



CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Matthew R. Walsh, Deputy City Manager - Development

DATE: August 21, 2025

SUBJECT: Ordinance amending the CODE OF ORDINANCES, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses, Use #13, Accessory Dwelling Unit; Article 28-5, Supplemental Standards, Section 28-5-52 Single-Family Detached Dwellings with One (1) Accessory Dwelling Unit (ADU); Article 28-9, Administration and Enforcement, Section 28-9-4 Decisions by the Planning Board, Section 28-9-4(f), Architectural Design Review; and Glossary

Recommendation

Accept this report and set the attached ordinance amending the Code of Ordinances, Chapter 28, Zoning Ordinance for public hearing on October 14, 2025.

Background

Accessory dwelling units (ADUs) are currently allowed with special exception approval as an accessory use to single-family detached dwellings in all residential zoning districts in the City. Specific standards for ADUs are set forth in Section 28-5-52 of the Zoning Ordinance.

In 2025, the Legislature approved House Bill 577 which modified multiple state statutes pertaining to zoning and land use regulations for ADUs. The bill has been signed into law, and took effect on July 1, 2025. As such, it is necessary to update the Zoning Ordinance to be consistent with the newly-adopted state statute.

Additionally, revisions to the City's ADU ordinance were also undertaken as part of the City's ongoing efforts pertaining to interim zoning amendments. Coincidentally, the Legislature's adoption of HB 577 occurred simultaneously with the City's efforts to update the ADU ordinance.

Discussion

The attached proposed ordinance updates various provisions of the Zoning Ordinance pertaining to ADUs. In accordance with the requirements of HB 577, as well as input received from the City's Economic Development Advisory Committee, Architectural Design Review Committee, and Planning Board, the attached proposed ordinance:

- Revises the definition of accessory dwelling units to match the state statute;
- Adds definitions for attached and detached accessory dwelling units as defined by state statute;
- As required by state statute, allows attached or detached accessory dwelling units by right as an accessory use to single-family detached dwelling units in all zoning districts where single-family units are permitted;
- Prohibits the use of manufactured housing as accessory dwelling units;
- Limits the quantity of accessory dwelling units to one per lot;
- Stipulates that the single-family detached dwelling shall be the only principal use on the lot;
- Provides that an accessory dwelling unit may be established on a lot where a single-family detached dwelling already exists, or may be constructed simultaneously with the single-family detached dwelling;
- Prohibits condominium subdivisions in which the accessory dwelling unit is a separate condominium unit from the single-family detached dwelling;
- For attached ADUs, provides that either an independent means of ingress and egress or ingress and egress through a common space shared with the principal dwelling is required per State Law;
- Establishes that water and sewer services, as well as electrical services and panels, shall be in accordance with RSA 674:72;
- Recognizing that the intent of ADUs is to provide the opportunity to develop a housing unit which is accessory and subservient to the principal single-family detached dwelling, the attached ordinance permits ADUs to be up to 950 square feet, with a provision to increase to 1,250 or 50% of the floor area of the principal dwelling, whichever is less;
- Establishes off-street parking requirements in the amount of one parking space per unit per state law;
- Provides for conversion of existing structures to ADUs regardless of dimensional requirements;
- Requires separate addresses and mail receptacles; and,
- In accordance with state law, removes the architectural design review requirements for single-family detached dwellings with accessory dwelling units.

The proposed ordinance was reviewed by the Planning Board on August 20, 2025. During its review, the Board voted to unanimously to modify the original draft ordinance to eliminate provisions that required that either the principal dwelling or the ADU be occupied by the owner. The intention of the owner-occupancy provision was to discourage investors from acquiring single-family detached dwellings to operate as rental properties. By eliminating this provision, the principal dwelling and ADU may be used rental units simultaneously.