

## **Proposed Zoning Ordinance Changes for Planning Board meeting November 7<sup>th</sup>**

Updated from meeting 10/17/16

### 207.2 Accessory Dwelling Units

#### 207.2 1 Purpose and Definition

For the purpose of providing expanded housing opportunities and flexibility in household arrangements, accessory dwelling units as described by RSA: 674:71-73 and further described below, shall be permitted by a conditional use permit granted by the Planning Board or their designee in any district in conformance with these regulations.

Accessory Dwelling Unit (ADU): a secondary dwelling unit within or attached to and subordinate to the permitted principal dwelling unit in accordance with the provisions of this section.

Detached Accessory Dwelling Units are not permitted under this regulation

#### 207.2 2 Standards

New construction for an accessory dwelling unit shall comply with all the development standards for a single family detached dwelling including, but not limited to, setbacks, height limits and lot coverage and shall not increase any nonconforming aspect of any existing structure unless otherwise addressed by this section. Existing non-conforming structures must comply with current codes and regulations at the time the ADU conditional use permit is applied for.

#### 207.2 3 Requirements/Limitations

a. Accessory dwelling units are intended to be secondary and accessory to a principal single-family dwelling unit. In granting a conditional use permit, the Board or its designee must find that the secondary dwelling unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single family residence. Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot. The accessory dwelling unit shall be designated by a unique address issued by the Town.

b. There shall be no exterior alterations, enlargements, or extensions of the structure which alter its character or appearance as a single -family residence. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

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c. An attached accessory dwelling unit shall not be considered to be a two-family unit and all regulations for single family units apply except as allowed by these ADU regulations.

d. An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet measured by the outside dimension of the exterior wall or the interior dimension of a common wall. An attached accessory dwelling unit shall occupy no more than 30% of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.

e. An attached accessory dwelling unit shall be designed to allow for re-incorporation into the principal dwelling unit. Internal access to the principal dwelling unit shall be maintained or constructed. The accessory dwelling unit and the principal dwelling unit must share internal heated living space through a common wall.

f. The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Chesterfield septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Chesterfield septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.

g. Adequate off-street parking shall be provided.

h. There shall be no more than two bedrooms in an ADU

### 207.2 4 Existing nonconforming accessory dwelling units

To be considered a nonconforming use, an accessory dwelling unit must have either;

a. Been constructed or installed prior to March 10, 1987, or

b. Have otherwise been legally granted a building permit or certificate of occupancy between the year 1987 and the date of passage of the accessory dwelling unit amendment.

### 207.2 5 Existing illegal accessory dwelling units

Accessory dwelling units constructed after March 10, 1987 and before March 2017, which do not have either a building permit or certificate of occupancy, shall apply to the code enforcement officer for a determination of compliance with section 207.2. 2. Applications shall be accompanied by the filing fee, plans and other documentation requested by the code enforcement officer to enable him/her to evaluate compliance with section 207.2 2. The code enforcement officer shall issue one of the following:

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- a. A determination of compliance with 207.2 2 and a certificate of occupancy;
- b. A conditional determination of compliance with 207.2 2 and a description of the corrective changes needed to bring the accessory dwelling unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the code enforcement officer shall issue a certificate of occupancy; or
- c. A determination of non-compliance with one or more of the requirements of 207.2 2, together with a listing of those requirements and conditions for which compliance cannot be achieved through corrective changes.

### 207.2 6 Failure to comply

If an owner fails to comply with the requirements of this section, the use of the accessory dwelling unit shall be terminated within 6 months of the date of notice from the building inspector. The owner shall be subject to penalty under RSA 676:17 for each day the accessory dwelling unit fails to comply with the requirements of this section after notice.

### 207.2 7 Owner Occupied

The principal dwelling unit or the Accessory dwelling unit shall be owner occupied. If the property owner cannot comply with this provision due to hardship such as but not limited to, job relocation or medical/family emergency; the owner may apply to the Zoning Board of Adjustment for a Special Exception. Such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief granted be greater than two years.

### 207.2 8 Maximum occupancy

The ADU may be occupied by a maximum of two (2) persons per bedroom.