

## **ORDINANCE #2013-07 OF DURHAM, NEW HAMPSHIRE**

**A COUNCIL-INITIATED ORDINANCE AMENDING CHAPTER 175 “ZONING”, ARTICLE II, SECTION 175-7 “DEFINITIONS” CHANGING TABLE II-1 “DWELLING DENSITY BY TYPE” SUCH THAT THE MAXIMUM NUMBER OF OCCUPANTS IN UNRELATED HOUSEHOLDS PER 300 SQUARE FEET OF HABITABLE FLOOR AREA IS CHANGED FROM 1.5 TO 1 FOR DWELLING TYPE “APARTMENT” (EXCLUDING THE ORLI AND MUDOR DISTRICTS) AND REMAINS UNCHANGED AT 1.5 FOR DWELLING TYPE “ACCESSORY APARTMENT”**

**WHEREAS**, the current allowable maximum number of occupants in unrelated households per 300 square feet of habitable floor area is 1.5 for Dwelling Type “Apartment, including accessory apartments”; and

**WHEREAS**, the minimum lot area per Dwelling Unit in the Central Business District is 900 square feet; and

**WHEREAS**, the minimum lot area per Dwelling Unit when combined with the minimum habitable space encourages redevelopment in the Central Business District having Apartments of six or more occupants; and

**WHEREAS**, such Apartments appeal primarily to the student housing market due to the number of occupants and limited space; and

**WHEREAS**, a high number of students in redevelopments located in the Central Business District may have adverse impacts on Town services; and

**WHEREAS**, the 2000 Master Plan encourages construction of a variety of multi-unit housing with fewer bedrooms that reduces the impact on Town services; and

**WHEREAS**, increasing the habitable space per occupant in Apartments encourages Apartments with fewer bedrooms and thus better serves the Town by offering a variety of multi-unit housing that may reduce the impact on town services; and

**WHEREAS**, changing the habitable floor area for accessory apartments does not impact redevelopment and is not necessary; and

**WHEREAS**, the Town Council may initiate Zoning Ordinance amendments in accordance with Section 175-14 (B) of the Durham Zoning Ordinance which states: “The

Town Council may, upon its own initiative, from time to time, consider changes to the Zoning Ordinance, including Overlay districts. All such Council initiated changes shall be referred to the Planning Board for its review and study. The referral shall be made in writing by the chair of the Town Council. The planning Board shall, after following the public notice and hearing requirements contained in Subsection D below, submit a recommendation regarding the changes to the Town Council members within sixty (60) day of their referral”; and

**WHEREAS**, on May 20, 2013, the Town Council discussed the proposed ordinance and referred said ordinance to the Planning Board for its review and study; and

**WHEREAS**, the Planning Board moved to recommend the passage of the proposed ordinance with a change to exclude the ORLI and MUDOR districts from the density change and a non-substantive change to the language about accessory apartments; and

**WHEREAS**, on August 19, 2013, the Durham Town Council conducted a first reading on Ordinance #2013-07 as amended; and

**WHEREAS**, on September 9, 2013, the Durham Town Council held a public hearing on Ordinance #2013-07;

**NOW, THEREFORE BE IT RESOLVED** that the Durham Town Council, the governing body of the Town of Durham, does hereby adopt Ordinance #2013-07 amending Chapter 175 “Zoning”, Article II, Section 175-7 “Definitions” changing Table II-1 “Dwelling Density by Type” such that the maximum number of occupants in unrelated households per 300 square feet of habitable floor area is changed from 1.5 to 1 for Dwelling Type “Apartment” (excluding the ORLI and MUDOR districts) and remains unchanged at 1.5 for Dwelling Type “Accessory Apartment” as shown below. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

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Table II-1. DWELLING DENSITY BY TYPE

Dwelling type	Maximum number of occupants in unrelated household per 300 square feet of habitable floor area
Single-family dwelling	1
Duplex or townhouse	1
<del>Apartment, including accessory apartments</del>	<del>1.5</del>

<u>Apartment (excluding accessory apartments), except in the ORLI and MUDOR districts</u>	<u>1</u>
<u>Apartment (excluding accessory apartments) in the ORLI and MUDOR districts</u>	<u>1.5</u>
<u>Accessory Apartment</u>	<u>1.5</u>
Rooming/boarding, including accessory rooming/boarding	2
Dormitory	3
Fraternity or sorority	2
Nursing home	2
Elderly housing	1.5

**PASSED AND ADOPTED** by the Town Council of the Town of Durham, New Hampshire this \_\_\_\_\_ day of \_\_\_\_\_, **2013** by \_\_\_\_\_ affirmative votes, \_\_\_\_\_ negative votes and \_\_\_\_\_ abstentions.

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Jay B. Gooze, Chair  
Durham Town Council

**ATTEST:**

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Lorrie Pitt, Town Clerk