

CITY OF CONCORD

In the year of our Lord two thousand and seventeen

AN 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

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-2, Zoning Districts Established, Section 28-2-2(b), Purposes of the Established Districts, as follows:

- (b) *Purposes of the Established Districts.* The Base Districts are established for the purposes so stated hereinafter. A statement of purpose for each Overlay District is included in Article 28-3, Overlay Districts, of this Ordinance.
 - (1) The Open Space Residential (RO) District is established to accommodate single-family ***detached*** dwellings ***and cluster developments*** at densities not exceeding one-half (1/2) of a dwelling unit per acre [~~in cluster developments~~], ***and single-family detached dwellings with one (1) accessory dwelling unit (ADU) at densities no greater than one (1) dwelling unit per acre***, as well as agricultural, forestry, and low impact outdoor recreational uses outside of the Urban Growth Boundary adjacent to environmentally sensitive areas and where municipal utilities are generally not present or anticipated. (3/12/07)
 - (2) The Medium Density Residential (RM) District is established to accommodate single-family ***detached dwellings, single-family detached dwellings with one (1) accessory dwelling unit (ADU)***, two-family dwellings, cluster developments, and planned unit developments at densities of between one (***1***) and five (5) dwelling units per acre, and housing for the elderly at densities not exceeding fourteen (14) dwelling units per acre, in areas within the Urban Growth Boundary where municipal utilities are present or anticipated, with the lowest density corresponding to the absence of utilities and the greater densities corresponding to full municipal utility service.
 - (3) The Single-Family Residential (RS) District is established to encompass those areas of the City that have been substantially developed under prior provisions of the Zoning Ordinance as standard or cluster subdivisions of

single-family [~~homes~~] ***detached dwellings*** at densities of one and one-half (1 ½) to four and one-half (4 ½) ***dwelling*** units per acre, and to accommodate single-family ***detached*** dwellings and cluster developments at densities not exceeding three and one-half (3 ½) ***dwelling*** units per acre, and housing for the elderly at densities not exceeding six (6) ***dwelling*** units per acre, in areas with full municipal utility services.

SECTION II: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4, Allowable Principal and Accessory Uses in Zoning Districts, Paragraph K, Table of Accessory Uses, Section A, Accessory to a Principal Residential Use, by adding one new Accessory to a Residential Use, Use A-13, “Accessory Dwelling Unit”, as a use permitted by Special Exception (SE) in the following districts, and subject to the Supplemental standards of Article 28-5- 52:

Residential Open Space (RO)
Residential Medium Density (RM)
Residential Single Family (RS)
Residential Neighborhood (RN)
Residential Downtown (RD)
Residential High Density (RH)
Neighborhood Commercial (CN)
Civic Performance (CVP)
Institutional (IS)
Urban Transitional (UT)

SECTION III: Amend the CODE OF ORDINANCES, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-5, Supplemental Standards, by adding a new section 28-5-52, Single-Family Detached Dwellings with one (1) Accessory Dwelling Unit (ADU), as follows:

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 (1) 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 (1) ADU.***

- (c) *In accordance with this Zoning Ordinance, a new single-family detached dwelling may be constructed with no more than one (1) 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 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 (1) 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 non-conforming 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 non-conformity.*
- (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 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 (1) 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.*

SECTION IV: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Article 28-9, Administration and Enforcement, Section 28-9-4(f), Architectural Design Review, by adding item (1)f. as follows:

- 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: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Glossary, by adding Accessory Dwelling Unit (ADU) to the definitions of “Dwellings” and relettering the remaining paragraphs as follows:

Dwelling.

- (a) Accessory Dwelling Unit (ADU). 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 dwelling units as defined in this Zoning Ordinance.*
- ~~(a)~~(b) Attached Dwelling. A building containing two (2) or more dwelling units, each unit having direct access to the ground outside, and arranged such that units are separated on one or more sides by vertical party walls, and such that no unit is located over another unit.*
- ~~(b)~~(c) Congregate Dwelling. A multifamily dwelling for the elderly, developed and maintained in compliance with RSA 354-A:15, Housing for Older Persons, in which common dining facilities and certain personal services such as housekeeping, laundry, medical, or nursing services, are provided to residents.*

~~[(e)]~~(d) *Multifamily Dwelling.* A building containing three (3) or more dwelling units, and wherein units may be located on more than one floor.

~~[(d)]~~(e) *Multifamily Dwelling for the Elderly.* A multi-family dwelling that is developed and maintained in compliance with RSA 354-A:15, Housing for Older Persons.

~~[(e)]~~(f) *Single-family Detached Dwelling.* A building, other than a manufactured home, designed or intended as a residence exclusively for one family, and separated from any other building, except accessory buildings, by side and rear yards.

~~[(f)]~~(g) *Two-family Dwelling.* A detached building, or a pair of attached dwelling units, designed or intended for residential use for exclusive occupancy by two (2) families.

SECTION VI: Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance, Glossary, by adding the following:

Habitable Space. *A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, garages, storage or utility spaces and similar areas are not considered habitable spaces.*

SECTION VII: This Ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in ***bold italics***.

Matter removed from the current ordinance appears in [brackets and ~~struck through~~].