

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance, by amending the Glossary as follows:

Accessory Dwelling Unit (ADU). A residential living unit that is located on a lot containing a single-family detached dwelling 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 principal dwelling unit it accompanies. Accessory dwelling units may be constructed at the same time as the principal dwelling unit. [A residential living unit that is within or attached to a single-family detached 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 principal dwelling unit it accompanies. A single-family detached dwelling with an ADU shall constitute two (2) dwelling units as defined in this Zoning Ordinance.]

Attached accessory dwelling unit. A unit that is within or physically connected to the principal dwelling unit, or completely contained within a pre-existing detached structure.

Detached accessory dwelling unit. A unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a pre-existing detached structure.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance, by amending Article 28-2, Zoning Districts and Allowable Uses, by amending Section 28-2-4(k), Table of Accessory Uses, Use # 13, Accessory Dwelling Unit, as follows:

TABLE OF ACCESSORY USES

BASE DISTRICTS																				DEVELOPMENT DESIGN and SUPPLEMENTAL STANDARDS
		Residential						Commercial				Performance					Other			
	ACCESSORY USES	open space	medium density	single family	neighborhood	down- town	high density	neighborhood	general	urban	hwy	central business	gateway	opportunity corridor	office park	civic	institutional	industrial	urban transit	
Use #	Use Category and Description	RO	RM	RS	RN	RD	RH	CN	CG	CU	CH	CB P	GWP	OC P	OF P	CV P	IS	IN	UT	
A	ACCESSORY TO A PRINCIPAL RESIDENTIAL USE																			
13	Accessory Dwelling Unit	SE P	SE P	SE P	SE P	SE P	SE P	SE P								SE P	SE P		SE P	Section 28-5-52

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-5, Supplemental Standards, by amending Section 28-5-52 Single-Family Detached Dwellings with One (1) Accessory Dwelling Unit (ADU) as follows:

28-5-52. Accessory Dwelling Units (ADUs). ~~[Single-Family Detached Dwellings with One (1) Accessory Dwelling Unit (ADU).]~~

- (a) Purpose. The purpose of this section is to regulate the development of accessory dwelling units (ADUs) by providing reasonable opportunities to develop ADUs as an accessory use to single-family detached dwellings to expand the housing supply while protecting the community's character, public health, and safety. Unless otherwise required by RSA 674:72 or RSA 674:73, the standards set forth herein shall govern ADUs.*
- (b) Accessory Dwelling Units, which may be either attached or detached, shall be allowed as a matter of right in all zoning districts that permit single-family detached dwellings by right as set forth in Section 28-2-4(k) of this ordinance. ADUs may only be established as an accessory use to a single-family detached dwelling. Manufactured housing shall not be used as ADUs.*
- (c) An ADU shall not be permitted on a lot where more than one principal single-family detached dwelling exists.*
- (d) No more than one ADU may be established as an accessory use to a single-family detached dwelling. The single-family detached dwelling shall be the only principal use on the lot.*
- (e) An ADU may only be established on a lot where a single-family detached dwelling already exists, or the single-family detached dwelling will otherwise be constructed simultaneously with the ADU.*
- (f) Condominium subdivisions in which the ADU is a separate condominium unit from the single-family detached dwelling are expressly prohibited. The principal single-family detached dwelling, ADU, and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family detached dwelling.*
- (g) Attached ADUs shall have either an independent means of ingress and egress or ingress and egress through a common space shared with the principal dwelling.*
- (h) Utilities: Water and sewer services, as well as electrical services and panels, for ADUs shall be in accordance with RSA 674:72.*
- (i) The owner of the property where the ADU is located shall either occupy the principal single-family detached dwelling or the ADU as their principal place of residence.*
- (j) There is no minimum floor area requirement for an ADU. The maximum floor area for an ADU shall be no more than 950 square feet; however, the maximum floor area of an ADU may be increased so that it is either up to 50% of the floor area of the principal single-family detached dwelling or 1,250 square feet (whichever is less).*

- (k) *A minimum of one parking space shall be provided for the principal single-family detached dwelling unit and one parking space shall be provided for the ADU. The parking space for the ADU may be located at a legally dedicated off-site location in accordance with Section 28-7-11(a) of this ordinance.*
- (l) *ADUs may be converted from existing structures, regardless of whether such structures violate dimensional requirements for setbacks or lot coverage, or height, provided the conversion of the structure does not further increase any existing nonconformities pertaining to setbacks, lot coverage, or height.*
- (m) *The principal single-family detached dwelling and the ADU shall each have a separate and distinct address and mail receptacle.*

~~[28-5-52. Single-Family Detached Dwellings with One (1) Accessory Dwelling Unit (ADU).~~

- ~~(a) *Purpose.* The purpose of this section is to regulate the development of single family detached dwellings to accommodate the addition of no more than one accessory dwelling unit (ADU) through conversion of existing single family detached dwellings, expansion of existing single family detached dwellings and new construction of single family detached dwellings not located in a cluster development.~~
- ~~(b) In accordance with this Zoning Ordinance, any existing single family detached dwelling and attached accessory structures may be converted, or expanded to include no more than one ADU.~~
- ~~(c) In accordance with this Zoning Ordinance, a new single family detached dwelling may be constructed with no more than one ADU.~~
- ~~(d) The maximum gross floor area of an ADU shall not be greater than seven hundred fifty (750) square feet and the minimum shall not be less than six hundred (600) square feet.~~
- ~~(e) An ADU shall have no more than two (2) bedrooms.~~
- ~~(f) In all zoning districts, ADUs developed in accordance with this zoning ordinance, shall have a common wall between the single family detached dwelling and the ADU, and a minimum of one interior door connecting habitable living space of the dwelling units.~~
- ~~(g) *Minimum Lot Size.* For the conversion or construction of a single family detached dwelling with an ADU, the building shall be located on a lot which meets the requirement for the minimum lot size, as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this Zoning Ordinance, for the district in which the lot is located.~~
- ~~(h) *Other Dimensional Requirements.* The development of a single family detached dwelling with an ADU under this Zoning Ordinance shall comply with all other minimum dimensional requirements, including frontage, yards, lot coverage, and building height, as specified in Section 28-4-1(h), Table of Dimensional Regulations, of this Zoning Ordinance, for the district in which the lot is located. Where an existing building is nonconforming with respect to one or more of the minimum yard requirements, the expansion or conversion may occur provided that there is no increase in the extent of nonconformity.~~

- ~~(i) *Development Design Guidelines.* Any development of a single-family detached dwelling with an ADU requiring a building permit for exterior modifications shall be subject to Development Design Guidelines and Review in accordance with Section 28-9-4(f), Architectural Design Review, of this ordinance.~~
- ~~(j) *Ownership and Occupancy.* The owner of a single-family detached dwelling with an ADU shall provide documentation showing that either the single-family detached dwelling or the ADU is his or her principal place of residence. "Principal Place of Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes. Concord officials may require documentation of showing that either the single-family detached dwelling or the ADU is the property owner's principal place of residence once every three (3) years or whenever ownership of the single-family detached dwelling changes.~~
- ~~(k) An ADU may only be occupied as a principal place of residence in accordance with this Zoning Ordinance.~~
- ~~(l) A single-family detached dwelling with an ADU shall not be converted to a condominium form of ownership.~~
- ~~(m) *Parking.* All single-family detached dwellings with an ADU must provide a minimum of two (2) parking spaces plus one additional space for each bedroom within the ADU.~~
- ~~(n) *Address and Mail.* All single-family detached dwellings with an ADU shall have a separate and distinct address and mail receptacle.~~
- ~~(Ord. No. 2979, § III, 5-8-17)]~~

SECTION IV: Amend the CODE OF ORDINANCES, Title IV, Zoning Codes; Chapter 28, Zoning Ordinance by amending Article 28-9, Administration and Enforcement, by amending Article 28-9-4 Decisions by the Planning Board, Section 28-9-4(f), Architectural Design Review, as follows:

(f) *Architectural Design Review.*

- (1) *Requirement for Approval.* Applications for the following projects and permits shall require Architectural Design Review by the Planning Board:
 - a. All projects requiring major site plan review pursuant to Section 28-9-4(d), Site Plan Review, of this ordinance;
 - b. Manufactured housing parks, which are subject to the granting of a conditional use permit and a subdivision approval pursuant to Section 28-4-6, Manufactured Housing Parks, of this ordinance;
 - c. Cluster developments, which are subject to a subdivision approval pursuant to Section 28-4-7, Cluster Development, of this ordinance;

- d. Sign permit applications where required in Section 28-6-9, Requirement for Architectural Design Review, of this ordinance; and
- e. Building permit applications for any exterior alterations within the Performance Districts.
- ~~[f. Building permit applications for new construction of single family detached dwellings with an ADU, or for any exterior modifications of existing single-family detached dwellings with an ADU.]~~

SECTION V: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in [~~struck through.~~]
New items are shown in ***bold italic*** font