

Parking Definitions

Dennis Meadows; 4/18/2021

Durham should clarify its definitions of parking

- I strongly agree with Paul Rasmussen that it will be useful to clarify the definitions of Surface Parking and Structured Parking in the Durham zoning ordinance.
- When a group of five intelligent, concerned, and honest ZBA members split 2-3 on their interpretation of an extremely influential definition, it is time to clarify the definition.
- It is not urgent to make a change, since the existing definitions have not previously caused confusion, but it is important to make it eventually.
- As with all zoning issues, it will be important to make the definitions accommodate to the Master Plan rather than make the Master Plan accommodate to the definitions.

The definitions are especially important in Durham's Church Hill District

In 2006 a new ordinance was enacted. It differentiated the Church Hill District from Business District A in order to recognize and protect the District's special characteristics and contributions to the town.

“The purpose of the Church Hill District is to preserve and enhance the historic character of this area by allowing for multiple land uses including professional offices, limited retail uses, and apartments. ... New Development should maintain the character of the area and is subject to the standards of the Historic Overlay District. Parking should be located behind buildings.”

Definitions have become more complicated

- The 1934 and 1956 ordinances each had about 3 pages devoted to formal definitions.
- Today's ordinance has 36 pages devoted to formal definitions.

Meaning of Words

- “Where terms are not defined in this section, they shall have their ordinarily accepted meanings.”
- To see what are the ordinarily accepted meanings for surface and structured parking, we need only look at what Durham has done throughout the town over the past century.
- The UNH Transportation Services office lists seven off-street parking lots in Durham
- Viewing them shows us what has been “ordinarily accepted.”

Depot Road Lot, next to the Dairy Bar
Community Church
St. George’s Church
Fall Line Properties, 17 Garrison Ave
Mill Road Plaza
THMB, LLC 15 Newmarket Road
Church Hill

This is surface parking



Community Church and Church Hill Lots

This is surface parking



UNH's Edgewood Road Visitors' Lot

Six feet is frequently used to identify what is reasonable in the current zoning code

The following quotes are excerpted from Durham's current zoning ordinance:

- Fences shall comply with the setback provisions of the zoning district in which the facility is located if the fence is six (6) feet or more in height.
- The vertical opacity of any such fences that are higher than six feet shall not exceed 25% (for the purpose of maintaining an open view through the fence).
- Application for a permit to erect a sign shall be made in writing to the Code Enforcement Officer, Town of Durham, for all signs in excess of six (6) square feet of total exposed surface area or six (6) feet in height,
- Freestanding Signs. In the PO, MUDOR, OR 108, and ORLI Districts maximum sign size will be twenty (20) square feet, and maximum sign height will be six (6) feet.
- Structure does not include a minor installation such as a fence six (6) feet high or less in height, a mailbox, a flagpole, or an accessory shed.

This is surface parking with a 6' retaining wall



THMB, LLC Lot

This is surface parking with a 6' retaining wall



Durham's Post Office Lot

This is surface parking with a 6' retaining wall



Fall Line Properties Lot

I did not find a parking lot in Durham with a retaining wall higher than 6', unless the wall was built for some other purpose, for example at Riverwoods/Durham or the new middle school. In those places parking is an accessory use.

The Community Church has built a few of its parking spaces on a high embankment overlooking its Church Hill Apartments. I would not consider them to be surface parking, but they are grandfathered.

This is **not** surface parking



The Toomerph's Proposed Lot

**The design of this definition will have long-term,
town-wide consequences for all our citizens**

"We shape our buildings, and afterwards our buildings shape us."

Winston Churchill, October 1942

Refining the definition

Existing in black; **proposed addition in red**

STRUCTURED PARKING – A structure or portion of a structure that provides parking. The parking may be above or below grade, may be covered or uncovered, and may be on multiple levels. See “Surface Parking”

SURFACE PARKING – A parking lot or similar uncovered, single-level parking facility that provides at-grade parking that is not located within a structure. **The final parking surface should not be greater than 6’ above the lowest or below the highest adjacent surface existing prior to construction.**