

ORDINANCE #2014-14 OF DURHAM, NEW HAMPSHIRE

A PLANNING BOARD-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 HOUSEHOLD PER 300 SQUARE FEET OF HABITABLE FLOOR AREA IS CHANGED FROM 1 TO .5 FOR DWELLING TYPE “APARTMENT (EXCLUDING ACCESSORY APARTMENTS), EXCEPT IN THE ORLI AND MUDOR DISTRICTS”

WHEREAS, the current allowable maximum number of occupants in unrelated households per 300 square feet of habitable floor area is 1 for Dwelling Type “Apartment, (excluding accessory apartments), except in the ORLI and MUDOR districts”; and

WHEREAS, apartments or “multi-unit residences” are now permitted in only three zoning districts – Central Business, Professional Office, and Church Hill - and they are permitted by conditional use only; and

WHEREAS, apartments are permitted in one of two zoning categories under the Table of Uses – as “Residence, multi-unit” and “Mixed Use with residential (office/retail down, multiunit residential up)”; and

WHEREAS, such Apartments appeal primarily to the student housing market due to the number of occupants allowed presently in a limited space; and

WHEREAS, a high numbers of students in developments may have adverse impacts on Town services and town character; and

WHEREAS, the 2000 Master Plan encourages construction of a variety of multi-unit housing types: and

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

WHEREAS, there has been an enormous amount of new residential multi-units built in recent years thereby causing significant concern about overbuilding of these units and the numerous potential adverse impacts of great numbers of students living in the core downtown areas; and

WHEREAS, since 2008 the Town has approved new student housing developments with a total of 2,371 occupants/beds/bedrooms. All of these projects have been built or are currently under construction; and

WHEREAS, this amendment affects all apartments in the town of Durham, wherever they are permitted, except for accessory apartments; and

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

WHEREAS, on September 10, 2014, the Planning Board voted to hold a public hearing on this proposed amendment at its meeting on October 8, 2014 and the notices for that public hearing were posted as required; and

WHEREAS, the Planning Board held a public hearing on this amendment on October 8, 2014 and afterward, that same evening, voted to formally initiate this amendment; and

WHEREAS, the Planning Board may initiate Zoning Ordinance amendments in accordance with Section 175-14 (A) of the Durham Zoning Ordinance which states: “The Planning Board may, upon its own initiative, from time to time, consider amendments to the Zoning Ordinance, including its Overlay districts, and submit recommendations thereon to the Town Council.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, does hereby adopt the amendment initiated by the Planning Board under proposed Ordinance #2014-XX 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 to 1 to .5 for Dwelling Type “Apartment (excluding accessory apartments), except in the ORLI and MUDOR districts”. Wording to be deleted is annotated with ~~strikeout~~ type. New wording is annotated with underscoring.

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- ❖ *Change “1” to “.5” and eliminate the superfluous comma in the same line, as indicated below*

ARTICLE II - DEFINITIONS

HOUSEHOLD – A group of occupants of a dwelling unit restricted to the following two (2) categories:

1. FAMILY – An individual or two (2) or more persons related within the second degree of kinship by civil law or by marriage or adoption or foster care arrangement living together as a single housekeeping unit, including necessary domestic help such as nurses or servants not to exceed three (3) in number.
2. UNRELATED HOUSEHOLD – Any household not conforming to the definition of a "family," provided that no such household shall have a number of members in excess of the figure provided in Table II-1.

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
<i>Apartment, (excluding accessory apartments), except in the ORLI and MUDOR districts</i>	1 <u>.5</u>
Apartment (excluding accessory apartments) in the ORLI and MUDOR districts	1.5
Accessory Apartment	1.5
Rooming/boarding, including accessory rooming/boarding	2
Dormitory	3
Fraternity or sorority	2
Nursing home	2
Elderly housing	1.5

Notes: No more than three (3) unrelated occupants may occupy a dwelling unit in an R, RA, RB, RC, PO, CH, C, or CC Zoning District. See Section 175-109(D).

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this ____ day of _____, **2014** by _____ affirmative votes, _____ negative votes and _____ abstentions.

 Jay B. Gooze, Chair
 Durham Town Council

ATTEST:

 Lorrie Pitt, Town Clerk