

Proposed Zoning Amendments
AMENDMENTS RELATED TO WORKFORCE HOUSING AND
REZONING OF LAND TO OFFICE RESEARCH (OR)

Endorsed by the Durham Housing Task Force – January 29, 2024
 To be presented to the Planning Board – February 14, 2024

1) **DEFINITION**

- ❖ Add the following new definition, in alphabetical order, in Article II. DEFINITIONS.

WORKFORCE HOUSING – (Pursuant to RSA 674:58, as amended) 1. Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the Portsmouth – Rochester, NH – Maine Primary Metropolitan Statistical Area as published annually by the United States Department of Housing and Urban Development. 2. Also housing which is intended for rent and which is affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household in the Portsmouth – Rochester, NH – Maine Primary Metropolitan Statistical Area as published annually by the United States Department of Housing and Urban Development. [Note. The definition under RSA 674:58 states that housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, do not constitute workforce housing. This definition in the Durham zoning ordinance, herein, does not include this provision]. (See special provisions for Workforce Housing in Article XIX. Conservation Subdivisions and in Article XX. Standards for Specific Uses.)

[Note that this is the same new definition currently being considered for addition by the Planning Board in its review of Article II. Definitions.]

2) **TABLE OF USES**

- ❖ Add the following line in the Table of Uses under **III. Residential Uses**, at the end, after Porkchop Subdivision (*shown like this*):

	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe' s Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Workforce Housing	X	X	X	X	X	X	X	X	X	P	P	P	P

3) **SENIOR HOUSING**

- ❖ Change the opening text for **Section 175-57. Special Situations Affecting Dimensions. A. Density.** 1. Density for senior residential uses. to read as follows:

1. Density for senior residential uses. In determining the maximum density for Senior Housing, Senior Care Facilities, and Nursing Homes, the following provisions shall apply to the entire development, except that these density bonuses shall not apply in the Office Research (OR) District:

4) **CONSERVATION SUBDIVISIONS**

- ❖ Under **Article XIX. Conservation Subdivisions, Section 175-107.1 Workforce Housing Option**, change the title of the section and insert a new paragraph without a letter designation right below the title as follows:

175-107.1 Workforce Housing (Option B)

Applicants who seek to incorporate workforce housing into a conservation subdivision have the option of following either: a) the specific provisions for **Workforce Housing** given in **Article XX – Standards for Specific Uses (Option A)**; or b) the specific provisions for Workforce Housing (Option B) provided in this section herein.

5) **STANDARDS FOR SPECIFIC USES**

- ❖ Add the following new provision under **Article XX. STANDARDS FOR SPECIFIC USES** at the end (in alphabetical order):

P. ***Workforce Housing (Option A).***

The following provisions apply to Workforce Housing developments as defined in this ordinance and as specifically allowed in the Table of Uses (Workforce Housing – Option A). Special provisions for workforce housing that is part of a conservation subdivision are given in Article XIX - Conservation Subdivisions (Workforce Housing – Option B). Applicants who seek to incorporate workforce housing into a conservation subdivision have the option of following either: a) the specific provisions of this section herein (Option A); or b) the specific provisions for the Workforce Housing Option given in Article XIX (Option B).

1. Workforce Housing Development. A workforce housing development may include residential units for sale, for rent, or for both in any combination. Dwelling units are considered workforce housing under this ordinance if they meet established HUD figures, deemed affordable for households with incomes at or below 100% and 60% of the area median income, for units for sale and units for rent, respectively.

2. 100% of Units. 100% of the units included in the development must be workforce housing units.
3. Perpetuity. The workforce housing units, including those for sale and for rent, must remain affordable as workforce units in perpetuity in accordance with HUD figures. As part of any project, appropriate provisions, such as through a deed restriction or easement, shall be incorporated to carry out this requirement. The Planning Board may incorporate periodic reporting requirements at its option.
 - a. Sales Price. A project is in compliance with this ordinance if the *sales price* for each unit does not exceed the HUD figure. It is not necessary that other home ownership costs, including the mortgage principal, interest, insurance, or taxes, be factored into the price.
 - b. Rent Level. A project is in compliance with this ordinance if the *rent charged* does not exceed the HUD figure. It is not necessary that other rental expenses, including utilities, be factored into the rent level.
4. Units may be sold or rented to any parties regardless of income or family size (except as specified in 5., below). Developers, landlords, and homeowners reselling their property, however, are encouraged to sell or rent to parties whose income falls within the 100% and 60% thresholds, respectively.
5. Income requirement. Workforce housing that is available for rent is intended to be rented by members of the workforce or by people with other personal income. As part of any development approval for a rental project, the applicant shall provide a plan, subject to approval by the Planning Board, to ensure that the units will be made available exclusively for individuals or households where the residents can cover their rent (or a substantial portion of their rent) by income earned through employment or by other personal income.
6. Support Facilities. Appropriate accessory and support facilities for a workforce housing development, such as a community building and a day care center for residents may be included in the project.
7. Density. Within a Workforce Housing development located in the Office Research (OR) Zoning District the density standards provided in the Table of Uses for that district shall apply. Thus, for a workforce housing development in the OR district there is no density bonus for the residential units, nor for any senior units.
8. Subdivision. Any workforce housing development where one or more units (with or without land) will be sold is considered a subdivision and shall be prepared following the requirements for conservation subdivisions as provided in

Article XIX – Conservation Subdivisions (except that the provisions herein, rather than those included in Section 175-107.1. Workforce Housing in that article, shall apply).

9. Site Plan. A workforce housing development where no units will be sold and where the property is not otherwise subdivided will be reviewed in accordance with the Durham Site Plan Regulations. A full topographic survey shall be prepared and a minimum of 50% of the gross acreage of the parcel shall be set aside as permanent open space. All or most of the most sensitive environmental lands shall be included in the open space, as determined by the Planning Board. The applicant shall prepare an open space plan providing for the appropriate use, maintenance, and protection of the open space to be approved by the Planning Board.
10. Housing Types. For a workforce housing development that is reviewed as a site plan, the residential units may be configured in any manner, as detached single homes, duplexes, triplexes, townhouses, flats, multi-unit dwellings, cottage courts, etc. provided that all dimensional requirements of the applicable zoning district are met. A mix of housing types and unit sizes is encouraged but not required.
11. Design. The Planning Board shall use its reasonable judgment in reviewing the proposed design, layout, and density of the project to ensure a harmonious living environment for the future residents.
12. Walkability. The project shall incorporate sidewalks, footpaths, and/or trails to promote walkability through the site.
13. Transportation. The applicant shall develop a transportation plan, including considerations for public transit, van pools, car share, and bicycle use, to try to reduce the number of single occupancy vehicle trips, especially during peak travel times. The Planning Board may adjust parking requirements specified in the Site Plan Regulations (through a waiver) as appropriate.
14. Buffers. Depending on the nature of the proposed development, the surrounding properties, and the adjacent roads, the Planning Board may require that the developed area be set back or buffered substantially from surrounding property and the adjacent roads.
15. Purpose. The incentive for a developer to build workforce housing under this section is that workforce housing is permitted by right in certain zoning districts under this section whereas most other residential uses in these districts are either not permitted or are permitted by conditional use. The purpose of this Section is to:

- a. provide reasonable and realistic opportunity for the development of workforce housing;
- b. ensure the continued availability of a diverse supply of home ownership and rental opportunities;
- c. meet the goal of providing an adequate supply of affordable housing in Durham as set forth in the town’s Master Plan; and
- d. address the regional need for workforce housing as documented in the Strafford Regional Planning Commission’s Housing Needs Assessment, as updated.

16. Authority. This section is adopted under the authority of RSA 674:58-61 Workforce Housing and RSA 674:21, Innovative Land Use Controls.

6. **REZONING**

- ❖ Rezone the lot on the Zoning Map (shown on the next page), located immediately to the east of the Office Research (OR) Zoning District, from Residence Coastal (RC) to Office Research.

This lot is identified on the tax map (shown on the following page) as Map 209, Lot 39. (The northerly portion of the lot is shown on Map 206.) The address is 59 Piscataqua Road. The lot is owned by the Leda M. Keefe Revocable Trust, c/o Dan Keefe who lives on the property. According to the Town’s tax map, the lot contains 117 acres.

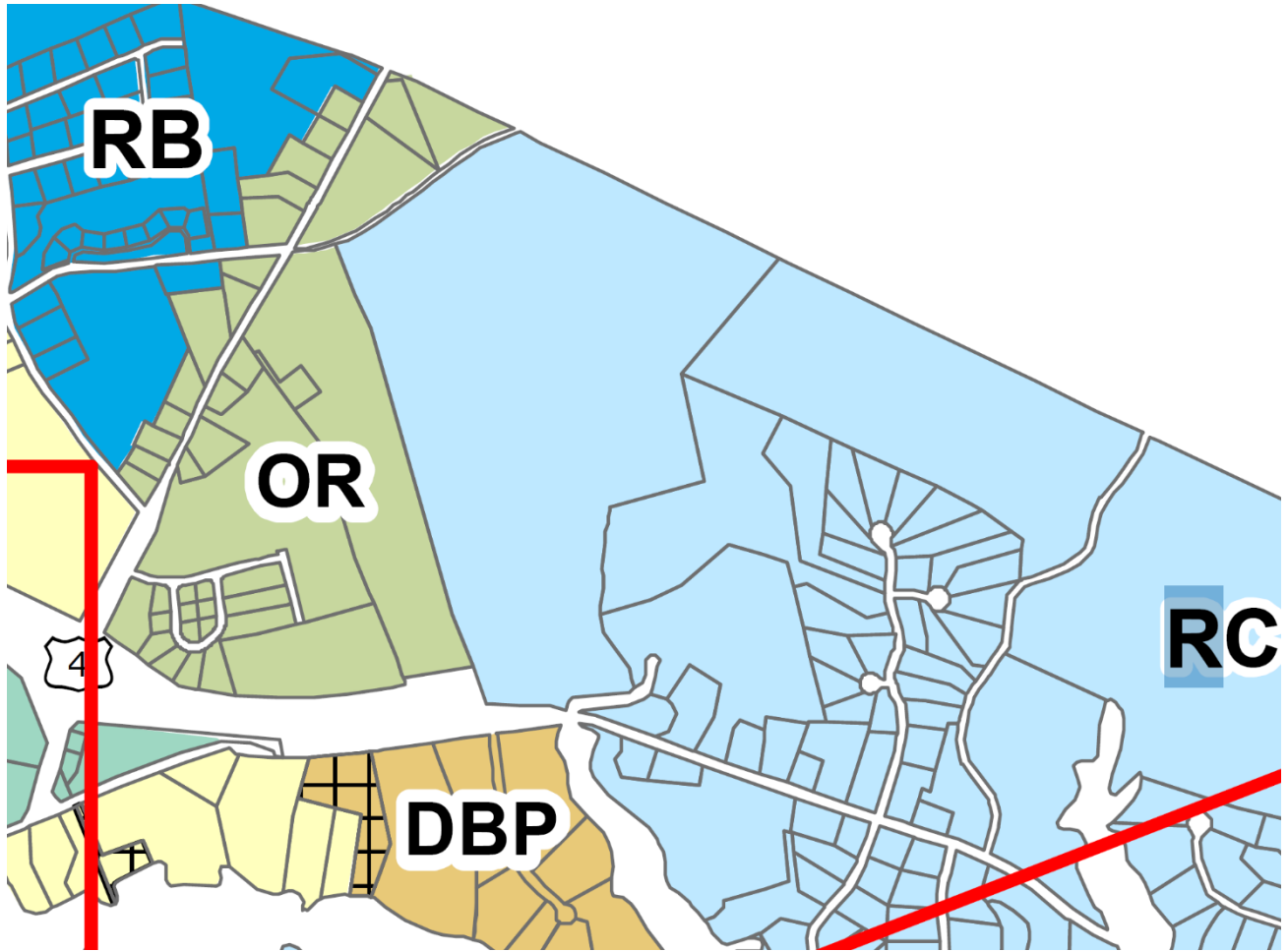
The northwest portion is bound by a Class 6 road. Johnson Creek runs through the lot and forms the easterly boundary for the southern half of the lot. The same lot extends into Madbury to the north, where that section is designated as Tax Parcel Map 10, Lot 2, which includes about 12 acres.

The Draft Housing Needs Assessment for Durham, dated December 2023, identifies the subject lot and several neighboring lots as a Multi-Family Development Priority Area (page 7-10).

See the three maps on the following page:

- Top. A portion of Madbury’s Map 10, showing two parcels composing Lot 2, straddling the class 6 road. Route 108 is shown on the left side. Johnson Creek runs through the two parcels.
- Middle. A portion of Durham’s Map 206 showing the northerly section of the lot.
- Bottom. A portion of Durham’s Map 209 showing Lot 39.

Zoning Map



Tax Maps

