

**Town of Durham  
Land Use Ordinance**

As Adopted at Town Meeting  
April 6, 2024

*Proposed Revisions  
For Town Meeting  
April 5, 2025*

***PART 1 – DRAFT AMENDMENTS TO  
THE RESOURCE PROTECTION  
DISTRICT TO MATCH THE LATEST  
STATE DATA & GIVE RELIEF FOR  
BUILDINGS IN THE RP DISTRICT  
(Article 2 & The Official Zoning Map)***

NOTE: Proposed changes are indicated with ~~strikethrough~~ text indicating language to be deleted and underlined text indicating language to be inserted. Explanatory notes are in ***(bold italic text enclosed by parentheses)***.

## ARTICLE 2: ESTABLISHMENT OF DISTRICTS

### Section 2.1. ZONING MAP

### Section 2.2. ZONING DISTRICTS

### Section 2.3. DISTRICT BOUNDARIES

#### A. Division of Lots by District Boundaries

#### B. District Boundaries are defined as follows:

1. **Rural Residential & Agricultural District** is defined as that area not in the Resource Protection District as shown on the Official Zoning Map.
2. **Resource Protection District** boundaries shall be those designated on the Official Zoning Map of the Town for Resource Protection as meeting the following Comprehensive Plan criteria:
  - a. 100-year floodplains as determined by the most recent FEMA flood mapping study;
  - b. Areas subject to State mandatory shoreland zoning with the exception of areas designated as Limited Residential Shoreland Zoning (LRSZ);
  - c. Land within one hundred (100') feet of a perennial stream designated on the Zoning Map;
  - d. Land within a forested or emergent wetland that extends for an area of ten (10) or more acres as determined by Primary Map 1, Water Resources & Riparian Habitats, Durham produced by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat program (January 2018) and designated on the Zoning Map;
  - e. Land within two hundred and fifty (250') of an emergent wetland designated by the Maine Department of Inland Fisheries and Wildlife as being of moderate to high value for waterfowl and wading bird habitat and designated on the Zoning Map; and/or,
  - f. Land designated as having multiple natural resources as determined by Supplementary Map Natural Resource Co-occurrence, Durham (January ~~2018~~ 2024) with a rating of six (6) or more attribute values and designated on the Zoning Map.
  - g. Detailed Resource Protection District boundary adjustments for buildings located in Resource Protection to allow for building expansions:
    - (1) Floodplains – For buildings located in FEMA-mapped floodplains outside areas subject to mandatory shoreland zoning, the boundary of Resource Protection is one hundred (100 ft) feet from a building constructed on or before April 1, 2023. Proposed building expansions must meet flood management standards of Article 11.
    - (2) Forested Wetlands Ten (10) Acres or Larger – For buildings located in mapped forested wetland areas of ten (10) or more acres outside areas subject to mandatory shoreland zoning, the boundary of Resource Protection

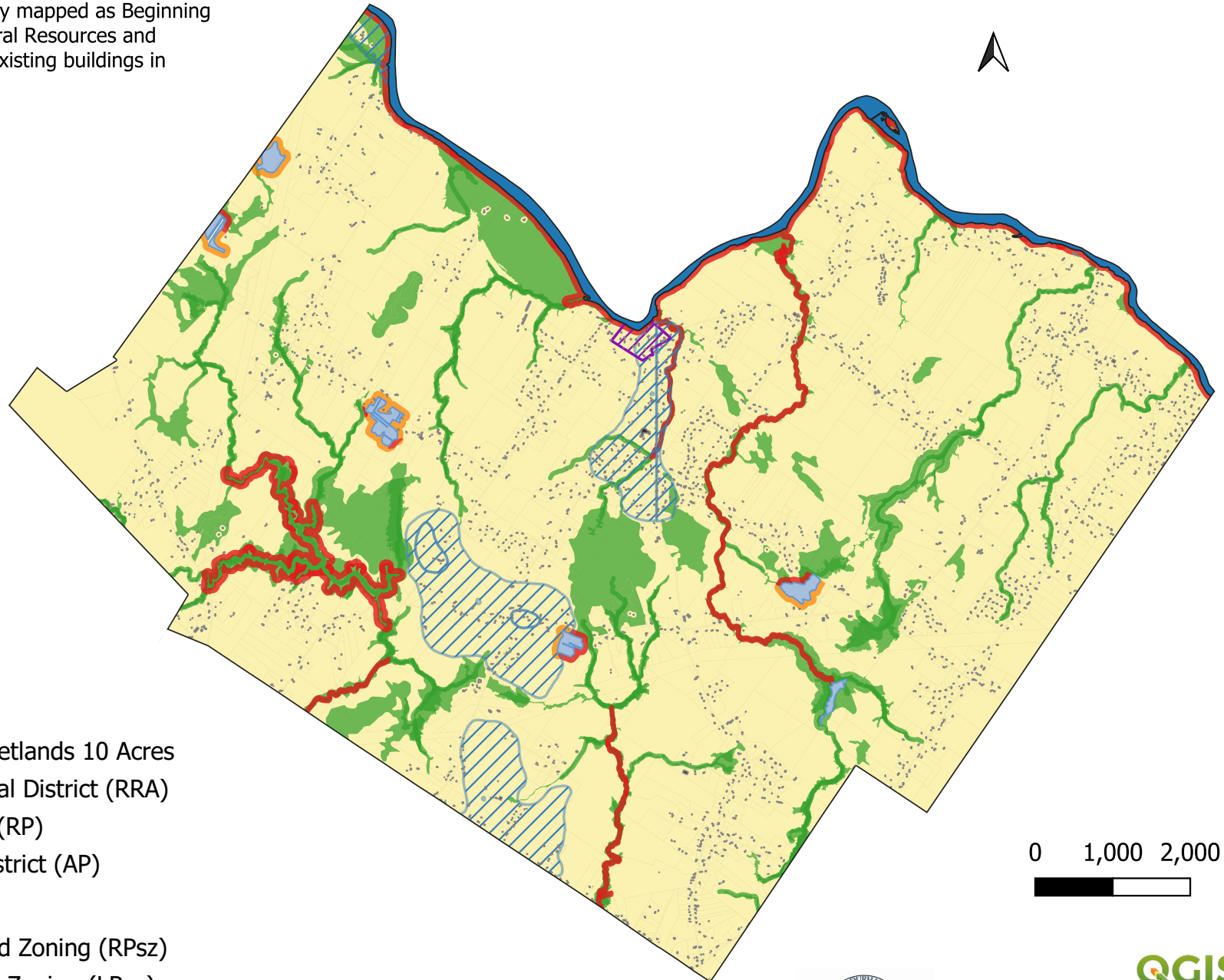
is one hundred (100 ft) feet from a building constructed on or before April 1, 2023. Proposed building expansions must meet State requirements for wetland alterations.

- (3) Stream Buffers – For buildings located within one hundred (100 ft) feet of a perennial stream outside areas subject to mandatory shoreland zoning, the boundary of Resource Protection is the current stream setback distance of a building constructed on or before April 1, 2023. Proposed building expansions shall go no closer to the stream than the existing building.
- (4) Waterfowl/Wading Bird Habitat Buffers – For buildings located within two-hundred and fifty (250 ft) feet of an emergent wetland of ten (10) or more acres outside areas subject to mandatory shoreland zoning and designated by the Maine Department of Inland Fisheries & Wildlife as having moderate or high value for waterfowl and wading birds, the boundary of Resource Protection is the current setback distance of a building constructed on or before April 1, 2023 from the protected resource. Proposed building expansions shall go no closer to the emergent wetland than the existing building.
- (5) Detailed adjustments to the Resource Protection District boundaries shall be shown on the Zoning Map.

***Note: The Town of Durham expanded the boundaries of the Resource Protection District in April of 2023 to reflect new natural resources data provided by the Maine Department of Inland Fisheries and Wildlife. That data has since been updated and the boundary will be adjusted to remove large areas previously mapped as having 6 or more co-occurrence of natural resource values. The boundary will also be adjusted to provide relief to landowners with buildings located in Resource Protection to allow expansions without the need to go before the Board of Appeals or Planning Board due to nonconformity related to being in the Resource Protection District.***

# DRAFT ZONING MAP 2025 - PART 1

Amendments to remove areas previously mapped as Beginning with Habitat 6+ Co-Occurrence of Natural Resources and establish development buffers around existing buildings in Resource Protection



## MAP LEGEND

-  Durham Ponds & Rivers
  -  NWI Freshwater Emergent Wetlands 10 Acres
  -  Rural Residential & Agricultural District (RRA)
  -  Durham Resource Protection (RP)
  -  Aquifer Protection Overlay District (AP)
- Durham Shoreland Zoning**
-  Resource Protection Shoreland Zoning (RPsZ)
  -  Limited Residential Shoreland Zoning (LRsz)

