



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning and Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

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Date: February 14, 2017

To: Chairman Anthony Sapienza
Committee of Administration and Information Systems

From: Michael Landry, PE, Esq. *MJL*
Deputy Director – Building Regulations

Subject: Proposed Amendments to the Zoning Ordinance – Accessory Dwelling Units

Amendments to the Zoning Ordinance are attached for your consideration.

The proposed amendments to the Zoning Ordinance are in response to changes in state statutes governing accessory dwelling units (ADUs) that become effective June 1, 2017. Upon its effective date, RSA 674:72 prohibits municipalities from: 1) requiring occupants of an ADU to be related to the occupants of the principal dwelling; 2) restricting the size of an ADU to less than 750 SF; 3) limiting an ADU to only one bedroom; and 4) restricting occupants of an ADU to a certain age. Manchester's Zoning Ordinance currently contains regulations that will be prohibited by State law once RSA 674:72 becomes effective June 1, 2017.

The proposed amendments are required to comply with the pending State law. It is important that the amendments are adopted prior to June 1, 2017 so that the Manchester Zoning Ordinance does not become ineffective in regulating accessory dwelling units.

I, or a representative, will be available at your meeting to answer any questions.

Thank you for your consideration of this request.

City of Manchester New Hampshire

In the year Two Thousand and *Sixteen*

AN ORDINANCE

“An Ordinance amending the Zoning Ordinance Chapter 151 of the City of Manchester Code of Ordinances required to comply with new State law, RSA 674:71 to 73, which becomes effective June 1, 2017.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amending the Zoning Ordinance, Chapter 151 of the City of Manchester Code of Ordinances as follows:

Note: New text shown *bold and italicized*. Text to be deleted is shown ~~struck through~~.

Add new definition in Article 3:

Dwelling Unit, Accessory: 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 on the same parcel of land as the principal dwelling unit it accompanies.

Revise Article 3 definition of Single Family Dwelling.

Dwelling, Single Family: A detached building used exclusively for occupancy by 1 family, and which may contain an accessory dwelling unit that conforms to this Ordinance.

Revise Section 8.26 as follows.

8.26 Residential Accessory Dwelling Unit

Residential ~~a~~Accessory dwelling units (*ADU*) are intended to provide *more diverse, affordable housing opportunities to the community without the need for additional infrastructure or further land development.* ~~for families to provide affordable housing alternatives for elder relatives in small independent living units located within existing single family detached dwellings, and~~ ***Since ADUs are accessory to single-family dwellings in residential zoning districts, it is essential*** to maintain the appearance, *aesthetic continuity* and character of such dwellings. Therefore, residential accessory dwelling units shall be subject to the following conditions and limitations to occupancy.

- A. ***One per home.*** Not more than 1 accessory dwelling unit shall be permitted, and only within a single family ~~owner-occupied~~ detached residence or its attached garage, except those portions ~~of the garage~~ ***required necessary*** to provide adequate ***required*** off-street parking for the uses.
- B. ***Owner Occupied. Either the principal unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is the owner's principal place of residence. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted.***

City of Manchester New Hampshire

In the year Two Thousand and Sixteen

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- ~~B. Related occupant age 62+. Occupancy of the accessory unit shall be limited to no more than 2 persons, at least one of whom shall be age 62 or older and related to the owner(s)-occupants of the property;~~
- C. Two One Bedroom Maximum. Only *No more than 2 +* bedrooms shall be permitted within the *an* accessory dwelling unit, and the ~~apartment~~ *accessory dwelling unit* shall not exceed ~~750~~ 650 square feet in gross floor area.
- D. Parking. Sufficient off-street parking in compliance with this Ordinance shall be maintained; *One additional off-street parking space shall be provided for each bedroom of an accessory dwelling unit.*
- E. Adequate wastewater disposal. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- F. Design and construction. At least 1 connecting door for persons to pass between the primary residence and the accessory dwelling unit shall be provided. No new entrance or exit to the accessory dwelling unit shall be constructed on the street side of the primary residence. Exterior design and construction shall be consistent with that of the primary residence.
- G. Conditional Use Permit Required. *As authorized by RSA 674:21(1), a conditional use permit from the Planning Board, in accordance with Article 12, shall be required to allow an accessory dwelling unit. In addition to the criteria set forth in Article 12 for a conditional use permit, the Planning Board must also find that that the exterior of the accessory dwelling unit is architecturally consistent with the single family dwelling based on the following criteria:*
 - 1.) *Color or color scheme;*
 - 2.) *Architectural style;*
 - 3.) *Materials and trim;*
 - 4.) *Proportion and style of windows, doors, and other elements; and*
 - 5.) *Massing of the accessory dwelling unit with respect to the single family dwelling.*
- H. Impact Fees Required. *The creation of a new dwelling unit requires the payment of an Impact Fee in accordance with Article 13.*

II. Resolve this ordinance shall take effect upon passage.