

SECTION 05. RESIDENTIAL DISTRICTS

05.01. Permitted Uses in Residential Districts

05.01.01.

Permitted uses in Residential Districts are listed in the table below and all other uses are prohibited except as stated herein. The schedule below indicates: (x) a use permitted by right in a designated district; (s) a use permitted as a special exception in a designated district in accordance with Section 13.05.; (p) a use permitted by right subject to site plan review in a designated district in accordance with Section 13.03.*; and (-) a use not permitted in a designated district.

05.01.01.01.

<u>DISTRICT</u>		<u>USE</u>
Farm Residential	Main Street Residential	
s	s	1. Accessory Apartments subject to Section 13.05.05.(3)
s	s	2. Agricultural implements sales.
x	x	3. Agricultural operations, non-commercial
s	s	4. Amusement enterprises, temporary fairs, concessions, etc. sponsored by local organizations.
s	s	5. Apartment houses, condominiums, townhouses, and other multi-family housing (See Section 05.06.)
s	s	6. Camps, day or boarding - non-profit operated by charitable or religious organizations or institutions.
s	s	7. Charitable and religious institutions
s	s	8. Child Day Care Center
s	s	9. Churches
s	s	10. Community center buildings
p	p	11. Community garages
x	x	12. Dwellings
s	s	13. Dwellings for elderly and/or physically handicapped persons
s***	-	14. Excavation and earth removal (except the mining of bedrock)
x	x	15. Family Day Care Home
x	x	16. Farms
s	s	17. Fraternal, social, or civic organization clubhouse or hall
s	s	18. Golf courses
s	s	19. Group Day Care Home
p*	p*	20. Home occupations
s	s	21. Hospitals, sanitarium, and nursing homes

<u>DISTRICT</u>		<u>USE</u>
Farm	Main Street	

Residential	Residential	
p*	p*	22. Offices (accessory use as a home occupation) but not including medical or dental offices or other uses, which generate similar amounts of traffic as set forth in the current Trip Generation Table prepared by the Institute of Transportation Engineers
-	s	23. Offices (principal use), but not including medical or dental offices or other uses, which generate similar amounts of traffic as set forth in the current Trip Generation Table prepared by the Institute of Transportation Engineers
s	s	24. Post Office
x	x	25. Private garages
p	p	26. Public utility buildings (no service yard)
s	s	27. Rooming house, boarding house, "Bed and Breakfast" operation, Tourist Home
s	s	28. Schools and colleges, private, including dormitories
p	p	29. Schools, public
s	s	30. Shared or common driveways serving three (3) or more lots having frontage on (1) a state highway; (2) roads maintained by the Town of Durham; (3) roads which are to be built as part of a subdivision; and, (4) lots having legal frontage on a private road or driveway under the provisions of Section 06 (Designer Subdivisions) of the Durham Subdivision Regulations
s	s	31. Two-Family Dwellings (Duplex) (See Section 05.06.01.) s
	s	32. Uses by the Town of Durham: Municipal or public buildings, cemeteries, parks, volunteer fire departments, etc.

* The Commission may waive the requirement for site plan review, or portions thereof, for the expansion of existing uses or changes of uses in existing buildings provided the expansion or change of use does not:

1. Increase traffic substantially or produce safety hazards;
2. Increase parking requirements;
3. Have a deleterious effect on abutting or adjacent property; and
4. Substantially alter the nature of the existing development or structure.

** See Section 12.04. for applicable requirements.

*** Approval of applications for renewal of existing earth excavation and removal permits shall be permitted subject to site plan review only in accordance with the requirements of Section 12.05. of these Regulations.

05.02. Clearance and Height

05.02.01.

In addition to stipulations in Section 04., each dwelling erected shall have:

(A) Schedule of Height and Yard Requirements

	<u>Main Street Residential</u>	<u>Farm Residential</u>
Minimum Front Yard	25'	50'
Minimum Side Yard*	15'	25'
Minimum Rear Yard	25'	40'
Maximum Height	2 1/2 Stories or 35'	2 1/2 Stories or 35'
Maximum Lot Coverage	20.0%	12.0%
Setback from Water Courses and wetlands	50'	50'

* All dwellings in subdivision or building lots approved prior to the effective date of this amendment shall maintain side yards with a minimum aggregate width of 25' and the minimum width of one side yard shall be 10'.

(B) Corner lots shall maintain front yard requirements for each street.

(C) Through lots shall maintain front yard requirements for both street frontages.

(D) A minimum set back of 50' is required for all buildings from a water course, but not including accessory buildings.

(E) Divisions of land not requiring subdivision approval shall meet the provisions of 02.12.01. - "Lot Area -- Minimum Rectangle".

05.03. Accessory Buildings, Structures and Uses in Residential Districts

05.03.01.

Accessory buildings, structures and uses in a Residential District shall maintain front, side and rear yard requirements for the district.

05.03.02.

No accessory building or structure shall exceed 35 feet in height. Accessory buildings or structures constructed in subdivisions or on building lots where the aggregate side yard total can be reduced to 25 feet and the minimum width of one side yard reduced to 10 feet, shall not exceed 15 feet in height if the building or structure is constructed less than 25 feet from the side property line.

05.03.03.

A building or structure attached to the principal building by a covered passageway, or by having a wall or a part of a wall in common with the building or structure shall be considered an integral part of the principal structure and not an accessory building or structure.

05.03.04.

No vehicle, trailer, or house trailer/mobile house as those terms are defined herein, shall be used for the storage of property of any kind nor used as a shelter except as provided for under Section 12.03. for any creature in any residential zone.

05.04. Minimum Living Space Requirements

05.04.01.

No dwelling shall be erected whose living space will be less than 960 square feet on one floor and/or 1,150 square feet on two floors for each family for which it is arranged, designed or used. Calculations of floor area shall be based on measurements made on the outside of the foundation wall.

05.04.02.

Living space shall be computed as that area within a dwelling which has a minimum headroom of seven feet when measured vertically upward from a finished floor; but in the area next below the roof, such space shall be counted only if it is connected with the floor below by a permanent inside stairway. Porches, verandas, basement rooms, garages or any other form of attached accessory structure shall not be counted, nor in any apartment house shall public halls, baths and stairways be used in computing the living area.

05.04.03.

The minimum areas for occupancy shall not be less than the following:

<u>DESCRIPTION</u>	<u>EFFICIENCY</u>	<u>ONE BEDROOM</u>	<u>TWO BEDROOM</u>	<u>THREE BEDROOM</u>	<u>FOUR BEDROOM(3)</u>
Room Count(1)	3	3 1/2	4 1/2	5 1/2	6 1/2
Area Square Feet(2)	460	610	780	960	1,180
Area Square Feet- Dwellings for Elderly & Handicapped Persons	460	550	700	-	-

For each additional bedroom over four add 220 square feet for total dwelling.

1 Room count for living, dining and kitchen is 2 1/2. Each bedroom is 1.

2 These areas do not include interior circulation areas, public facilities outside the unit or spaces for heating equipment. Storage areas, whether inside or outside the unit, are calculated as a part of the minimum requirements.

3 The Planning and Zoning Commission shall determine which rooms in a dwelling unit shall be construed to be bedrooms.

05.05. Reserved

05.06. Two-Family, Apartments, and Multi-Family Dwellings

05.06.01.

Two-family dwellings may be erected provided the lot shall meet the following requirements:

Minimum Lot Area	174,240 Square Feet
Minimum Lot Width at Minimum Front Yard	250 Feet
Minimum Lot Depth	200 Feet
Minimum Lot Width at Minimum Lot Depth	200 Feet
Minimum Front Yard	60 Feet
Minimum Side Yard	30 Feet
Minimum Rear Yard	40 Feet

No such building shall exceed a height of 35 feet or 2 1/2 stories.

05.06.02.

Apartments and multi-family dwellings on parcels of 4 acres or larger may be permitted after meeting the following requirements and the issuance of a Special Exception in accordance with Section 13.05. of these regulations.

05.06.02.01.

Parcel size: Four (4) contiguous acres. 05.06.02.02. Location: Main Street Residential and Farm Residential Zones. 05.06.02.03. Yards and Coverage:

- (1) Minimum front yard - 50 feet or 2.5 times building height, whichever is greater.
- (2) All other yards - 40 feet or 2.5 times building height, whichever is greater.
- (3) Maximum height - 2 1/2 stories or 35 feet.

(4) Maximum building coverage – non-elderly 6%, elderly 12%

(5) Setback from watercourses - 50 feet

05.06.02.04.

Density: Maximum density shall be calculated on the basis of 1.5 bedroom multiplied by the adjusted area. Adjusted area calculations shall be in accordance with Appendix "B" of these regulations the purpose of which is to provide for the deletion of unbuildable land in computing the minimum allowed density.

05.06.02.05.

Floor Area: Minimum floor area shall be in accordance with Section 05.04.03. of these regulations.

05.06.02.06.

The term "unbuildable land" means land upon which public improvements such as roads are located, land which is subject to public or private easements preventing its use for a principal or accessory use allowed under these regulations, 100% of the land containing the soil designation "generally not suitable" as shown in Appendix "B" and 50% of the land containing the soil designation "significant limitations" as shown in Appendix "B".

05.06.03.

Dwelling for Elderly and/or Physically Handicapped Persons.

05.06.03.01.

Parcel size: Four (4) contiguous acres.

05.06.03.02.

Location: Main Street and Farm Residential zones.

05.06.03.03.

Yards and Coverage: Same as 05.06.02.03. (1) - (5).

05.06.03.04.

Density: Maximum density shall be calculated on the basis of 6.0 bedrooms multiplied by the adjusted area. Adjusted area calculations shall be in accordance with Appendix "B" of these regulations the purpose of which is to provide for the deletion of unbuildable land in computing the maximum allowed density.

05.06.03.05.

Floor Area: Minimum floor area shall be in accordance with Section 05.04.03. of these regulations for dwellings for elderly and/or physically handicapped persons.

05.07. Unregistered Vehicle:

One unregistered motor vehicle in good condition may be parked on a lot outside of a garage and such parking shall be restricted to the rear yard of such lot. "Good Condition" is defined as having fully inflated tires, all doors, including the hood and trunk, intact and with no broken or missing windows.

05.08. Construction Standards for Common Driveways:

All driveways shall have a maximum grade of 15% and constructed of a minimum of 8" of gravel. Driveways under 800' long shall be a minimum of 13 feet wide and shall have pull outs 12' X 30' every 200'. Driveways in excess of 800' shall be 16' wide. Driveways serving more than 4 lots shall be 18' wide. Driveways that exceed a grade of 10% shall be surfaced with a minimum of 2" of bituminous concrete. These are minimum standards and the Commission may require modifications depending on site or other conditions.

