

2017 Zoning Amendment Article #3

Replace Section IV-14 (Inlaw/Accessory Apartments) with the following:

Accessory Dwelling Units (ADU)

Public Hearing held on December 5, 2016

IV-14.0 Purpose

This section concerns the permitting and use of Accessory Dwelling Units (ADU). This provision is adopted as an innovative land use control under RSA 674:21 and the Planning Board is vested with sole authority to administer it and to grant conditional use permits for ADUs.

IV-14.1 Definition

Accessory Dwelling Unit (ADU) means a residential living unit that is within or attached to a single-family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the primary dwelling unit (PDU) it accompanies.

IV-14.2 Conditional Use Permit Requirements

A. Approval

ADUs must receive a conditional use permit from the Planning Board before construction or use. Applications for a conditional use permit shall be subject to the same procedures as site plan review. The Planning Board may grant a conditional use permit for an ADU provided that the Planning Board finds all of the following criteria are met:

1. Location

ADUs are only allowed in Residential Zone A and Recreational Zone B.

2. Lot Size

The lot with an ADU must meet the full lot size requirements for the residential zone in which the lot is located as given by II-1 (Soil Based Lot Size).

3. Septic

The septic system for a lot with an ADU must be of sufficient size to handle all bedrooms in the primary and accessory dwelling units and comply with RSA 485-A:38. This fact must be verified by a State of New Hampshire licensed septic designer and approved by the Hampstead Building Department. The system must be installed prior to the issuance of an occupancy permit.

4. Well/Water Source

The lot must have an adequate well/water source to serve the combined needs of the PDU and ADU. The lot may have off-site public-use water supply, or have an on-site well that is tested regularly for NH state environmental requirements.

5. Structure and Use

- a. The ADU is contained within or will be an addition to an existing or proposed single family dwelling.
- b. The ADU shall be less than 50% of the square area of the PDU and shall be incidental and subordinate to the PDU.
- c. The ADU must be designed such that the appearance of the structure remains that of a single-family dwelling.
- d. The primary and accessory units shall be connected by an interior door.
- e. Only one Accessory Dwelling Unit is permitted per lot.
- f. No more than two bedrooms are permitted in the Accessory Dwelling Unit.
- g. Occupancy in the ADU is limited to the use of two people per bedroom unless the septic system is designed and installed to accommodate more occupants per bedroom.
- h. The owner of the lot must occupy either the PDU or the ADU as the owner's primary place of residence. The owner must provide evidence that the lot is the owner's principal place of residence.
- i. Any lot with an ADU must have sufficient off-street parking to meet the combined needs of the PDU and ADU.
- j. The PDU, ADU, and lot shall be owned by the same person.

IV-14.3 Detached Accessory Dwelling Units

Detached Accessory Units are not allowed. A detached unit includes but is not limited to a connection from one structure with an ADU to another structure with the PDU by a breezeway.

IV-14:4 Certification

Any owner who applies to build an accessory dwelling unit in either an existing single-family home or proposed single-family home must sign a certification that the owner will occupy either the PDU or ADU as the owner's principal place of residence. When a lot with an existing approved ADU or in-law apartment is sold or conveyed to a new owner, the new owner must sign the same certification. The signed certification shall be recorded at the owner's expense in the Rockingham County Registry of Deeds. The certification for a lot with an existing approved ADU or in-law apartment shall be filed in the Rockingham County Registry of Deeds at the time title is transferred and a failure to do so will invalidate the previous approval.

IV-14:5 Restrictions

The PDU, ADU, or lot cannot be converted to a condominium or any other form of legal ownership distinct from the ownership of the single family dwelling.