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PROPOSED AMENDMENTS TO DURHAM ZONING ORDINANCE

Required to comply with recent state legislation

Presented to Planning Board for consideration of one change – January 14, 2026

These amendments were formally initiated by the Planning Board on October 8, 2025. When presented to the Town Council on November 17, 2025, the Town Council proposed one change: allowing Mixed-Use with Residential by P in Coe's Corner and the four Research-Industry Zones, and not allowing Multi-Unit Residential in those five zones as proposed by the Planning Board. This draft herein incorporates the change proposed by the Town Council.

New text to be added shown like this

Existing text to be deleted shown like this

P - Change proposed by Planning Board but now proposed by Town Council to revert back to existing X

P - Change proposed by Town Council now

ARTICLE II – DEFINITIONS

175-7. Definitions.

ACCESSORY DWELLING UNIT (ADU) – ATTACHED – A dwelling unit **that is** located in, or attached to, a single-family residence as an accessory use. A single-family residence with an accessory dwelling unit is considered a single-family residence (not a duplex residence). *See Article XX.*

ACCESSORY DWELLING UNIT (ADU) – DETACHED – A dwelling unit **that is: a)** not attached to a single-family residence; **b) not contained within a single-family residence; and c) not contained within a pre-existing detached structure.** A single-family residence with an accessory dwelling unit is considered a single-family residence (not a duplex residence). *See Article XX.*

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.~~

ROOMING HOUSE ~~See “Boarding 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.1 – USE AND DIMENSIONL STANDARDS

175-53. Table of Land Uses.

CATEGORY OF USES	RESIDENTIAL ZONES			COMMERCIAL CORE ZONES						RESEARCH-INDUSTRY ZONES				
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business 1	Central Business 2	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														
Residence, single-family	P	P	P	P	X	X	P	P	X	X	X	CU	CU	X
Residence, duplex	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Residence, multi-unit	X	X	X	X	X	X	P	P	P	X <i>P</i>	X <i>P</i>	X <i>P</i>	X <i>P</i>	
<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>P</i>	<i>X</i>	<i>X</i>	<i>X</i>	<i>X</i>	
Uses Accessory To a Single-family Residential Use														
Accessory dwelling unit - attached (See Article XX)	P	P	P	P	X	X	P	P	X	X	X	P	P	X
Accessory dwelling unit - detached (See Article XX)	P	<i>X</i> <i>P</i>	<i>XP</i>	P	X	X	P	P	X	X	X	P	P	X
VII. COMMERCIAL & INDUSTRY USES														
Principal Uses														
Mixed Use with residential (office/retail down, multi-unit residential up) (See Note 1)	X	X	X	X	P	<i>CU</i> <i>P</i>	X	X	X	<i>XP</i>	<i>XP</i>	<i>XP</i>	<i>XP</i>	

Notes

1. For the use “Mixed use with residential (office/retail down, multi-unit residential up),” see the definition. The layout of uses within the building or lot may also be specified by zone in Article XII, including some flexibility allowed by conditional use in the Central Business District under Development Standards.

ARTICLE XVIII.1 - ATTAINABLE HOUSING OVERLAY DISTRICT

K. Other Zoning Parameters. All other standards in the Zoning Ordinance shall apply to a project unless superseded by a specific provision in this overlay district. *The limitation allowing for a maximum of three unrelated occupants in a dwelling unit does not apply to any project developed through this overlay district.*

ARTICLE XX – STANDARDS FOR SPECIFIC USES

175-109. Compliance Required.

C. *Accessory dwelling unit - attached and Accessory dwelling unit - detached.* Accessory dwelling unit - attached and accessory dwelling unit - detached shall conform to the following standards:

1. Only 1 accessory dwelling unit - attached or 1 accessory dwelling unit - detached shall be located on a lot with a single-family residence. The location of an accessory dwelling unit - attached and an accessory dwelling unit - detached in conjunction with 1 single-family residence shall not be permitted.
2. An accessory dwelling unit - attached shall contain a minimum of 300 and a maximum of 850 square feet of floor space.
3. An accessory dwelling unit - detached shall contain a minimum of 300 and a maximum of 850 square feet of floor space.
4. *The location and design of the accessory dwelling unit - attached or accessory dwelling unit - detached shall maintain the single family character and appearance of the premises.*
5. *An interior door shall be provided between the single family dwelling and the accessory dwelling unit - attached, but the door may be locked or not at the option of the property owner.*
6. One parking space shall be provided for the accessory dwelling unit - attached or accessory dwelling unit - detached, in addition to parking required for the single-family dwelling. The parking space may be situated within a driveway along with other vehicles provided it is readily accessed. *The parking space may be established on site or off site but must be legally dedicated if the space is located off site.*
7. The property owner shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit - attached or accessory dwelling unit - detached in accordance with RSA 485-A:38. However, systems for the accessory dwelling unit - attached or accessory dwelling unit - detached separate from those serving the single-family dwelling are not required.
8. There are no additional requirements for lot size, frontage, space limitations, or other dimensional controls for an accessory dwelling unit - attached or accessory dwelling unit - detached beyond what would be required for a single-family residence without an accessory dwelling unit - attached or accessory dwelling unit - detached.

9. *Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared with the single-family residence, at the option of the property owner.*
10. *Existing structures on site may be converted to accessory dwelling units even if those existing structures do not conform with setback or lot coverage requirements.*

ARTICLE XXI - OFF-STREET PARKING

175-111. General Requirements.

A. *Parking – General Provisions.*

1. *There is no minimum parking requirement for single-family and duplex residences. However, a driveway must be provided for each lot. A driveway accommodating at least one parking space must be provided for each lot serving a single-family or duplex residence. Otherwise there is no minimum parking requirement for single-family and duplex residences.*