

From: Marti MULHERN <mmulhern@comcast.net>
Sent: Thursday, November 04, 2021 7:57 AM
To: Michael Behrendt <mbehrendt@ci.durham.nh.us>
Subject: The Crossings Setbacks

Dear Michael,

Thank you for taking the time last week to speak with me about setbacks for The Crossings. Attached please find the Ross Chapin document I referred to regarding suggested setbacks for a true "pocket neighborhood." Based on Mr. Chapin's recommendations we are proposing the following:

- The houses will have no less than a five foot (5') setback from each side and back of the units.
- The front of the houses shall be between ten feet (10') and twenty feet (20') from the face of the house, or porch, to the road.

Would you please share our proposal with the fire department, code enforcer and any other interested parties. We understand that life and safety are a priority in the design of our neighborhood.

Best wishes,

Marti Mulhern

POCKET NEIGHBORHOOD COMMUNITY DEVELOPMENT ZONING ORDINANCE

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This model zoning ordinance is intended to offer a strategy for residential development on sites more than an acre in size, including sites of 5, 10, 20 or more acres. The code builds on patterns of sociability and privacy among nearby neighbors.

For more information on Pocket Neighborhoods, go to www.pocket-neighborhoods.com

Definitions

“Pocket Neighborhood Cluster”. A clustered group of 4-12 dwellings oriented around a common open space.

“Pocket Neighborhood Community Development”. Multiple pocket neighborhood clusters and porch-fronted dwellings amalgamated into a larger, coherent pedestrian-oriented development.

“Common Open Space”. The central space used by all occupants of a pocket neighborhood cluster. The common area shall be outside of ponds, wetlands, streams, and sensitive area buffers and on slopes of 10 percent or less and developed and maintained so it is usable for active or passive recreation activities.

“Carriage Unit”. A single-family dwelling unit, not to exceed 850 square feet in gross floor area, located above a garage structure.

“Live/Work Unit”. A single unit (e.g., studio, loft, or one bedroom), not to exceed 1200 square feet gross floor area, consisting of both a commercial studio/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant. Refer to ¹Live/work Provisions below for more criteria.

A. Purpose

1. The purpose of Pocket Neighborhood Community Development design is to:
 - a. Encourage a stronger sense of community and security among nearby neighbors, while preserving personal privacy;
 - b. Promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs; especially small households (one to three-person households);
 - c. Encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with surrounding land uses;
 - d. Encourage the creation of more usable open space for residents of the development through flexibility in density and lot standards;
 - e. Maximize resident- and pedestrian-oriented outdoor spaces, and minimize impact of automobile traffic and parking.

B. Development Configuration

1. The primary development configuration of a Pocket Neighborhood Community Development shall be Pocket Neighborhood Clusters.
2. Secondary configurations may be street-oriented porch-front dwellings with access alleyway parking, and carriage and live-work dwellings along access alleyways. Where there is no reasonable alternative, dwellings may have driveways located off of streets, provided all conditions of this amendment are met.

C. Allowed Uses

1. The allowed uses within a Pocket Neighborhood Community Development shall be: single family detached dwellings, twin dwellings, rowhouses/townhouses, carriage houses¹, live/work units², community buildings, temporary real estate sales office/model home, and vehicle parking lots and garages. Each of these uses shall be permitted by right, if the requirements for a Pocket Neighborhood Community Development are met.
 - a. A maximum of 10 percent of the dwelling units may be carriage house units.
 - b. A maximum of 10 percent of the dwelling units may be live/work units, in compliance with xxx.xx. *(note: see below for live/work provisions)*

Note: on some sites a neighborhood commercial use may be appropriate – such as a café or coffee shop, child care center, and home office. These would need to meet requirements for parking, noise, etc. Refer to the website www.missingmiddlehousing.com for reasoning and exploration of appropriate mixes of building types and uses.

D. Site Requirements Chart

Density & Use	<i>Note: Densities of 7-12 units per acre will likely result when the buildings are single family + some townhouses. Given the requirements of open space, parking and these house types, the density will find its maximum. This code is also applicable for higher densities using a higher proportion of attached townhouses or stacked apartments. Given this, setbacks and height restrictions listed below may need to change.</i>
Pocket Neighborhood Cluster size	Minimum 4 dwellings; maximum 12 dwellings per cluster. No limit to number of clusters.
Minimum Setbacks	
Property adjacent to development site	10'
Adjacent Buildings	10', except setbacks from garages may be 5', provided fire separation requirements are met.
Front Yard	5' to porches; 5' to buildings of maximum of 18 feet in width; 10' to portions of buildings wider than 18 feet. In a pocket neighborhood cluster, the front yard shall be the side to the common open space. Where a dwelling in a cluster also has a face to the street, it shall be considered as a front yard.
Side Yard	5', except setbacks for attached dwellings may be zero feet, provided fire separation requirements are met. For corner lot locations, one side may be designated as a side yard.
Rear Yard	10', or 5' provided that privacy between dwellings (see above) is maintained.
Access Alleyway	3', provided that adequate turning radius into garages can be demonstrated.
Maximum Height	25' to eave, 30' measure to average roof height. <i>(note: review as appropriate for setting, and slope conditions)</i>

Maximum Coverage for
All Impervious Surfaces

No maximum, provided that stormwater
engineering and all other requirements are met.

Maximum Dwelling Size

2000 square feet, and 3 bedrooms

*Note: review this dimension; what about the lower
level walkout? And how it is size measured – exterior
or interior? Scale must be appropriate to the setting,
and to encouraging neighborliness.*

E. Design Parameters

1. Pocket Neighborhood Size. Each cluster shall contain a minimum of four and a maximum of twelve dwellings to encourage a sense of community, located on no less than one-half acre.
2. Common Open Space in Pocket Neighborhood Clusters
 - a. Intent. Open space that is commonly owned and managed by all residents of a pocket neighborhood is a key feature in fostering community. It is intended that it be adequately sized and centrally located with individual dwelling entrances oriented towards the open space.
 - i. Size. A minimum of 400 square feet per dwelling unit of common open space is required in each pocket neighborhood cluster. Buildings serving all residents in a pocket neighborhood cluster may be included in the required area. Parking areas, yard setbacks, spaces between buildings of 15 feet or less in width, private open space, and driveways do not qualify as common open space.
 - ii. Proximity to Common Open Space. At least 75 percent of the dwelling units of a pocket neighborhood shall abut a common open space; and all of the dwelling units shall be within 60 feet walking distance measured from the nearest entrance of the dwelling along the shortest safe walking route to the nearest point of the common open space. The common open space shall have dwellings abutting at least two sides.
3. Private Open Space.
 - a. Intent. A sense of community requires the right balance of personal privacy. Private open space is an essential component of this balance. A 'front' yard creates a buffer between public and private spaces, while a 'side' or 'back' yard offers increased seclusion.
 - b. Location. Private open space shall separate the main entrance to the dwelling from the common open space or street by a hedge or fence not to exceed 36 inches in height. Private open space may be located in the side and rear yards as well.
 - c. Size. Each residential unit shall be provided with a minimum of 200 square feet of usable private open space, with no dimension less than 10 feet. Such open space requirements may be met with a combination of front, side or rear yard locations.
 - i. Carriage and Live-Work Units may be omitted from this requirement, provided they meet the requirements for Front Porch, below.
4. Front Porch.
 - a. Intent. A covered front porch is a key element in fostering neighborly connections, providing a human scale to a dwelling, and offering surveillance of public space. Its placement, size, relation to interior and public spaces, and the height of railings are all factors in achieving these intents.

- b. Location. Every dwelling shall have a covered entry porch oriented toward the common open space or street. This porch shall be open on at least two sides, and shall not be enclosed.
 - i. Exception: Live-work units may have covered entry porches located off of an access alley lane.
- c. Size. The covered porch shall be greater than 70 square feet in area, with a minimum of dimension of 6 feet.
 - i. Exception: Dwellings less than 700 square feet in size may have a porch greater than 50 square feet in area and 5 feet minimum dimension.
- d. Use. Front Porches are intended as supplementary living space, not storage space, as well as shelter from the weather for entering and exiting the dwelling; therefore, overnight storage of bicycles, tricycles shall not be allowed.

5. Eyes on Public Space.

- a. Intent. The first line of defense for personal and community security is a strong network of neighbors who know and care for one another. When the active dwelling spaces look onto public space, a stranger is noticed. As well, nearby neighbors can see if daily patterns are askew next door or be called upon in an emergency.
- b. Common Open Spaces, Streets and Access Alley Lanes shall have a minimum of one residential dwelling window providing clear surveillance of public and semi-public space.

6. Street-Facing Facades.

- a. Intent. The facades of buildings facing the street contribute to the neighborhood by including attractive design details such as windows, front doors and porches, siding and trim.
- b. All street-facing facades of dwellings shall avoid blank walls or appear to “turn their backs” to the street. Such facades shall include one or more of the following:
 - i. Porches;
 - ii. Windows, including bay windows;
 - iii. Dormers;
 - iv. Changes in exterior siding material or paint color;
 - v. Building modulation with a depth measuring at least one foot.

7. Privacy Between Dwellings.

- a. Intent. Having a next-door house or apartment peering into your own can be uncomfortable and claustrophobic; therefore, arrange openings to preserve privacy.
- b. Dwellings shall be designed so that no window peers into the living space of adjacent dwellings closer than 30 feet apart. This may be accomplished by:
 - i. ‘Nesting’ dwellings with open and closed sides: the open side may have windows facing its own side or rear yard, while the closed side may have high windows, translucent windows, or skylights to bring in ample light while preserving privacy;
 - ii. Zero lot line dwellings (duplex or rowhouses) with no side windows;
- c. The side yard of a dwelling may be fully usable to the face of the neighboring building through landscape easements or other means.

8. Community Buildings and Elements.

- a. Intent. Common buildings and shared elements are direct amenities of living in a pocket neighborhood. Beyond these benefits, these common facilities foster connections among neighbors and strengthen their sense of community.
- b. Every Pocket Neighborhood Cluster shall contain at least two of the following elements shared and managed by residents of that cluster:
 - i. Barbeque, pizza oven, campfire circle, or outdoor terrace;
 - ii. Picnic shelter;
 - iii. Tool and general storage shed;
 - iii. Heated commons building, with optional bathroom and kitchenette, for meetings, card games, movie nights, potlucks, exercise, etc.
 - iv. Kitchen garden or flower garden.
- c. The larger Pocket Neighborhood Community may include more significant common buildings or elements for the benefit of all the residents of the community, including those listed above, and/or such facilities as:
 - i. woodworking shop;
 - iii. community kitchen/dining room, living room, library;
 - ii. child care room and/or playground;
 - iv. community garden.

9. Parking.

- a. Intent. Nearly everyone has a car; but cars do not need to dominate our pedestrian spaces. Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces.
- b. Parking requirements:
 - i. Dwellings under 900 square feet: 1 space per unit
 - ii. Dwellings between 901 – 1,500 square feet: 1.5 spaces per unit
 - iii. Dwellings over 1,500 square feet: 2 spaces per unit.
- c. Parking requirements shall be considered on the scale of the overall development, rather than on lot-by-lot basis. Parking requirements may be met onsite on residential lots, along access alleyways, and along streets as parallel parking.
 - i. Required parking for each dwelling shall be located within 150 feet of the entry door.
- d. Each dwelling shall have one designated parking space; additional required parking spaces shall be undesignated to allow for flexible use, and located on access alleyways and/or streets within or adjacent to the development.
- e. The primary strategy for designated parking shall be along access alleyways. Driveways off of streets are discouraged; where there is no reasonable alternative, such driveways shall be minimized.
 - i. Detached garages serving multiple dwellings shall be located off of an access alleyway, and limited to five single-car bays with doors up to 10 feet wide.
 - ii. In a Pocket Neighborhood cluster, consider locating parking so that residents and guests walk through the shared open space rather than entering the dwelling through an attached garage. This arrangement increases the opportunities for neighbor-to-neighbor contacts.

- iii. Where dwellings must have garages located off of a street, such garages must be set back from the front façade of the dwelling by a minimum of one foot, and have a maximum of one garage door up to 10 foot wide.
- h. Storage of items within a garage that precludes the use of vehicle parking is prohibited.
- i. Head-in surface parking areas for more than two cars shall be:
 - i. prohibited in the front yard setback area;
 - ii screened from public streets and adjacent residential uses by landscaping or architectural screening.

10. Storage.

- a. Intent. Every household has storage needs for items such as bicycles, camping gear, hand tools, snow tires, suit cases and the like. When there is inadequate space, these items move to the porch or the garage.
- b. Every dwelling shall have a minimum of 40 square feet of covered storage space outside the heated living area. This space may be located in a garage if it does not preclude vehicle parking, or in a storage shed.

11. Refuse & Recycling.

- a. Intent. Garbage and recycling is a necessary element in residential living. Storage of these containers shall be located so their visual and odorous impact on adjacent properties is minimized.
- b. Refuse and recycling containers shall be screened from view by landscaping or architectural screening, and shall not be located in the front setback area, or where smells may be offensive to adjacent properties.

12. Fences.

- a. Intent. Fences can define and express personal space, and add to the quality of public space; but fences can also be offensive barriers.
- b. Fence height requirements:
 - i. Front yard: maximum 36 inch; 24 inch recommended;
 - ii. Side yard: maximum 36 inches from property line to face of dwelling, and maximum 72 inches behind the face of dwelling;
 - iii. Rear yard: maximum 72 inches

13. Pedestrian Network.

- a. Intent. The quality of life in residential neighborhoods is often reported to be high where there is a network of walkable pedestrian ways.
- b. Pocket Neighborhood Community Developments shall provide a network of pedestrian pathways, including sidewalks along at least one side of streets, mid-block walkways, and shared local streets and access alleyways. Connections to the wider neighborhood shall be made where appropriate and allowed. All such pathways shall be accessible by the general public, except that walkways into and through the Pocket Neighborhood clusters may be limited to residents and their guests.

14. Maintenance.

- a. The applicant shall prove to the City, based upon review by the City Solicitor's Office, that there will be a suitable legally-binding system in place, such as homeowner association agreements, to ensure proper maintenance and funding of shared facilities, such as shared parking areas, common open spaces, alleys and other improvements.

F. Administrative

The Planning Director may approve other methods provided the intent of this section is met.

¹ Live/work provisions

1. The commercial component of live/work units are intended for use by the following occupations: accountants; architects; artists and artisans; attorneys, computer software and multimedia related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; home-based office workers, insurance, real estate and travel agents; one-on-one instructors; photographers, and similar occupations;
2. In addition to the permitted uses above, the planning director may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law;
3. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
4. Residential areas are permitted above the commercial component, to the side or in back of the business component;
5. The residential component as designated on the floor plan approved through the special development permit shall remain residential and cannot be converted to commercial use;
6. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
7. The commercial component shall not detract from, or otherwise be a nuisance to, the residential character or appearance of the dwelling units;
8. Signage intended to promote on-site commercial uses shall be restricted to two square foot signs permanently affixed to door or wall of the business component;
9. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development;
10. The commercial use shall not generate vehicular traffic, in excess of normal residential traffic, which will interfere with residential traffic circulation or shall not cause more than three vehicles including vehicles used by customers, vendors, or delivery services to visit the premises per day;
11. No more than one employee (excluding residents of the dwelling unit) shall work or report to work on the premises;
12. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;
13. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.

Example 1



Example 2



Example 3



Example 4

