

# Zoning Amendment 2020

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# Master Plan Vision

“In 2025 and beyond, Durham is a balanced community that has successfully maintained traditional neighborhoods, natural resources, rural character, and time-honored heritage, while fostering a vibrant downtown, achieving energy sustainability, and managing necessary change. Durham has effectively balanced economic growth, which has been essential in supporting our schools, resources, and town services, and stabilized property taxes. Durham has encouraged mixed residential and commercial development in and near the downtown including retail establishments, offices, services, eateries, and other businesses that serve local needs and interests while attracting visitors from neighboring vicinities. In designated areas beyond downtown, balanced development was accomplished by prudently integrating our community’s range of values. Through forward-thinking engagement on the part of our citizens and town government, in tandem with continued pursuit of a productive partnership with UNH, our vision for Durham was realized.”

Proposed  
Changes  
Building  
Height

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More specified  
criteria to determine  
building height

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Changes from 50ft  
to 60ft by CU

## Maximum stories allowed

- Present zoning allows for 4 except as follows
- Present zoning allows for 3 on lots with frontage along Main St. and Madbury rd
- see map

Lots limited to  
3 stories  
currently



**Lots Subject to a Limitation of Three-Stories  
Under Section 175-42(B) Central Business District**

# Additional Story

Those buildings limited to three stories will be allowed a fourth set back story

Those building limited to four stories will be allowed a fifth set back story

# One additional story subject to the following

## Conditional Use

- ▶ The additional story will be permitted by Conditional Use
- ▶ The Planning Board will determine any adverse impact upon streetscape as per Architectural Regulations
- ▶ This will be in addition to any residential component meeting Conditional Use criteria

## Set Back required

- ▶ The additional story must be set back from the first floor by at least 10 feet on sides facing a main road.
- ▶ This will lessen the impact of a full story to the street below

# Required Office/Retail space

## One Story building

- No substantive changes
- Mixed use with residential is **not** allowed

## Two story building

- First Floor **must** be office/retail
- Second floor may be residential permitted by Conditional Use

## 3 or 4 story building

- The entire first floor **must** be office /retail
- Alternative to have first 50 feet of the first floor be office/retail
- With the remaining balance throughout the building on other floors
- Frontage requirements must be met.



# Required Office/Retail

## Five Story Building

- ▶ The entire first floor must be office/retail
- ▶ One additional floor or an area equal to the fifth floor square footage must be office/retail.

# Frontage



Where the building fronts on a public road



The first portion of the building facing the road must be office/retail to a depth of at least 50 ft

## Public Space as office/retail

Must be dedicated in perpetuity to public use

Planning Board must determine that it will be a significant public amenity based on its design ,location and management

May be used to meet a maximum of 50% of the overall required office/retail square footage

# Drive- through facilities



PRESENTLY  
ONLY  
ALLOWED FOR  
A BANK BY

CONDITIONAL  
USE

# Amendment Changes

- ▶ Those pertaining to **food** service will be permitted in the Courthouse zone **only**.
- ▶ All other Drive-Through facilities will be Permitted in the Central Business, Professional Office, Courthouse, Office Research Light Industrial Industry.
- ▶ Drive-Throughs will no longer be permitted in the Durham Business Park

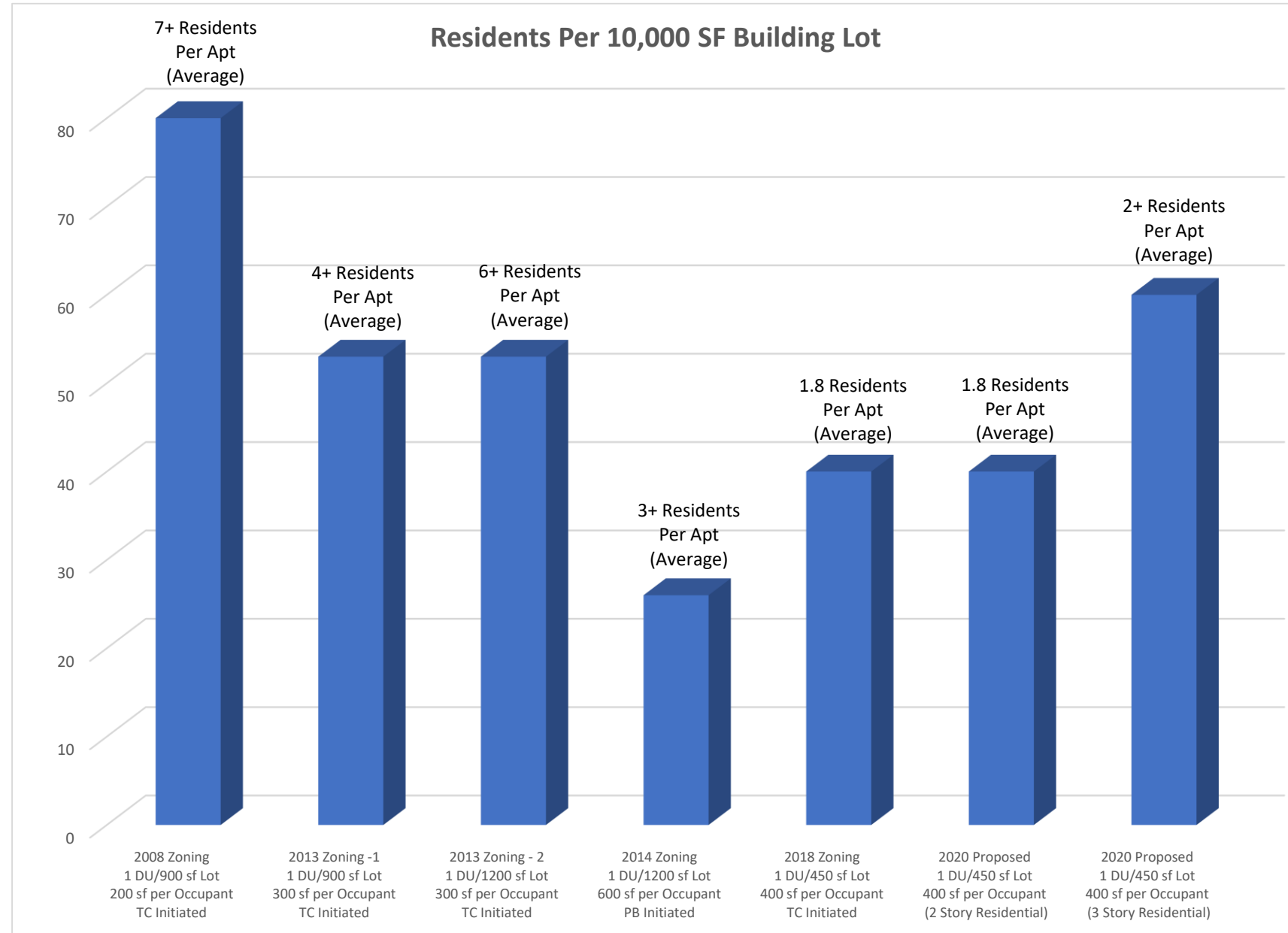
## Reasons to modify Drive- Through allowance

- ▶ To better accommodate persons with ambulatory challenges such as a disability or injury.
- ▶ To provide ease of purchase to those requiring a level of social distancing due to an illness or compromised health concern.
- ▶ To provide safe and convenient access to necessary items such as medicine and food for all in our community.
- ▶ To provide for those with children safe and easier access to necessary services.

A blue ribbon graphic with a 3D effect, featuring a darker blue shadow on the left side. The ribbon is horizontal and contains the text "Durham Zoning History" in white. The ribbon has a pointed end on the left and a small notch on the right.

# Durham Zoning History

# Zoning History





# New Retail and Service Space Added

- Hop & Grind
- Saxbys
- Bubble Bee Tea House
- Local Barre/ Bikram Yoga
- Em & Elle /Diyablo Hair Salon
- The Juicery
- Fix Mobile
- Amy's Frame/ Happy Market
- The Big Bean Cafe/ various restaurants
- Summer's End Studios
- Bamee
- Oyster River Cycle and Sport
- Polly's Pockets
- Hair Excitement
- Solsistar Boutique ( space recently vacated)

# New Office Space Added

- InterOperability Lab
- UNH Innovation
- Overflow Counseling
- Madbury Property Management/ Kennebunk Bank
- UNH Survey Center
- Joanne Stella Attorney
- The Masiello Group Real Estate
- Prevention Innovations Research Center
- UNH Analytics+ Data
- UNH Data Lab
- ALKU ( Consulting and Staffing)
- 2 additional Office/Retail spaces available at 9-11 Madbury
- 10 Professional Office spaces including Therapist , Chiropractic and other professional organizations .

Ordinance	Year	2008	2013	2013	2014	2018	2020	2020
	Ordinance Number	2008-14	2013-07	2013-10	2014-14	2018-07	Proposed	Proposed
	Initiated By	Town Council	Town Council	Town Council	Planning Board	Town Council	Town Council	Town Council
	Date Passed	8/8/2008	9/9/2013	12/16/2013	12/1/2014	12/17/2018	(3 Story Building)	(4 Story Building)
Ordinance Requirements	<i>(Bold Text Indicated Change)</i>							
	Area per Occupant	200	<b>300</b>	300	<b>600</b>	<b>400</b>	400	400
	Land Area Per DU	900	900	<b>1,200</b>	1,200	<b>450</b>	450	450
	Maximum Bedrooms per DU	N/A	N/A	<b>4</b>	4	<b>2</b>	2	2
Max Unrelated Occupants per DU	N/A	N/A	N/A	N/A	<b>3</b>	3	3	
Example Redevelopment 10,000 sq Foot Print and Lo	Building Foot Print	10,000	10,000	10,000	10,000	10,000	10,000	10,000
	Floors Residential	2	2	2	2	2	2	<b>3</b>
	Percent Habitable - Residential	80%	80%	80%	80%	80%	80%	80%
	Habitable Residential Area	16,000	16,000	16,000	16,000	16,000	16,000	24,000
	Max Apartments Allowed	11	11	8	8	22	22	22
	Maximum Occupants Allowed	80	53	53	26	40	40	60
	Average Occupants per Apartment	7.3	4.8	6.6	3.3	1.8	1.8	2.7
Redevelopments Completed		6 Jenkins Court		Mill Plaza (Proposed)				
		14 Jenkins Court						
		Madbury Commons						
		Orion						
		49 Main St						
		10 Pettee Brook Lane						
		9-11 Madbury Road						
		1 Madbury Road						
	22 Rosemary Lane							

# Zoning History

# Questions