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Proposed Zoning Amendment
LODGING HOUSES and STUDENT RENTALS
Initiated by the Planning Board on June 25, 2025

New text to be added shown like this

~~*Existing text to be deleted shown like this*~~

➤ *Other change to be made is shown like this.*

❖ **ARTICLE II - DEFINITIONS**

~~**BOARDING HOUSE**—An owner-occupied residential building principally used, designed or adapted to provide living accommodations for not more than 10 occupants and having common cooking and dining facilities.~~

LODGING HOUSE/ROOMING HOUSE – A building or portion thereof that does not qualify as a one- or two-family dwelling [as defined in the New Hampshire Fire Code], that provides sleeping accommodations for a total of 16 or fewer people on a transient or permanent basis, without personal care services, with or without meals, but without separate cooking facilities for individual occupants. (This is the current 2025 definition in the New Hampshire Fire Code, Subsection 3.3.199.17. This definition is automatically updated to match the definition in the Fire Code should that definition be amended in the future.) See definition below for “One- and Two- Family Dwelling.”

ONE- AND TWO-FAMILY DWELLING – One- and two-family dwellings include buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms. (This is the current 2025 definition in the New Hampshire Fire Code, Subsection 3.3.199.25. This definition is automatically updated to match the definition in the Fire Code should that definition be amended in the future. This term applies only in reference to the definition for Lodging House/Rooming House.)

ROOMING HOUSE – See “~~Boarding~~ Lodging/Rooming House.”

~~**STUDENT RENTAL**—A student rental is a residential dwelling composed of one or more dwelling units on a single parcel that includes five or more full-time undergraduate college students, as identified according to the criteria of the U.S. Department of Education’s Office of Federal Student Aid. The threshold of five applies to the total number in dwelling units on a parcel (For example: a three-unit building with two full-time undergraduate college students in one unit and four in another would be classified as a student rental).~~

❖ ARTICLE XII.2 – USE AND DIMENSIONAL STANDARDS

175-53. Table of Land Uses.

Table 175-53, Table of Land Uses shows the uses that are allowed in the various zoning districts.

...All projects involving the construction or enlargement of a building or structure that will be used for a nonresidential use, ~~or~~ a multi-unit residence, *or a lodging house* or that will create ~~2~~ ~~or~~ more *than 2* dwelling units (not including accessory dwelling unit - detached and accessory dwelling unit - attached) or that involve the erection of a personal wireless service facility are subject to review and approval by the Planning Board in accordance with the provisions of the Site Plan Review Regulations of the Town of Durham, New Hampshire. A nonresidential use includes any use listed below as a Rural Use, an Institutional Use, a Recreational Use, a Utility and Transportation Use, or a Commercial and Industry Use.

In addition, a change in the occupancy of an existing building is also subject to Site Plan Review by the Planning Board if the change in use is:

1. from one category of nonresidential use to another category of nonresidential use;
2. from a residential use to a nonresidential use;
3. from a nonresidential use to a multi-unit residential use; or
4. from a single-family residential use to a multi-unit residential or a nonresidential use.

- *In the Table of Uses, in the four columns with the heading, “Residential Zones,” move the entire column throughout the table for Rural (R) to the right so that it is positioned after Residence C (RC).*

| CATEGORY OF USES | RESIDENTIAL ZONES | | | | COMMERCIAL CORE ZONES | | | | | RESEARCH-INDUSTRY ZONES | | | |
|---------------------------------------|-------------------|------------------|------------------|------------------|---|--------------------------|------------------|----------------|--------------------|----------------------------------|---------------------------------------|---------------------------------------|----------------------------|
| | Rural (R) | Residence A (RA) | Residence B (RB) | Residence C (RC) | Central Business (CB-1 and CB-2) See Note 4 | 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) |
| III. RESIDENTIAL USES | | | | | | | | | | | | | |
| Principal Uses | | | | | | | | | | | | | |
| Manufactured Housing | P | X | X | X | X | X | X | X | X | X | X | X | X |
| Nursing Home | X | X | X | X | X | X | P | P | P | P | P | P | CU |
| Porkchop Subdivision (See Article XX) | P | X | X | P | X | X | X | X | X | X | X | X | X |
| Residence, single-family | P | P | P | P | X | P | P | X | X | X | CU | CU | X |
| Residence, duplex | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Residence, multi-unit | X | X | X | X | X | CUA | X | X | X | X | X | X | X |
| Residence, multi-unit complex | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Senior housing, single-family | P | P | P | P | X | X | P | X | P | CU | CU | CU | CU |
| Senior housing, duplex | P | P | P | P | X | X | P | X | CU | CU | CU | CU | CU |
| Senior housing, multi-unit | P | P | P | P | CU | P | P | P | CU | CU | P | CU | CU |
| Senior Care facility | P | X | CU | P | X | X | P | P | P | P | P | P | P |
| <i>Student-Rental</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>X</i> |
| <i>Lodging House/Rooming House</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>X</i> | <i>X</i> |

ARTICLE XXI - OFF-STREET PARKING

175-111. General Requirements.

B. *Setbacks and placement of parking Spaces.*

1. The following setbacks apply to parking spaces and parking areas:
 - a. Front setback. Up to 3 vehicles per household are permitted in the front setback area.
 - b. Side setback. All vehicles must be set back at least 10 feet from side lot lines.
 - c. Rear setback. All vehicles must be set back from rear lot lines in accordance with the standard rear setbacks for the zoning district.
2. The parking requirements in 1, above, may be adjusted by special exception subject to:
 - a. a finding that it is not practical to restrict parking to the areas and setbacks specified;
 - b. a finding that allowing the parking to be situated as proposed will not have an adverse impact upon abutting properties nor upon the character of the streetscape; and
 - c. a finding that the proposed parking spaces will serve on-site dwelling units only.
3. For all uses other than single-family and duplex residences, in the Residence A, ~~and~~ Residence B, *Residence C and Rural* Districts no parking areas shall be permitted in the front court except as part of site plan or conditional use review with a finding by the Planning Board that it is not practical to place parking to the side or rear of the building.
4. For all uses other than single-family and duplex residences in all Commercial Core Districts, except the Central Business District, and in all Research-Industry Districts, no parking areas shall be located in the front court except as part of site plan or conditional use review with a finding by the Planning Board that it is not practical to place parking to the side or rear of the building.
5. For all uses, in the Central Business District no parking areas shall be located in the front court.