

## 10.814 Accessory Dwelling Units

### 10.814.10 Purpose and Eligibility

10.814.11 The purpose of this section is to provide for additional **dwelling units** within single-family neighborhoods in order to: increase the supply of smaller, more affordable housing units with less need for more municipal infrastructure or further land development; contribute to local housing needs; and provide opportunities for adapted reuse of existing **accessory structures**. The standards in this section are intended to integrate more housing options into the community with minimal impact on the surrounding neighborhood.

10.814.12 Only one **accessory dwelling unit (ADU)** shall be allowed on any **lot** containing a **single-family dwelling**. An **accessory dwelling unit** shall not be allowed under this Section 10.814 on a **lot** that contains more than one **dwelling unit**.

10.814.13 Except as provided elsewhere in this Section 10.814, in order for a **lot** to be eligible for an **accessory dwelling unit**, the **lot** and all proposed **structures** and additions to existing **structures** shall conform to all zoning regulations as follows:

10.814.131 Any municipal regulation applicable to **single-family dwellings** shall also apply to the combination of a **principal dwelling unit** and an **accessory dwelling unit**. However, an **accessory dwelling unit** shall be allowed without additional requirements for **lot area**, **lot area** per dwelling unit, or frontage beyond those required for a **single-family dwelling** without an ADU in the same zoning district.

10.814.132 An **attached accessory dwelling unit** is permitted on existing **nonconforming lots** and within an existing **nonconforming building** provided no increased or new nonconformity is created.

10.814.133 Newly constructed **detached accessory dwelling units** shall be governed by the provisions of this Ordinance and the **side** and **rear yard** requirements for the applicable zoning or Character District.

10.814.14 Notwithstanding all of the above provisions, an **accessory building** existing on the effective date of this ordinance may be converted to a **detached accessory dwelling unit** as provided in this Ordinance.

**10.814.20 Standards for All Accessory Dwelling Units**

All **accessory dwelling units** shall comply with the following standards:

- 10.814.21 The **principal dwelling unit** and the **accessory dwelling unit** shall not be separated in ownership (including by condominium ownership).
- 10.814.22 Either the **principal dwelling unit** or the **accessory dwelling unit** shall be occupied by the owner’s principal place of residence. The owner shall provide documentation demonstrating compliance with this provision to the satisfaction of the City.
  - 10.814.221 When the property is owned by an entity, one of the **dwelling units** shall be the principal place of residence of one or more principals of that entity, such as a member or beneficiary.
- 10.814.23 **Accessory dwelling units** shall not have more than two bedrooms.
- 10.814.24 Neither the **principal dwelling unit** nor the **accessory dwelling unit** shall be used for any business, except that the property owner may have a **home occupation** use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.
- 10.814.25 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- 10.814.26 1 **off-street parking** space shall be provided for an **ADU** in addition to the spaces that are required for the principal **single-family dwelling**.

**10.814.30 Additional Standards for Attached Accessory Dwelling Units**

The following standards are intended to ensure proportionality and aesthetic continuity between the **AADU** and the principal **dwelling unit**.

An **attached accessory dwelling unit (AADU)** shall comply with the following additional standards:

- 10.814.31 An interior door shall be provided between the **principal dwelling unit** and the **AADU**.
- 10.814.32 The **AADU** shall not be larger than 750 sq. ft.in **gross living area (GLA)**. For the purpose of this provision, the **gross living area** of the **AADU** shall not include storage space, shared entries, or other spaces not exclusive to the **AADU**.
- 10.814.33 The **AADU** shall be subordinate to the principal **dwelling unit** in scale, height and appearance, as follows:

- 10.814.331 If there are two or more doors in the front of the principal **dwelling unit**, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.
- 10.814.332 An addition to or expansion of an existing **building** for the purpose of creating an **AADU** shall be recessed or projected at least 18 inches from the existing front wall of the principal **dwelling unit**. Where the addition includes the construction of an attached, street-facing garage, it shall be set back at least 10 feet from the front wall of the principal **dwelling unit**.
- 10.814.333 The **building height** of any addition or expansion that includes an increase in **building footprint** shall be no greater than 75% of the height of the existing **building**. In the case of a single-story **building**, an addition or expansion may include either an additional story to the existing **building** or a single-story addition at the same height as the existing **building**.

**10.814.40 Additional Standards for Detached Accessory Dwelling Units**

The following standards are intended to ensure proportionality and aesthetic continuity between the DADU and the principal dwelling unit.

A **detached accessory dwelling unit (DADU)** shall comply with the following additional standards:

- 10.814.41 The **DADU** shall not be larger than 750 sq. ft. in **gross living area**.
- 10.814.411 A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard** requirements shall not exceed 750 sq. ft. in **gross living area**.
- 10.814.42 A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard** requirements shall comply with the following additional requirements:
  - 10.815.421 The existing **accessory building** shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.; except that the Planning Board may grant a conditional use permit to allow the **gross living area** of the **accessory building** to be expanded up to a total of 600 sq. ft. as provided in this Ordinance.

- 10.815.422 A **DADU** that is within a required **side yard** or **rear yard** setback for the zoning district shall not have any windows, balconies, or doors higher than eight feet above grade facing adjacent property.
- 10.814.43 The **DADU** shall be subordinate to the principal **single-family dwelling** in scale, height and appearance as follows:
- 10.814.431 The front wall of a **DADU** that is not created within an existing **accessory building** shall be **set back** at least 10 feet further from the **front lot line** than the existing front wall of the principal **dwelling unit**.
- 10.814.432 The **building height** of the **building** containing the **DADU** shall be no greater than 22 feet.
- 10.814.433 When the **building** containing the **DADU** is taller than the **principal building**, its required setback from all property lines shall be increased by the difference in **building height** between the **DADU** and the **principal building**.
- 10.814.434 The **building footprint** of the **building** containing the **DADU** shall be no greater than 750 sq. ft.
- 10.814.435 The **gross floor area** of the **building** containing the **DADU** shall be no greater than 1,600 sq. ft. **gross floor area** or 75 percent of the **gross floor area** of the principal **dwelling unit**, whichever is less.
- 10.814.436 The **DADU** may include roof dormers provided they are located outside the required setbacks from all property lines and occupy no greater than 33% of any individual roof plane.
- 10.814.437 The **DADU** shall comply with the drainage requirements of this Ordinance.
- 10.814.438 The **DADU** shall comply with the lighting requirements of this Ordinance.
- 10.814.44 A newly constructed **DADU** shall be separated no less than 5 feet from the **principal structure** or as required by the Building Code, whichever is greater.

#### **10.814.50 Architectural Design Standards**

Where the creation of an **accessory dwelling unit** involves the construction of a new **building** or an addition to or expansion of an existing **building**, the exterior design shall be architecturally consistent with or similar in appearance to the **principal building** using the following design standards:

- 10.814.51 The new **building**, addition or expansion shall be architecturally consistent with or similar in appearance to the existing **principal building** with respect to the following elements:
- Massing, including the shape and form of the **building footprint**, roof or any projecting elements;
  - Architectural style, design, and overall character;
  - Roof forms, slopes, and projections;
  - Siding material, texture, and profile;
  - Window spacing, shapes, proportions, style and general detailing;
  - Door style, material and general detailing;
  - Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements;
  - Exposed foundation materials and profiles.
- 10.814.52 If provided, the following elements shall be architecturally consistent with or similar in appearance to the corresponding elements on the **principal building** in terms of proportions, materials, style and details:
- Projections such as dormers, porticos, bays, porches and door canopies;
  - Chimneys, balconies, railings, gutters, shutters and other similar design elements.
- 10.814.53 If provided, all street-facing garage doors shall be limited to 9 feet in width.

#### **10.814.60 Review and Approval Process**

- 10.814.61 When Section 10.440 indicates that an **attached** or **detached ADU** is permitted by administrative approval (“AP”), the following shall apply:
- 10.814.611 For a period of at least 30 days following the date of application to the City, the applicant shall post a notice, in the form of a sign provided by the city, that describes the proposed **ADU** application subject to the following:
- (1) Such sign(s) shall be located on the perimeter of the **lot** where it can easily be viewed and readable from all abutting public ways.
  - (2) The applicant shall also provide the sign notice information to the City. The City shall send notice by certified mail to all owners of any property located within 100 feet of the **lot**.
- 10.814.612 Any person may submit written comments on the **ADU** application. In order to be considered by the Planning Director, such comments shall be submitted to the Planning Director within the 30-day notice period, which begins on the date the certified mailing is sent by the City.

- 10.814.613 The determination as to whether the **ADU** complies with all requirements shall be made as an Administrative Approval by the Planning Director. The Planning Director may approve, deny, or request additional information from the applicant. The Planning Director may refer the application to the Planning Board for a conditional use permit, if appropriate.
- 10.814.614 The Planning Director shall not approve an application for an **ADU** until the conclusion of the 30-day notice period.
- 10.814.62 When Section 10.440 requires a conditional use permit for an **attached** or **detached ADU**, the Planning Board shall make the following findings before granting approval:
- 10.814.621 The **ADU** complies with all applicable standards of this Section 10.814 or as may be modified by the conditional use permit.
- 10.814.622 The exterior design of the **ADU** is architecturally consistent with or similar in appearance to the existing **principal dwelling** on the lot.
- 10.814.623 The site plan provides adequate and appropriate **open space** and landscaping for both the **ADU** and the principal **dwelling unit** and complies with the **off-street parking** requirements of Section 10.814.26.
- 10.814.624 The **ADU** will maintain a compatible relationship with the character of **adjacent** and neighborhood properties in terms of location, design, and **off-street parking** layout, and will not significantly reduce the privacy of **adjacent** properties.
- 10.814.63 In granting a conditional use permit for an **accessory dwelling unit**, the Planning Board may modify a specific standard set forth in Sections 10.814.26 and 10.814.30 through 10.814.50 (except the size and height of any **ADU**), including requiring additional or reconfigured **off-street parking** spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.62.

#### **10.814.70 Post-Approval Requirements**

- 10.814.71 Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal **dwelling unit** or the **accessory dwelling unit** will be occupied by the owner of the **dwelling** as the owner's principal place of residence, as required by Section 10.814.22.

10.814.72 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.

10.814.73 The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.

10.815 [Reserved]

Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts <sup>1</sup>

	<b>R</b>	<b>SRA</b>	<b>SRB</b>	<b>GRA</b>	<b>GRB</b>	<b>GRC</b>	<b>GA/MH</b>	<b>MRO</b>	<b>MRB</b>
Minimum <b>Lot</b> Dimensions									
<b>Lot area</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	5 acres	7,500 sf	7,500 sf
<b>Lot area per dwelling unit</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	10,000 sf	7,500 sf	7,500 sf
Continuous <b>street frontage</b>	NA	150'	100'	100'	80'	70'	N/A	100'	100'
Depth	NA	200'	100'	70'	60'	50'	N/A	80'	80'
Minimum <b>Yard</b> Dimensions									
Front	50'	30'	30' <sup>2</sup>	15'	5'	5'	30' <sup>2,4</sup>	5'	5' <sup>2</sup>
Side	20'	20'	10'	10'	10'	10'	25'	10'	10'
Rear	40'	40'	30'	20'	25'	20'	25'	15'	15'
Maximum <b>Structure</b> Dimensions									
<b>Structure height</b>									
<b>Sloped roof</b>	35'	35'	35'	35'	35'	35' <sup>3</sup>	35' <sup>3,4</sup>	40'	40'
<b>Flat roof</b>	35'	30'	30'	30'	30'	30'	35' <sup>3,4</sup>	30'	30'
<b>Roof appurtenance</b> height	8'	8'	8'	8'	8'	8'	8'	10'	10'
<b>Building coverage</b>	5%	10%	20%	25%	30%	35%	20% <sup>4</sup>	40%	40%
Minimum <b>open space</b>	75%	50%	40%	30%	25%	20%	50%	25%	25%

NA = Not Applicable NR = No Requirement

Notes:

1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.
2. See Section 10.533 for special front **yard** requirements on Lafayette Road.
3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum **structure** height in order to provide for **multifamily dwellings** that include vehicular parking spaces located within the residential **building** itself, if the additional height results in increased **open space** when compared to a site plan showing what **open spaces** would remain if required parking spaces were located in the open and in **accessory structures**.
4. See Section 10.816 for requirements within a **manufactured housing park**.