



Town of Durham
Planning and Zoning Review
Planning and Zoning Commission

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Prepared by:

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Introduction

I was retained to provide a comprehensive review of the Durham Zoning Regulations and the Plan of Conservation and Development. The specifics of the scope of work are as follow:

Zoning Regulations:

- A read of the regulations (cover to cover) to gain and understanding of what is working and what may not be working.
- A review of the organization, layout, and format of the regulations.
- A review of key regulatory provisions:
 - Zones – Uses – Bulk & Area Requirements
 - Site Design Standards (parking, landscaping, signs, etc.)
 - Application Procedures and Requirements (zoning permits, site plan applications, & special exceptions)
 - Administration and Enforcement

Plan of Conservation and Development:

- A general review of the Plan of Conservation and Development to determine consistency between the Plan of C&D and the Zoning Regulations
- Finding and Recommendations
 - What is working and what is not.
 - Barriers to investment and economic development.
 - Specific recommendations for changes and improvements.

Deliverables:

- Report: A detailed narrative report explaining the review, findings, and recommendations.
- Draft Regulation: A draft regulatory update and rewrite of the zoning site development standards (parking, lighting, signage, landscaping, and similar provisions).

As part of this review, I conducted a 'kick-off' meeting with the Planning and Zoning Commission and received a tour of the town from the Town Planner. The following provide my findings, thoughts, and recommendations regarding land use planning and zoning in Durham.



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Observations and Characteristics

When conducting such a review of a community, I start the review by conducting a macro-level assessment of spatial, demographics, and socio-economics conditions and characteristics. In addition, I tour the community to assess the 'sign' and 'signals' (discussed below) that signify investment behaviors in the community. The following are some key spatial, demographic, and socio-economic characteristics of Durham:

- Located in south-central Connecticut and Middlesex County, Durham is a low-density and mostly rural community consisting of approximately 24 square miles of land area with a population of 7,350 persons, or 311 persons per square mile. Durham's workforce is approximately 4,200 and is home to approximately 2,200 jobs—nearly 25% of which are in manufacturing (CERC & U.S. Census).
- Centrally located, the community has good access to I-91 and Rte. 9. However, Durham does not have direct access to either highway. This lack of direct access and distance to the highway system creates a competitive-disadvantage for some businesses and economic development prospects. However, this lack of direct access and distance to the highway system also creates a competitive-advantage regarding the small-town and rural character of Durham—and maintaining the small-town and rural character.
- Durham, by socio-economic measures, is a wealthy community. Durham's median household income is approximately \$113,000 compared to the county (\$80,000) and the state (\$70,000). Median sales value of housing in Durham is \$345,000 compared to the county (\$285,000) and the state (\$270,000) (CERC & U.S. Census).
- Because of Durham's location (midway between Hartford and New Haven, outside of Middletown, and distance from the highway system), the community functions mostly as bed-room community to Middletown, New Haven, Wallingford, and Hartford—a low-density suburban community with rural character. The majority of Durham's workforce leave Durham for their employment.
- Durham's per capita taxes are 121% of the State average (high and the result of low commercial and industrial tax base). Per Capita indebtedness is 35% of the State average (very low). The equalized net Grand List Per Capita is 94% the State average (middle) (CERC). Durham's high per capita taxes are the result of only 5% for the Grand List coming from commercial and industrial properties (CERC).
- Durham's industrial zones are mostly in the western portion of town, nearest I-91, and along the Rte. 68 corridor. Durham's commercial zones are in the center of town and along the Rte. 17 corridor (Main Street).
- Durham's education spending increased from \$31,991,842 in 2011/12 to \$35,757,776 in 2015/16. From 2012/13 to 2016/17 school district enrollments have declined from 1,960 to 1,675—a loss of 285 students (State Department of Education). Per pupil spending increased \$16,322 in 2011/12 to \$21,377 in 2015/16. However, when adjusted



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for inflation and accounting for declining enrollments, approximately half of the per pupil increase can be attributed to the declining enrollments.

- The median age of Durham’s population has increased from 42 to 45 since 2010 and is well above the State median age of 40 (CERC & U.S. Census).
- As evidenced from past community outreach, the Plan of Conservation and Development, and discussions with the Planning and Zoning Commission, what the Durham community values most are Durham’s: small town character, rural ambiance, agriculture and farms, and historic charm (specifically, the historic district).
- Durham’s most predominant community image—what drives Durham’s brand outside of Durham—is the Durham Fair. Translated, the Durham Fair represents an image of agriculture, tradition, history, and small-town USA.

Understanding Place and Change

There is nothing out of the ordinary about these spatial, demographic, and socio-economic findings. Based on the location, wealth, and rural/small-town character of Durham, these conditions and findings are mostly what I anticipated and expected. That said, when combined with observation while touring the town, there are some characteristics (or possibly trends), what I typically refer to as *slow-moving variables of change*, that have caught my attention, raised some concern, and influenced my thoughts, findings, and recommendations. Before I specifically address these slow-moving variables of change, I want to explain my perspective and what I have learned and understand about communities, based on my experience working with a diverse range of communities. Specifically, I want to discuss and explain place, investment behaviors, and change.

Place (a town) and how we understand place, from my perspective, is made up of four qualities: Market, Capacity, Condition, and Image. The following table provides a summary of these four qualities of place.

Understanding Place

Market	Who and what is there?	Demographics, socio-economics, and businesses
Capacity	What capabilities and behaviors?	Governance, resources, investment, and abilities.
Condition	How things look and feel?	Clean, safe, aesthetically pleasing, pride, and vibrancy.
Image	What signals are being sent?	The vocabularies conveyed by properties and behaviors.

To better understand how places (and markets) compete, that is, how people, businesses, and investors behave and make investment decisions, we need to consider and understand choice, competition, confidence, and predictability. The following table provides a summary of these considerations of market—what the market wants regarding investment.



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Understanding Market Considerations

Choice:	Understanding that people (residents, businesses, and investors) make choices about where to buy, what to buy, when to invest, and how much to invest. For a property or market (a place) to compete, to attract investment, it must appeal to those making choices to invest. The greater the number of those who will choose to invest here, the greater demand that will be realized.
Competition:	Competition from other properties and markets (places). It is not enough for a property or market (a place) to be a good place to live, work, or play; it must be able to attract investment (time, energy, and money) even as its competitors continually change.
Confidence:	Investors (individuals, business, homeowners, and renters) need to feel confident in their investment, today and tomorrow. Therefore, property and markets (places) must convey a message and feeling of confidence. Unfortunately, older properties and markets (older places) often provide a confusing mixture of conditions that challenge investor confidence. Confidence is the currency that real estate markets trade in.
Predictability:	Investors want predictability. Predictability is the foundation that confidence is built on. If the market is not stable and future value is unpredictable, then confidence in market (place) and investment will not occur. A market is predictable when the existing and new investors notice and abide by the prevailing and improving norms—clean, safe, and aesthetically pleasing.

Choice, competition, confidence, and predictability provide context and understanding, a foundation to thinking critically about how communities (how places) compete for wealth and investment—the challenge of competing for wealth and investment. Metropolitan markets are complex adaptive systems, urban-economic ecosystems, that are constantly shifting and changing. Innovations and changes in technologies, transportation, work, family, social life, and consumer preferences impact how metropolitan regions (markets/places) are organized. Yesterday’s trendy neighborhood or community could be tomorrow’s neighborhood or community in decline. A prosperous industrial building from the not too distant past, today may be functionally obsolete. Complex adaptive systems (metropolitan regions and markets), function both spatially and temporally—understanding that neither space or time are constant.

To further understand the complexity of markets and place, we also needed to understand human behavior, specifically, the investment behaviors and the investment decision-making process of property owners, businesses, residents, and local government. As part of understanding investment behaviors, it is critical to understand the importance of the role that predictability and confidence, as discussed above, play. To understand how predictability and confidence factor into investment decisions. The following table explains investment behavior and investment decision-making process.



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Investment Decision-Making Process

<p>This is what people (residents, visitors, workforce), businesses, and investors like and want:</p>	<p>Any strategy (plan or program) for improvement should begin with understanding the investor’s decision-making process:</p> <ul style="list-style-type: none"> • Predictability. • From predictability they are willing in invest; that is, to take a calculated risk that their investment will be worthwhile and profitable (beneficial). • They determine the extent of how predictable a place is by reading certain ‘signs’ and ‘signals’. • The ‘signs’ are always right—whatever the ‘signs’ and ‘signals’ are. That’s a key insight. • Then they act.
<p>Important Investment Factors:</p>	<ul style="list-style-type: none"> • Once they find what ‘fits’ with their risk appetite, they invest not just their money but their time and energy, and more importantly • They then seek to protect those investments; that is, to maintain predictability • They will pay attention to ‘signs’ that those investment assumptions have changed—and change upsets predictability (and confidence). • Risk appetite and how risk is determined and managed is the key to understanding place (and settlement) • Neither use, form, density nor complexity impact predictability, however all these elements contribute to risk appetite, risk signal definition, and risk management. Therefore, ‘ingredients’ of place that reflect and reward what makes people ‘feel good’ attract investment.

The ‘signs’ and ‘signals’ that a market (a place/community) conveys are the qualities of a place and how we translate those qualities into an understanding of market conditions—predictability and confidence. A simple way to think about this is to ask, are the ‘signs’ and ‘signals’ of this place (your community) conveying a message of pride, confidence, predictability, and investment? Another way to think about this is to ask, what first impressions do negative conditions make? While everyone has different degrees of acceptable norms, tolerances, and risk-appetite for conditions they deem acceptable, the degrees of difference in mainstream society (a middle-class population) are small in the context of place. Most of society wants and seeks out places that are clean, safe, and aesthetically pleasing. We want and seek out places where properties are well maintained, social norms are respected, and people feel confident in the future.

To strategically intervene in a market with the aim of (re)positioning a community to compete for wealth and investment, we must work within the context of what are the Levers of Change. The levers of change—image, market, conditions, connections, and capacity—provide a framework to influence change and create improvement. The levers of change allow us to intentionally target strategies, policies, and investments in a way that arrest decline, leverage assets, build from strengths, and move the market toward improvement. The following table provides a summary of the levers of change.



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Levers of Change

Image	Sending what 'signals': Image is the 'signs' and 'signals' a place sends. They can be positive or negative. Every property is a billboard for image—every property conveys a message. The 'signs' and 'signals' inform us about predictability and confidence.
Market	Who is there, what is there, and at what value: Who and what is there explains the market for a given place at that moment in time. We can read market through image and the 'signs' and 'signals'. For example, who is there in terms of income (value), ethnicity, and educational attainment? We can read market through socio-economic and demographic analysis and through observation. Property value informs us of strength of market (and place), of predictability and confidence.
Condition	The way things look and feel to us and to others: Condition is the quality of product on display. This is not simply the aesthetics of a place, but also the quality of product investment. Is the place well maintained? Clean? Free of litter and graffiti. Are the sidewalks clean? Streets free of pot holes? Are homes and commercial buildings well maintained? Is there pride in place?
Connections	The connectivity of place: How people and businesses connect the place—sense of place. How people and businesses connect to one another in the space or place. How the space (neighborhood or town center) or place is connected to other spaces or places—its site, situation, and transportation connections.
Capacity	With what capabilities and capacities: Capacity is the formal and informal governance structure (capabilities and capacities) that manages market (the place). Capabilities may be organizations, government, or regulations. Capacities may be budgets, competencies, relationships, management, practices, or leadership. How do these capabilities and capacities inform us about a community's ability to manage change, implementation, and improvement?

Summary

My reason for providing this lengthy (my apologies) discussion, is that there are conditions—the 'signs' and 'signals'—in many areas of the community, including the commercial, industrial, and the Main Street residential area of Durham that concern me. 'Signs' and 'signals' that inform me that something is not working. That predictability and confidence may be weak or being undermined. Specifically, these are signs and signals of what I call slow-moving variables of change. In the context of Durham, what concerns me are conditions (the evidence) of stagnation, disinvestment, and the lack of any meaningful or substantial commercial, industrial, and residential (older properties) investment during the past 10 to 20 years. In addition, this limited investment and/or deferred maintenance mirrors some of the demographic, and socio-economic conditions, and trends in Durham (discussed above). For example, I call your attention to Durham's aging population, declining school enrollments, and low public debt.



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Industrial Commercial Areas

The fact is, the industrial zones and industrial developments are mostly older developments and buildings, constructed at a specific point in time and designed to meet the specific needs and wants of industry at that time—market demand of that period. Today, many of these industrial buildings and developments are looking a bit old and outdated. For example, from a functionality perspective, the buildings have low ceiling heights by today's standards. That said, occupancy is strong with few vacancies—which is a good sign for overall market demand and *may* indicate further market potential or pent up demand. In addition, there are a handful of undeveloped industrial lots, lots that could be generating new and greater tax revenues (discussed below).

The same can be said of the commercial zones, commercial development, and the Main Street residential area—they are conveying similar 'signs' and 'signals' of stagnation and disinvestment—specifically, deferred maintenance. In fact, it appears there has been little new commercial development in recent times along the Rte. 17 corridor. Many of the properties and buildings are looking dated, tired, and under-maintained.

Main Street Residential Area

Similar observations are also evident of public spaces and properties along the Main Street. For example, the older narrow sidewalks and deferred sidewalk maintenance along Rte. 17—including the historic district. Most notable, the two publicly-owned historic buildings/homes on either side of the volunteer fire department facility highlight significant and specific concerns of disinvestment, deferred maintenance, and real possibility of demolition by neglect. The same is true of the Grange Building. In addition, many of the properties in the historic district are also showing signs of deferred maintenance—indicative of a lack of investment. (Please note, I do recognize the well-maintained properties and limited new investment, but that is the disinvestment and mixed-message that are the focus of my concern.)

Mixed Signs and Signals

These mixed signs and signals cause me to question and to ask, what is the cause of this disinvestment and deferred maintenance? Why are such conditions evident in what is mostly a wealthy and prosperous community? Based on experience and what I have learned about Durham, it is my opinion that community apprehension regarding the threat of change and the threat of development are a key driver in this stagnation and disinvestment. Specifically, that efforts to stop or slow change, to stop or limit new development (as a means of fending off the threat of change), have resulted in stagnation. That meaningful new investment has all but stopped flowing. That time, market, and opportunity have been passing by Durham. I recognize that this may sound harsh, but I further recognize that it must be said. In addition, I believe it can only be said by an outsider, someone who is outside the everyday of Durham. The fact is, it is often hard to notice slow-variables of change, when we are in the middle of them or a part of



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them every day. Slow-variables of change hide in plain sight as the way things are—they become and are the new norms.

Having said what I have said above, Durham must recognize that change is inevitable—for better or worse. That it is not possible to intentionally freeze a community in time. This is not to say a community must sacrifice its history or allow all and any development. Nor is it a statement aimed at abandoning or undermining the rural and historic character of Durham, especially the historic district along Main Street. Confronting Durham to confront (even embrace) the inevitability of change is aimed at the need to understand that communities (place) do not remain the same forever, nor should they. That the forces of change (including investment and development) need to be continuously at work, upgrading, improving, and to a degree, modernizing a community. In this regard, the challenge or problem to solve is not, *how do we stop or slow change?* The challenge or problem to solve is, *how do we manage change, protect our past, and ensure the community gets the development it want?*

Recommendations

Based on my review of the Zoning Regulations, the Plan of Conservation and Development, and touring Durham, what I have learned about Durham, and what I have discussed above, I do not think that drastic changes are needed for Durham to create positive change and improvement. Nor do I think it would be difficult to make modest changes to the Zoning Regulations that would better (re)position Durham to attract investment, while ensuring that new investment (development and redevelopment) was the kind of development that Durham wants and could embrace. Therefore, the following are my recommendations for improvement—strategies to (re)position Durham to compete for investment through modification to the Zoning Regulations.

Plan of Conservation and Development (POCD): It is evident that the Commission has various perspectives as to the adequacy of the POCD. Having reviewed the POCD, I find it to be detailed and comprehensive—covering all the typical topics typically addressed in a POCD.

I recommend the Commission considering reviewing the goals and recommendations contained in the POCD. As part of this review, the Commission should prioritize the goals and recommendations with the aim of creating an action agenda, identifying 3 to 5 items at a time that are easy to implement, and continuously work at implementation.

Industrial Zones: The industrial zones are areas already designated for and occupied by industrial and other commercial uses. These zones should be a focus of attention regarding economic development. These zones are the areas of the community that provided the greatest opportunity to increase businesses, jobs, and tax base. More



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important, these zones have potential that can be leveraged and realized, without expanding the industrial zones, changing their character, or impacting neighboring areas. Therefore, I recommend that the Commission consider the following changes to the Industrial zones:

- Combine the Light and Heavy Industrial Zones into one ‘Industrial’ Zone. Industry has changed since these zones were created. The noxious and detrimental uses most associated with the heavy industrial zone are far less common and create far fewer threats. In addition, the industrial zones pose little to no threat to residential properties and neighborhoods. Therefore, simplification can be achieved by combining the zones. In addition, greater flexibility can be achieved by modifications to the bulk and area requirements to govern the new ‘industrial’ zone. Together, simplification and flexibility, would be a positive step to encourage investment—expansion of existing buildings and the possible development of the few remaining vacant sites. Specifically, the Commission should consider:
 - Review the uses allowed in each zone against the existing uses within the zones. Remove the most troublesome—intense—uses when creating the new consolidated zone.
 - Update and modernize the uses allowed and consider allowing more ‘commercial’ oriented uses.
 - Utilize the 1-acre minimum lot size from the Light Industrial zone and the remaining bulk and area requirements from the Heavy Industrial zone to create the new bulk and area requirements for the new ‘Industrial’ zone. My reason for this is that the bulk and area requirements in the existing Heavy Industrial zone are more forgiving and flexible than in the Light Industrial zone. By utilizing these requirements, the regulations will provide greater flexibility and potential for new investment and (re)development.

Commercial Zones: The C-1 zone runs along the northern end of Main Street and the C-2 is located mostly on the east-side of the southern end of Main Street. Between the C-1 and the C-2 zones is the Main Street Residential (MR) zone, which overlaps with the historic district. Route 17 (the Main Street corridor) is the most logical location for community scale commercial development—recognizing the challenges and concerns posed by the historic district.

The C-1, the northern area of Main Street, along with the Light Industrial zone behind (west) the C-1, is the area best positioned for commercial development and new investment. The C-2 zone also has potential for development and investment. Specifically, the Commission should consider:



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- Creating and utilizing floating and/or overlay zone approach. The floating/overlay could be designed to allow greater flexibility (possibly use and/or density) for the kind and density of development allowed. In addition, the floating/overlay zones could be designed to provide the Commission with greater protections to ensure the proposed development is what the community wants—this could be achieved through a combined zone change and master plan process. In short, the Commission would provide the property owner and applicant with greater flexibility in return for higher quality design, including site design. The approach would allow any property in the C-1, C-2, and Light Industrial zones to apply for the overlay zone through the submission of a master plan. If the Commission were comfortable and satisfied with the master plan, the overlay zone would be approved, and the applicant would proceed to site plan approval.
- If applied to the Light Industrial zone, the floating/overlay zone, could provide specific provisions that would allow more commercial oriented uses, including mixed-use development, on that site.
- The residential area along the east side of Main Street, just north of the C-1 zone, could also be considered for the application of the floating/overlay zone.
 - Particularly, the area at the north end of Rte. 17 could accommodate drive-thru windows, by way of an overlay zone. Permitting drive-thru windows (with appropriate regulatory safeguards) would create opportunity for new commercial activity and add to the quality of life for Durham’s residents.
- **Main Street Residential (RM) Zone:** The Main Street Residential (MR) zone, which overlaps with the historic district, mostly appears to serve its purpose. However, some of my concerns regarding under-investment and deferred maintenance include the RM zone and the historic district. While I do not and would not recommend any drastic changes in this area, I think it would be worthwhile for the Planning and Zoning Commission and the Historic District Commission to conduct a joint review of the zoning and historic district regulations to identify provisions that may be barriers to investment. The aim should be to identify barriers and opportunities to adjust the provisions to minimize barriers, while maintaining the historic and residential integrity of the area, while encouraging investment.
- **Agricultural Areas:** The economics of farming, especially in Connecticut, are challenging to say the least. This is the very reason it is so challenging to preserve and protect farms—the pressure to sell and develop are great, especially when a farmer is seeking to retire. Recognizing the economic



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challenges of farms, many communities have started to allow non-farm, but related, activities to occur on farms. Specifically, those uses that benefit from the rural- and agricultural-aesthetic, or that are similar to agricultural production. I recommend the Commission consider allowing accessory uses, such as wedding facilities (catered events) and breweries and vineyards with tasting rooms, as a means of providing greater economic opportunities for farms and maintaining the agricultural character of Durham. Allowing such uses can go a long way to improve the economics of a farm, and to increase tourism (economic activity) in the community.

Zoning Regulations – Review and Specific Remarks & Recommendations

The following are my review and remarks regarding the Durham Zoning Regulations. The recently revised Zoning Regulations are a big improvement over the previous regulations. In general, the new Regulations are mostly well organized and more user friendly than the previous version of the Zoning Regulations. That said, some modifications, reorganization, and formatting could improve the Regulations and the user experience. Therefore, the Commission may wish to consider following changes to Zoning Regulations:

- **Section 1.0 Preamble**, rename as ‘Purpose and Authority’
 - Throughout this section (and the Regulations), titles should be provided for specific sections. For example, Section 01.01 ‘Authority’, Section 01.01.01 ‘Purpose’, Section 04.07 ‘Wood-burning Furnaces’ and so on.
- **Section 2.0 Definitions**, rename as ‘Interpretation’
 - Add a section before the definitions that explains the interpretation of terms (Sample Section provided in Appendix).
 - Eliminating the numbering for each definition and remove the letters/place-holders for unused letters.
- **Section 3.0 Zones**
 - Section 03.01 Zones, renamed as ‘Zoning Districts’.
 - Eliminated the section numbering for 03.01.01. Renumber as needed.
- **Section 4.0 General Requirements**
 - Add subsection titles as discussed above in Section 1.0.
- **Section 5.0 Residential Zones**
 - Consider adding a purpose statement for each zone, Farm Residential and Main Street Residential Zones. Such a statement would provide context and the intent of the zone.



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- **Tables:** Consider organizing the tables about categories of uses by consolidating uses into use groups (i.e. Residential Uses, Commercial Uses, Institutional & Civic Uses, Agricultural Uses). This would make for a more user-friendly organization. Some specific possible adjustments in wording:
 - Change ‘Dwellings’ to ‘Dwellings, single family’.
 - Replace ‘Church’ with ‘Religious Institution’.
 - May want to simply call ‘Offices’ ‘Home Occupations’.
 - How are ‘Community Centers’ and ‘Schools, public’ different from Town of Durham uses?
 - May want to remove community centers and schools, public.
 - How is an ‘Agricultural operation’ different from a ‘Farm’.
- **Height:** Consider regulating height by feet only, not feet and stories (as is the case in the commercial zones).
 - Stories create confusion and often conflict with height.
 - Height is constant and will dictate the number of stories possible based on the building code.
- **Minimum Living Space Requirement (05.04):** Consider removing the minimum living space requirement.
 - The building code regulates minimums.
- **Lot Size:** Why such large lot size for Two-Family dwellings? Consider reducing the lot size.
- **Building Coverage (05.06.02.01):** The allowed building coverage may be low.
 - Let discuss coverage and number of units and density.
- **Section 6.0 Commercial Zones**
 - **Purpose:** Consider adding a purpose statement for the commercial zones.
 - **Uses:** Consider reducing the reliance on Special Permits and allowing more uses via site plan.
 - Consider consolidating uses into use groups (i.e. Residential Uses, Commercial Uses, Institutional & Civic Uses, Agricultural Uses).
 - Consider use categories (i.e. Retail, Personal Service, Professional Service, Office, Manufacturing, Warehousing, etc.) rather than individual uses. Keep individual uses that you want to regulate via special permit.
 - **Uses, Specific Remarks**
 - ‘ALL’ uses in Residential Zones?
 - Why ‘Bus and Taxi Service’ and ‘Bus Stations’ as a use?



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- #4, 12, 13 outdated.
- Why can't a 'Carpenter Shop' have more than 3-employees?
- Food Processing? Explain, what is this?
- Glass and Mirror Fabrication? Explain, what is this?
- #20, explain?
- Do you want 'Motel' or 'Hotels'? Motel is outdated.
- Why no entertainment in a 'Café'?
- **Lot Coverage (06.02):** Based on the footnote, why not simply change the coverage to 60%?
 - Section 06.02 *, you may want to replace the 50-foot buffer to residential zones with a flexible and contextual buffer requirement.
 - Application Provisions: May want to consider moving the application provisions (Section 06.03) to an Administration Section.
 - Same with the site design requirements (i.e. architecture, landscaping, etc.).
- **Appropriateness of Location or Use (06.03.01):** These provisions are excessive.
 - Such provisions should be reserved for and contained only in the requirements for special permit/exception.
 - That fact is, through the adoption of zoning (bulk, area, and uses) and the zoning map (zone), the Commission has deemed all locations within a given zone 'appropriate' for such uses. Special Permit is how to deal with uses that may not be appropriate in all locations.
 - Excessive and subjective criteria. Such subjective criteria undermine predictability and confidence and can be barriers to investment.
- **06.12 Accessory Dwellings.**
 - A). Why minimum size? The percent of total dwelling requirement regulates the size.
 - C). Commercial uses can have accessory dwelling units?
 - F). Excessive language. Simply state, 'changes in use that impact and increase flow for subsurface sewage disposal system shall be designed in accordance with the public health code and shall be approved by Town Sanitarian.
 - G). Consider removing the time-period requirements on such permits.
- **Section 7.0 Industrial Zones**
 - **Purpose:** Consider adding a purpose statement for the Heavy and Light Industry zones.
 - **Uses:**



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- Consider reducing the reliance on Special Permit/Exceptions.
- Consider consolidating uses into use groups (i.e. Residential Uses, Commercial Uses, Institutional & Civic Uses, Agricultural Uses, Industrial, Manufacturing).
- Consider use categories (i.e. Retail, Personal Service, Professional Service, Office, Manufacturing, Warehousing, etc.) rather than individual uses.
- **Lot Coverage 07.02:** Lot coverage is low for light industrial.
 - Consider increasing lot coverage
- **Height:** LI zone, the 40-foot height may be low by modern requirements.
 - Consider 50 feet?
- **Landscape Buffer 07.02 *:** Consider replacing the 50-foot buffer to residential zones with a flexible and contextual buffer requirement (See appendix).
- **Design Development Zone**
 - Why limit to industrial parks?
 - Why the 10-acre minimum parcel size? Zone size is 30-acres. Lot size is 2-acres. Conflicting and possibly excessive.
 - Plan requirements could/should be moved to an application or administrations section.
 - Permitted uses, why not a use table?
- **Section 8.0 Agricultural Zones**
 - No remarks.
- **Section 9.0 Non-Conforming Uses**
 - Section 09.05.03 Excessive and arbitrary. Does not seem to relate to non-conforming changes in use.
- **Section 10.0 Parking and Loading Space**
 - Outdated uses names. Should be updated, modernized, and match the permitted uses.
 - Two-spaces per dwelling unit is excessive for multi-family. Recommend 1.25 or 1.50 per unit.
 - Hospitals, I recommend 1.5 spaces per bed.
 - Medical offices. I recommend 1.0 spaces per 250 square feet.
 - Office. I recommend 1.00 spaces per 275 square feet.
 - Restaurants. 1.00 per 75 square feet.
 - Retail. 1.00 per 250 square feet.



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- Gasoline. 1.00 space per 300 square feet.
- Parking Area Buffer (10.03). This section could be moved to a Site Development Standards section and renamed Parking Lot Design and Landscaping.
- **Section 11.0 Signs and Outdoor Advertising.**
 - I don't have any specific recommended changes for the sign regulations.
 - That said, because of a recent Supreme Court case regarding content neutrality, the sign regulations appear to have provisions that most likely violate the constitutional requirements of content neutrality.
- **Section 12.0 Special Regulations**
 - (12.01.04), why the separation distance?
 - **Cell Towers:** With siting council control, I would recommend reducing this to a much smaller provision.
 - **Ridgelines:** Are your ridges trap rock ridges?
 - **Exterior lighting (12.12):** should be moved to a site design standards section.
- **Section 13.0 Enforcement**
 - May want to change section title to Administration and Enforcement.
 - 13.01.01. Consider stating that the Commission has enforcement powers and delegates such authority to the ZEO.
 - 13.03.06. Consider simply citing CGS rather than spelling out the timelines.
 - Consider adopting a standard set of special exception criteria rather than the specific standards by use in 13.05.05.
 - Many of the standards are redundant with the provisions already stated within the respective sections of the Zoning Regulations.
- **Section 15.0 Board of Appeals**
 - **Use Variances:** Consider prohibiting all use variances (15.02).