk of the school costs while the other communities reap the tax benefits of commercial development.
- Durham’s Route 4 Business Park does not have sufficient developable land area to support a major development. State-imposed access limitations further erode the viability of this property as a commercial development of significance to the Town.
- Most of the developable land in the Office Research Zone is not adequately served by water, sewer, or roads to allow for new development.

COMMERCIAL LAND AVAILABILITY ISSUES, GOALS, AND RECOMMENDATIONS

ISSUE:

The Town must provide zoning for new commercial development in appropriate locations to enhance the tax base. All new commercial development must be sited and designed in the context of the goals of maintaining quality of life and preserving and protecting scenic and cultural assets, as well as overall environmental quality.

GOAL:

Encourage appropriate commercial development; extend commercial zoning where appropriate; and provide municipal services to allow significant commercial development in appropriate areas. Preserve open space and natural resources as part of commercial development.

RECOMMENDATIONS:

1. Create real opportunities for new commercial development through sensible re-districting and provision of municipal services.
2. Evaluate water and sewer systems and funding available to extend these services to Office Research districts west of the UNH campus.
3. Expand the Office Research zone to include south side of Mast Road and continue to allow agricultural uses in this area (see Durham Future Land Use map).
4. Create a new “Professional Office” zone on the east side of Madbury Road from Cowell Drive to Garrison Avenue and along both sides of Madbury Road and Strafford Avenue from Garrison Avenue to Bagdad Road (see Durham Future Land Use map, and Chapter 3 – Downtown and Commercial Core).
5. Create a Rural Office zone from Route 4 north along 108 to Madbury on the east side and the west side at a depth to be determined (see Durham Future Land Use map, and Chapter 3 – Downtown and Commercial Core).
6. Consider an overlay district within the Zoning Ordinance designated as the "Planned Commercial District" that would allow flexibility in the types of commercial uses to be permitted beyond those normally included in the conventional "acceptable" or "conditional use" categories. This overlay district would also include a list of unacceptable uses. The Planning Board would review all proposals to use the Planned Commercial District based on whether the proposal would be considered consistent with the Master Plan's Vision and Goals for the area. Furthermore, the District should have objective criteria for the Board's review that includes, but is not limited to, fiscal impact and site design issues.
7. Review and revise the permitted use and definition sections of the Zoning Ordinance to specifically allow appropriate commercial uses.
8. Eliminate the conditional use permit process as it currently exists. Create a new conditional use procedure that keeps the decision with the Planning Board and gives the Board specific and measurable criteria for each use.

9. Increase density and height allowances in Central Business District (CBD). Eliminate the parking requirement for commercial uses in the CBD.
10. Seek the sale of conservation easements for the shoreline portions of Durham Business Park site.
11. Consider extending standards for the conservation development approach (as described in Residential Development and Subdivision Design section) to Office Research districts for site planning to be allowed by right. In order to encourage this approach in the Office Research Districts, include an overall density bonus.

MULTI-UNIT HOUSING

BACKGROUND

The University of New Hampshire provides on-campus housing for approximately 45% of its undergraduate students, with a small percentage of graduate students and faculty living on campus as well. Student rentals provide high income for many property owners in Town, especially those close to downtown and the University where student rental is often the most lucrative option for property use.

There is a fundamental incompatibility between student rentals and most other residential uses. Many student rentals are unmanaged and poorly maintained, thus creating problems for other residents and presenting a generally unattractive image of the Town. This leads to neighboring properties being converted to student rentals, resulting in a slow decay of residential neighborhoods. On-site professional management of student housing facilities could limit problems and maintain quality; however, it is not cost-effective to manage isolated, smaller student facilities in this way.

The community, in general, has identified student housing as a significant problem to be addressed by the Town. However, enforcement of existing occupancy regulations is difficult. Suitable location and buffering of student housing can minimize negative impacts.

The University plans to continue the expansion of the student body, and to construct additional on-campus housing. However, under near-term plans the University will not significantly increase the percentage of students

housed in University facilities. Over 6,000 students will continue to need off-campus housing. The pressure to convert residences to student housing in certain areas of Town is likely to continue.

The current regulations provide little opportunity for the creation of new non-student multi-unit housing. The practical reality is that new multi-unit projects will likely become student housing due to the strength of the student market and the premium rents that students are generally willing to pay over other apartment residents. Current regulations already provide incentives for the creation of senior housing.

MULTI-UNIT HOUSING ISSUES, GOALS, AND RECOMMENDATIONS

ISSUE:

Student housing is here to stay. Elderly housing is positive for the Town on both a social and a fiscal basis. Other multi-unit housing is not likely to present significant impact in total number of new units, but the Town needs to consider the housing needs of low- and moderate-income residents.

GOAL:

Develop regulations that limit new multi-unit housing to facilities located away from existing neighborhoods and that require professional on-site management, similar to systems employed by the University. Provide housing opportunities for all income levels while remaining mindful of fiscal implications and neighborhood impacts, with respect to student oriented housing.

RECOMMENDATIONS:

1. Amend the Zoning Ordinance to provide for new multi-unit districts to capitalize on the tax base enhancement opportunity and provide alternatives to conversion of existing properties to student housing.
2. Continue to encourage the creation of senior housing, as is done under the current Zoning Ordinance.
3. Strengthen and enforce existing occupancy ordinances.
4. Research the commercial multi-unit housing business to better understand it. Discuss the issues with zoning officials in other

university communities. Study ordinances in other communities relating to multi-unit housing. Create new regulations based on the above research.

5. Study the possibility of including a specific fraternity/sorority district in the Zoning Ordinance or consider the creation of an overlay district for new and relocated fraternity/sorority housing. Encourage the relocation of fraternity/sorority housing to sites on-campus.
6. Preserve current density bonus standards for senior housing.
7. Study opportunities to create low/moderate-income housing for the non-student population.

TRANSFER OF DEVELOPMENT RIGHTS, IMPACT FEES, AND LAND USE TRANSFER TAX

BACKGROUND

The community has indicated its desire to curb the negative impacts of development on the tax base and community facilities, and to provide for the preservation of open space where possible.

To date, the Town has required certain impact fees and off-site improvements as part of specific development plans, and should continue to do so for specifically required improvements related to conventional residential development.

Funding for open space preservation is limited. Transfer of development rights programs (TDRs) are one option that has had mixed success in enabling the conservation of land as part of development proposals in other areas of the country. However, in their pure application, these programs can be very cumbersome and complicated to administer. Pure TDRs involve establishing zones for which development is prohibited or severely limited (sending zones) and zones for which the development rights from the sending zone can be used to develop at a higher density (receiving zones). Because of the nature of real estate market, a development rights bank must be established to purchase development rights from landowners in sending zones who are unable to sell their rights to a landowner or developer interested in developing at a higher density in the receiving zone. A simplified, voluntary TDR program is more realistic for smaller communities such as Durham. Under a voluntary TDR program, an area designated for increased density is established based on

resources and infrastructure (a receiving zone), and general areas or attributes of land are established for which the voluntary permanent protection of land will qualify a landowner for increased density in the receiving zone. An example of how a voluntary TDR program could work is as follows. The Town established in its zoning ordinance a provision for voluntary TDR and as part of this program it set out desirable areas and features for protection and conservation (sending areas) and areas for which additional density may be appropriate (receiving areas). A developer decides he wishes to construct a 25 unit housing development in an area that is designated for "receiving." He is interested in developing an additional 10 units on the property. He looks at the Town's zoning ordinance and master plan and finds a 12 acre parcel of land that has sweeping scenic vistas that is currently used for agriculture. He negotiates with another landowner a purchase price for a conservation easement over that property. At the same time he prepares a yield plan for the property showing that under current zoning 10 dwelling units could be placed upon the property. The Planning Board reviews the proposal and proposed conservation easement and accepts the proposition. The developer then gets approval for 35 units and a 12 acre scenic agricultural area is protected in perpetuity.

The land use transfer tax has been successful in other areas of New England and the country in raising significant amounts of money for land conservation. Similar to the real estate transfer tax imposed on all land transactions, this additional tax could be levied for all transactions of property in Town, with the funds raised reserved for specific purposes such as purchase of land or conservation easements. New Hampshire law does not permit communities to enact such a tax at this time; however, enabling legislation could be introduced to the legislature to permit this tax.

TRANSFER OF DEVELOPMENT RIGHTS, IMPACT FEES, AND LAND USE TRANSFER TAX ISSUES, GOALS, AND RECOMMENDATIONS

ISSUE:

The 1998 Master Plan survey indicated that the residents believe that open space is an important aspect of the community which needs to be preserved where possible. Developers can contribute to community resources through impact fees.

GOAL:

Where appropriate, create programs for impact fees, transfer of development rights, and land use transfer tax to further community goals of preservation of open space, natural resources, and rural character.

RECOMMENDATIONS:

1. The Town should actively pursue all opportunities for outside funding which can protect open space and natural resources. The Town should actively seek funding from outside sources for natural resource protection.
2. Durham should continue to set aside 100% of the proceeds from the Current Use Change Tax penalties to be used for open space protective easements and land acquisition.
3. The Town should endorse legislation that would permit a local land transfer tax, with the proceeds to be set aside for open space protection.

SIGN ORDINANCE

ISSUE:

Durham’s sign ordinance is perceived by business owners to be excessively restrictive and selectively enforced.

RECOMMENDATIONS:

1. Review standards of sign regulations for adequacy in meeting the legitimate needs of allowed businesses.
2. Rewrite the sign ordinance, keeping in mind flexibility, appearance and design standards, and overall clarity of the regulations.
3. Add provisions for vigorous and equal enforcement of sign ordinance.