

Recommendations from the Master Plan Chapters related to Zoning

Specific recommendations from each of the eleven adopted Master Plan chapters related to zoning. Numerous recommendations that were not related to zoning (such as those related to public infrastructure, transportation, economic development recruitment, recreation activities, and conservation easements) and those that were related only to the site plan or subdivision regulations are not included here. No zoning recommendations were included in either the Existing Land Use nor Recreation chapters. Many provisions are specific and others provide general guidance for the zoning rewrite. Where a goal is given, the provisions below are objectives within that goal.

AGRICULTURAL RESOURCES

Goal: Encourage agricultural activities and development that foster a working landscape characterized by actively managed gardens, farms, and forests throughout the town, including UNH land

Work with Town government to adopt the state regulations that enable and protect agriculture, including the state definition of agriculture and statutes that support the right to farm.

Review and adjust definitions and standards to eliminate unreasonable or unintentional impacts on farming activities. This may include removing limits to the practice of animal husbandry based exclusively on zone rather than parcel size, easing restrictions on places to market products and the regulation of incidental retail sales and signage for incidental sales, and some inspection requirements and taxation issues for local, small-scale food production.

Encourage rooftop gardens and green walls as a form of urban gardening that recognizes competing interests in the limited undeveloped land area within the commercial core.

Recommend local regulations to allow other forms of livestock and animal husbandry for noncommercial purposes in the community. The regulations should address limits on the number of animals for variously sized properties; storage, management and disposal of feed, manure, and animal remains; slaughtering; need, siting, setback, and size of enclosed structures and containment areas; management of noise and other potential nuisances; and best management practices, among other criteria, standards, and guidelines.

Goal: Encourage the preservation of historic barns and other significant agricultural outbuildings and protect historic resources through preservation easements

Increase opportunities for local agriculture through zoning adjustments and land conservation by ensuring that local policies do not create unreasonable or unintentional barriers for existing and potential farmers and the freedom to farm.

DEMOGRAPHICS AND HOUSING

Goal: Provide an adequate supply of affordable housing in Durham.

Apply smart growth principles when siting future affordable housing developments within the community by increasing density in the downtown area while restricting development in the peripheral areas of the Town.

Prioritize projects that incorporate workforce housing units into single and multi-family developments that target median incomes individuals and families.

Consider the simplification of the conservation subdivision ordinance to streamline the approval process.

Promote the renovation, adaptation, and reuse of student rental properties to be used as starter homes.

Analyze the effectiveness of the conservation subdivision/workforce housing provisions (175-107 II of the Zoning Ordinance).

Ensure that zoning measures such as density requirements do not prevent the construction and/or provision of affordable housing.

Consider using density bonuses to incentivize the construction of affordable housing by developers.

Conduct a comprehensive regulatory audit to ensure balanced community growth.

Goal: Increase diversity by attracting young professionals and families to Durham

Support the conversion of older student housing stock in traditional neighborhoods into attractive and affordable single-family and condominium units that provide an opportunity for multi-generational housing uses.

Support mixed use developments that generate multi-generational interest.

Ensure that the Zoning Ordinance and other regulations provide opportunities for business development in the downtown and commercial core as well as in peripheral community areas.

Goal: Integrate Smart Growth principles into redevelopment as well as new construction housing projects.

Encourage higher density development in the downtown area.

Plan for development in a manner that maximize the use of existing infrastructure and reduces the need for new roads, services, and facilities.

Promote linkages and integration between neighborhoods, community facilities, and places of employment.

Encourage new housing development and redevelopment in downtown mixed-use areas that promote live, work, and play lifestyles.

Prioritize areas for development of new housing units based on existing and planned infrastructure access.

Provide mixed-use developments that create housing for seniors and younger residents in close proximity to shopping and services and encourage multi-generational neighborhoods.

Encourage infill development within established neighborhoods that is compatible with current land uses, compatible in scale with surrounding areas, and adequately supported by public utilities and the existing transportation system.

Plan for an anticipated ~175 new housing units per decade in a way that will not adversely impact the environmental and fiscal health of the community.

Ensure the environmental compatibility of new construction projects during site plan review and planning board approval process.

Goal: Continue to provide and maintain high quality on and off campus student housing/Carefully monitor student housing stock.

Support the conversion of older student housing stock into condominiums or other attractive, multi-generational housing uses that do not increase unit count but increase unit quality.

Convert small and mid-sized homes in traditional residential neighborhoods that are currently occupied by students into attractive space for downsizing seniors and younger families/professionals.

Continue to leverage new student housing strategically in the Central Business, Church Hill, and Professional Office districts through the use of mixed-use development.

Goal: Maintain existing single, multi-family, and condominium housing stock.

Stabilize neighborhoods adjacent to commercial and multi-unit uses through the establishment of regulations and ordinances that create transitional yards, vegetative buffers, architectural screens, and control of transportation access.

Provide adequate buffers between multi-unit housing and other residential areas.

Ensure that new construction within or adjacent to existing neighborhoods is compatible with current land uses, compatible in scale with surrounding areas, and is adequately supported by public utilities and the existing transportation system.

Goal: Create and maintain attractive and affordable senior housing

Partner with the University to develop senior housing/alumni housing close to the campus and downtown.

Find ways to site senior housing in the downtown area in a way that avoids noise and light pollution.

Provide an opportunity for repurposing underdeveloped sites in the downtown area for senior housing.

Support the development of affordable senior housing in the downtown that provides access to vital services and amenities.

Actively encourage senior housing development on lands most suitable, such as locations within walking distance to the downtown, and those served by existing infrastructure.

Encourage multi-generational neighborhoods and developments.

Consider allowing senior multi-family housing by right in the Central Business district.

Consider an incentive-based zoning ordinance provision that allows increased density for development reserved for seniors

DOWNTOWN AND COMMERCIAL CORE

Goal: Encourage a wide range of retail and other commercial uses in downtown Durham

Promote development of new, flexible office space to support a market for more diverse retail and commercial uses.

Encourage business development through the expansion of permitted commercial uses in the Central Business District.

Encourage the replacement of underdeveloped and/or underutilized properties two and three, and under special circumstances, four-story buildings.

Through land use regulation, encourage housing development targeted at young professionals and seniors who want to take advantage of the vibrant life of a university town.

Consider amending regulatory setbacks to allow for wider sidewalks to improve the pedestrian experience and allow for restaurant and café outdoor seating.

Goal: Modify the zoning ordinance to encourage multi-story buildings that make more efficient use of sites with a smaller footprint than the historical sprawling design that covers more surface area and consists of only one or two stories.

Improve efficiency within the regulatory process to encourage new construction, expansion, and renovation of buildings in the downtown

Goal: Preserve the historic character of Madbury Road in the Professional Office District

Explore the inclusion of portions of Madbury Road in the Durham Historic District or create a Neighborhood Preservation Overlay District, with lesser standards than the existing historic district.

Goal: Encourage new development that creates a more attractive transition into the Church Hill District and Historic District.

Encourage architecture, landscaping, and signage that are compatible with the character of the nearby Church Hill and Historic Districts.

Amend the sign ordinance consistent with the Commercial Core Strategic Plan, offering sensible alternatives to large signs typical in commercial corridors. It would be beneficial to develop a set of Sign Guidelines to show developers the types of signage that are desired.

Goal: Explore rezoning of the Professional Office District to encourage expanded commercial uses that are compatible with surrounding residential development

Town should consider creation of a transitional overlay zone between the Commercial Business District and Professional Office District that allows for some permitted uses of the Central Business District.

Goal: Continue to expand the variety of retail, offices, and services in the Courthouse District.

Encourage a broader range of use than currently exists in this district.

Goal: Allow limited commercial uses in Coe's Corner that complement the existing scale of buildings and the natural environment.

Maintain this zoning district to allow for those commercial uses that complement the scenic and low density character of the corridor; prohibit most, if not all, retail uses.

Consider the removal of Coe's Corner from the downtown and commercial core as it does not match the character or density of other districts. However, ensure that architectural design regulations continue to be applied should rezoning occur.

ECONOMIC DEVELOPMENT

Goal: Proactively recruit new businesses that will lead to a continually improving employment cycle.

Identify specific areas in the downtown core, commercial and industrial zones, and other development areas where growth and expansion are desired.

Use zoning regulations to increase the availability office and flex space in areas where that is appropriate

Goal: Make Durham more business friendly

Communicate with the Planning Board and Town Council on an enhanced table of uses and approval procedures to improve the overall application review process.

Goal: Focus Durham's economic development strategies on commercial and industrial sectors, preferably in partnership with the University

Ensure that high-quality and flexible commercial space needed by these businesses is available.

Explore opportunities for commercial redevelopment in the West Edge area on University property where the development is consistent with the University's mission, commercialization programs or objectives while consistent with Durham's zoning and adding to the tax base

Goal: Continue to explore new and existing potential commercial and industrial development areas.

Work with the University to identify University land in existing or redefined commercial districts that is suitable for commercial development when the development is both consistent with the University's mission and will increase the Town's tax base.

Identify land that is suitable for commercial development and redevelopment in the downtown and other areas based on its size, terrain, and infrastructure access and impact on the community.

Actively seek and support development in the OR District, and use the Stone Quarry TIF to expand water and sewer along Dover Road (Route 108) above Coe's Corner.

Goal: Leverage development, redevelopment, or repurposing of student housing to obtain space for other residential and non-residential uses

Use zoning as a tool to strategically leverage mixed use development in downtown to enable repurposing of student housing to more flexible uses as market conditions change.

Use zoning to create housing units that are attractive to residents of all socio-economic backgrounds.

Monitor the effectiveness of zoning as a tool to achieve mixed uses in downtown.

Closely monitor changes in the student rental market and act to prevent the over-development of student housing

ENERGY

Goal: Reduce the distance between new development and the community core and promote higher density in nearby neighborhoods in conjunction with conservation with open space and shared infrastructure (roads, driveways, septic systems, district heating).

Advocate for the development of Traditional Neighborhood Development ("TND") near downtown and existing neighborhoods, working with Town of Durham officials to amend land use regulations.

Amend zoning, subdivision, and site plan regulations to reflect the direct impact of developments on road maintenance, infrastructure (including bicyclist and pedestrian facilities) and other municipal expenses.

Advocate for small lot sizes for properties served by municipal water and wastewater

Goal: Encourage the integration of solar access into site plan regulations

Establish policies to guide decision-making about solar energy system deployment on public and private land. These policies may address solar access protection, street and building orientation, or preferential locations for new solar energy systems.

Support the Planning Board in updating the Town's site plan regulations and zoning ordinance to address solar access issues.

Amend zoning, subdivision, and site plan regulations to reflect opportunities for, and impacts on surrounding properties of, solar energy systems installations, including

HISTORIC RESOURCES

Goal: Protect historic resources and reduce impacts on historic resources through land use regulations

Review and amend the ordinance relating to signs within the Durham Historic District and provide greater detail about appropriate signage.

Require that reasonable efforts be taken in conservation subdivision applications to preserve historic farmsteads within the required open space area.

Explore the creation of a demolition-delay ordinance town-wide.

Goal: Encourage development that reflects and maintains the historic landscape and viewsheds

Research and propose expanding Scenic Road designations in rural areas of the town, pursuant to RSA 231:157.

Goal: Encourage the preservation of historic barns and other significant agricultural outbuildings and protect historic resources through preservation easements

Consider the preservation of historic farmsteads through conservation and preservation easements when evaluating subdivision applications.

NATURAL RESOURCES

Goal: Monitor the effectiveness of Durham's Aquifer Protection Ordinance and recommend changes, as necessary, to protect Durham's drinking water resources

Review and amend the Town's Aquifer Protection Ordinance, as necessary, to adhere to recommended performance standards identified in NH DES's Model Groundwater Ordinance and best management practices identified in NH DES's innovative Land Use Planning Techniques.

Consider expanding the Aquifer Protection District to include wellhead protection areas

Goal: Continue comprehensive protection of wetlands and shorelands through regulatory, educational, and voluntary efforts

Work with the Zoning Board of Adjustment, Planning Board, and the general public to increase awareness of the cumulative, negative impact of variances, special exceptions, and waivers on the Great Bay Estuary and its tributaries. Include information about measures within these laws and ordinances to protect water resources as part of this educational effort.

When updating the Town's ordinances, use the criteria established in the 2009 [Native Shoreland/Riparian Buffer Plantings for New Hampshire](#) as a primary reference. Assess whether larger buffers than those recommended by the state may be necessary for sensitive waterbodies identified through studies such as the [Method for the Evaluation and Inventory of Vegetated Tidal Marshes in New Hampshire \(Coastal Method\)](#), including Johnson Creek; Little Bay; Great Bay; Lamprey River; Oyster River; Bunker Creek; and the Wagon Hill/Tirrell marshes.

For applications to the Zoning Board of Adjustment that involve variances under the Wetland Conservation or Shoreland Protection Overlay Districts, establish a procedure for the Planning, Zoning, and Building Departments to forward those applications to the Conservation Commission to give the commission an opportunity to provide nonbinding comment on the applications

Goal: Protect and, where appropriate, restore salt water and other important wetlands.

In coordination with NHDES, undertake a prime wetlands study and designate prime wetland areas in Durham in order to provide a higher level of protection, as authorized by RSA 482-A:15 and administrative rules Env-Wt 700.

Goal: Expand and strengthen the Durham greenway system town-wide based on major streams and rivers within the core and opportunities to connect large un-fragmented habitats in the rural areas of Town

Review current regulations to ensure that permitted trails do not contribute to erosion. Maintain adequate wetland setbacks to protect the resource and provide adequate space for portions of the town's future interconnected trail system. Reclaim areas where setbacks have been compromised.

Goal: Expand and strengthen the connections among Durham's conservation lands in rural areas, connecting lands owned by the Town, University of New Hampshire, and private conservation groups along Horsehide Creek, the Lamprey and Oyster Rivers, and smaller tributaries and streams

Evaluate the Shoreland Protection Ordinance to determine whether increased width for greenways is necessary to provide valuable habitat for wildlife. Seek opportunities to reduce erosion and enhance habitat while providing trail for greater access. Revise standards to reflect best management practices and professional guidance

Goal: Minimize the negative impacts of current and future flooding by maintaining flood storage, continuing to discourage development in floodplains, and designing drainage and highway projects with watershed wide flooding issues in mind.

Discourage development in areas that are susceptible to flooding. Encourage development outside of the 500 year floodplain. Review Flood Hazard Overlay District and consider amending standards for the elevation of the lowest floor to two feet above base flood elevation for new construction within the 100 year floodplain.

Review land use ordinances to ensure adequate protection of the health, safety, and welfare of residents from climate change impacts

FUTURE LAND USE CHAPTER

Diversity and affordability: The Vision and Community Character chapter recommends offering a wider variety of housing choices in order to foster greater diversity within the community. The provision of affordable purchase and rental options for single-family and multiunit housing is challenged by high demand for student housing in town. Specific strategies for accommodating a range of housing preferences require further discussion.

Life-cycle housing: The Demographics & Housing chapter and recent community feedback stress the importance of providing housing for residents of all ages. Since Durham is a university town, student housing will continue to be a key component of the local housing stock. But the state's population is aging, suggesting a need for housing to accommodate a growing senior population. Long-term residents are likely to have different housing preferences

based on their stage in life. Current trends indicate that both millennials and baby boomers prefer smaller homes in walkable urban neighborhoods rather than large houses on large lots. This trend places high demand on available properties at the affordable end of the housing spectrum.

“Keep in mind the principles of New Urbanism with a focus on increasing density in the downtown, encouraging walkability and multi-use buildings and community gathering places.”

Durham should pursue a policy of balancing new development with budgetary needs related to capital improvements and other investments in the Town’s future.

Leverage the commercial core: The limited availability of land to develop outside of downtown makes infill and redevelopment of the commercial core an essential strategy. The Economic Development chapter notes that Durham has minimal Class A office space. Mixed-use development downtown could provide such space close to the University, where demand is expected to be high.

The Main Street West area contains water and sewer infrastructure, making it the most reasonable option for future development outside of downtown. However, there are challenges in developing this sector due to the presence of steep slopes and wetlands, and much of the land is owned by the University or held in conservation. These challenges make redevelopment along Technology Drive or on university property near “West Edge” the most likely opportunities for development. The University recently announced its interest in pursuing a research park in this area. A partnership between the University and the Town to develop a shared vision for this area would maximize the effectiveness of future development. More planning needs to be done to clarify this vision and create a framework for development of Main Street West.

“If you have infrastructure in an area, use it! Out on [Main Street West] there is already water and sewer.”

Land conservation: Directing development to the commercial core balances the need to expand the commercial tax base with the goal of protecting Durham’s natural resources.

Town-wide resources: Under the principles of Smart Growth, town and neighborhood centers work well when they include a mix of uses and are built on a human scale. They should be walkable, well-designed spaces that feel comfortable and inviting for pedestrians. In contrast, natural features and resources should be preserved and a lower population density maintained in outlying areas, with development subtly integrated into the environment. In residential areas, thoughtful zoning contributes to maintaining the character of a neighborhood. Appropriate zoning may depend on location and context, including any historic resources in the area.

Urban resources: While a vibrant downtown is important for supporting a strong commercial tax base, it is also a desirable community feature. Participants in the Future Land Use Forum proposed a variety of commercial uses that they thought would make the downtown a more appealing destination. These suggestions focused mainly on restaurants and small retail

development. Providing compatible housing in and near the downtown could bolster businesses as well.

Rural resources: Durham is a community with abundant natural resources. Scenic views of Little Bay, the Oyster and Lamprey rivers, and numerous farms, forests, wetlands, and conserved properties contribute to Durham’s special identity. These assets provide opportunities for a variety of outdoor activities and serve to protect habitat and water and air quality. These lands enhance resiliency for the town by storing and filtering stormwater and mitigating the impacts of severe weather.

Future Land Use Map. A future land use map identifies the proposed locations, extent, and intensity of future land uses in a community. The Land Use Committee selected the rural-to-urban transect as the basis for this map. The transect is a planning tool that illustrates the predominant historical development patterns of various sectors of a community. In its simplest theoretical form, a transect will show a municipality as a series of concentric circles with a gradual transition in character from the most rural setting to the most urban. Design decisions compatible with these designations are then made in each sector. In practice, this is complicated by actual development patterns and natural barriers. Special sectors are used to identify areas that function differently due to a particular unifying feature or institution, such as a hospital.

Transect areas are not related to specific zoning districts in this chapter (though they have been used in this manner in other jurisdictions). The transect map may be used to inform future planning and zoning decisions, but it should not be construed as a recommended zoning map. Durham’s transect is based on several factors, including the density of current buildings, location of natural and human-made features, and building constraints such as steep slopes and conservation lands. Six transect areas of Durham have been identified.

**See the Future Land Use Chapter pages 13 through 18 regarding:*

- Forum Feedback – areas to avoid
- Forum Feedback – new businesses
- Constrained land
- Developable land
- Durham Land Use Transect map
- Descriptions of six transect zones

Residential zoning audit: Public input at the Land Use Forum and other outreach events indicated that residents seek to make Durham more affordable and diverse. The zoning ordinance contains strong restrictions on duplexes and multiunit housing development. The ordinance accommodates single-family houses on large lots or within cluster subdivisions and senior housing in most districts. Durham’s large student population increases demand for affordable housing, leading to more competition for available units. A residential zoning audit would review the ordinance and its table of uses and design parameters to propose innovative zoning tools that promote affordability. These tools may include density bonuses, inclusionary zoning policies, and various forms of multiunit housing, where appropriate. Feedback for this chapter did not reach a clear consensus about policies for diversity and affordable housing in

Durham, and it would be beneficial for the community to continue its dialogue about this subject.

Good practice calls for most residential subdivisions in rural areas to be developed as conservation subdivisions (also called cluster subdivisions). Durham requires new subdivisions (with few exceptions) to be laid out in this manner. A review of the ordinance to enhance usability would be beneficial.

Concept: Floor Area Ratio. The floor area ratio expresses the ratio of usable floor area in a building to the area of the parcel it is located on. This zoning tool captures the overall intensity of building development and is intended to be used in conjunction with other standards (such as height limits and setbacks) to provide additional flexibility. A maximum floor area ratio in outlying areas could prevent overdevelopment, while a minimum could encourage density in a downtown.

Gateway Design Overlay District. The community places a high value on Durham’s natural beauty, and residents consider the viewsapes along major transportation corridors to be important gateways. Implementing a design overlay along these corridors could balance the rights of property owners to develop their land while ensuring that any development will be of high-quality design. Combining design guidelines into one overlay will simplify the code by providing uniform standards. If the overlay is applied across both commercial and residential zoning districts, it can assure residents of the quality of future development should the underlying zoning district be changed.

Targeted commercial development. Because Durham’s remaining land available for commercial development is limited, future commercial development will occur largely as infill or redevelopment. Potential for certain types of businesses is significantly affected by the size and demographics of the local market, so this development will depend in part on Durham’s housing policy. Additional commercial development may be possible in the Main Street West area. The Town should work in partnership with the University to develop a plan for this area that complements investments made on campus and in the downtown.

Agricultural zoning audit. The Agricultural Resources chapter identifies a number of policies and practices to support local agriculture, including advertising and promoting local farms and advocating for a local food hub and programs to market agricultural products. Small-scale community agriculture—such as community gardens and allowing small livestock on residential properties—is encouraged. The chapter recommends adopting the State of New Hampshire’s definition of agriculture under RSA 21:34-a in the zoning ordinance so that farm owners could diversify their revenue sources. This definition recognizes the necessity of preparing produce for market; transporting people, goods, and machinery; conducting on-site sales, marketing, and agritourism activities; and storing and using fertilizers, pesticides, and compost. Collaboration among the Planning Board, Economic Development Committee, and Agricultural Commission in reviewing the Town’s regulations could identify ways to accommodate more agricultural activities, including the following:

- **Accessory commercial/industrial activities:** The state definition includes agritourism, defined in RSA 21:34-a as “attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a

meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.” These activities could be allowed subject to appropriate conditions. It is not clear the extent to which commercial and industrial processing activities (e.g., canning, preserving, brewing, and distilling) are covered by this definition. Accessory commercial and industrial activities related to agricultural uses could be allowed outright or as a context-dependent conditional use.

- **Indoor/urban farming:** The state’s definition does include some emerging agricultural techniques, such as vertical farming (producing food in vertically stacked layers), container production, rooftop and vest pocket gardening, and other urban farming operations. Commercial agriculture is not allowed in the downtown and commercial core. The Town should explore expanding the areas where commercial agriculture is acceptable and developing new policies to accommodate and promote urban agriculture, as appropriate.

Historic preservation framework. A renewed appreciation of Durham’s historic resources could help identify the most significant buildings and structures and differentiate those most worthy of preservation from the merely old. The Town has developed criteria for evaluating conservation lands and may benefit from a similar approach for historic resources preservation.

Main Street West Area planning. Durham and the University should initiate discussions to plan for the future of Main Street West. This chapter recognizes the potential for development along the Main Street corridor, including the University’s “West Edge” site and properties around Technology Drive, but careful planning is necessary to define specific areas most conducive to development and to craft the standards that would guide that development. Planning efforts should consider how best to encourage an effective mix of housing, commercial, and research and development facilities that will complement, not compete with, downtown businesses. Pedestrian, bicycle, and transit connections will be important to facilitate movement of students, employees, and community members linking this area, the campus core, and the downtown. Other important planning factors include the presence of agricultural soils, conservation lands, and historic resources in the area such as the Town cemetery.