



CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

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City Planner

TO: Planning Board Members
FROM: Heather Shank, City Planner
DATE: April 17, 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

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. 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. According to the NH Office of Energy and Planning, the law is intended to meet the need 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.

The law 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

Staff has met multiple times over the past several months to determine the most appropriate strategy to implement the new law. In accordance with RSAs 674:71 through 674:73, 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.

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.

Please note that Staff has already placed this item on the City Council agenda to ensure that an ordinance can be adopted at the May Council hearing prior to the default RSA requirements going into effect on June 1st. The Planning Board hearing will still occur in advance of the City Council hearing, and staff will share the Board’s recommendations with Council.

A draft ordinance is attached.