



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department

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REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Heather Shank, City Planner
DATE: March 20, 2017
SUBJECT: Ordinance Amending the CODE OF ORDINANCES, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Article 28-5, Supplemental Standards, Article 28-9, Administration and Enforcement, and Glossary

Recommendation

Recommend that City Council amend the Zoning Ordinance as follows: amend Article 28-2, Zoning Districts and Allowable Uses, by adding “Accessory Dwelling Units” (ADUs) as an allowed use; amend Article 28-5, Supplemental Standards, by adding standards for Accessory Dwelling Units; amend Article 28-9, Administration and Enforcement, to require Architectural Design Review for certain ADU applications, and amend the Glossary to define ADUs.

Background

In March of 2016, Senate Bill 146 was passed requiring municipalities to allow internal or attached Accessory Dwelling Units (ADUs) in all zoning districts where single-family dwellings are permitted. Senate Bill 146 has been codified under RSA 674:71, RSA 674:72 and RSA 674:73. An ADU is defined by the law as 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. RSA 674:71.

New Hampshire’s Office of Energy and Planning states that the law was enacted to:

- Provide more diverse affordable housing opportunities;
- Allow adult children to provide living arrangements for aging parents;
- Provide living space for caregivers of elderly and disabled citizens;
- Increase the supply of affordable housing without more infrastructure or land development;
- Provide income for aging homeowners, single parents, college graduates with high student debt, caregivers and disabled persons;
- Integrate affordable housing into the community with minimal negative impact; and

- Provide elderly citizens with the opportunity to live in a supportive family environment with independence and dignity.

RSA 674:72 allows ADUs to be regulated by right, by conditional use permit, or by special exception. It also allows municipalities to adopt design standards to regulate the appearance of ADUs, to require owner occupancy of either the ADU or primary unit, to limit the maximum square footage of ADUs to 750 sf, to limit the number of bedrooms to two or greater, and to require a connecting door between units. Staff has incorporated all of these elements into the proposed ordinance.

Please note, the law does not permit increased lot size, frontage or setback requirements for a single family home with an ADU. Further the municipality may not require separate sewer or water systems for a single family home with an ADU. Single family homes with ADUs must be subject to the same dimensional and utility standards as conventional single family homes.

Discussion

In accordance with RSA 674:71 and RSA 674:72, Staff proposes that ADUs be permitted by Special Exception, and that Design Review be required for new construction of a single family home with an ADU, or for any exterior modification of an existing single-family home for an ADU.

Analysis of Impacts

The changes will allow any single family home owner to add an ADU within an existing home, construct an addition to allow an ADU of no more than 750 sf, or construct a new home that includes an ADU. The change may increase the density of existing neighborhoods.

Summary

A proposed ordinance must go into effect by June 1, 2017; otherwise the minimum requirement of the applicable statutes will govern, permitting ADUs by right in all districts where single family dwellings are permitted.

Staff will present the proposed Ordinance to the Planning Board at the April 19, 2017 meeting for review and comment, along with Site Plan Regulation amendments pertaining to Design Review criteria for ADUs.

A draft ordinance that implements the proposed amendment is attached.