

Accessory Dwelling Units (ADUs)

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WHAT IS AN ADU?

WHY ARE WE DOING THIS?

WHAT HAPPENS IF WE DO NOTHING?

WHAT IS MANDATED BY LAW?

WHAT CAN WE CHOOSE TO DO?

WHAT WE MUST NOT DO?

WHAT ARE WE PROPOSING?

What is an ADU?

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- Commonly referred to as “In-law Apartments”
- An Accessory Dwelling Unit is defined in RSA 674:71
 - “A residential living unit that is within or attached to a single family dwelling, and that provides independent living facility 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.”
- Purpose
 - Increase the supply of affordable housing without the need for more infrastructure or further land development.
 - Provide flexible housing options for residents and their families.
 - Integrate affordable housing into the community with minimal negative impact.
 - Provide elderly citizens with the opportunity to retain their homes and age in place.

Why are we doing this?

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- SB146 enacted in March 2016, takes effect on June 1, 2017. This law is an amendment to RSA 674.
- It requires that every municipality with a zoning ordinance (Land Use Ordinance) **shall** allow accessory dwelling units (ADUs) as a matter of right or by special exception, in all zoning districts that permit single family dwellings.
- Currently Unity's Land Use Ordinance does not provide for Accessory Dwelling Units.
- The Planning Board wants to use the tools permitted by the amended law to allow ADUs in a way that assures they will reflect Unity's character.

What happens if we do nothing?

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- If we do nothing...
 - we cannot prohibit ADUs or require any conditions other than a building permit.
 - standards will be set by state law.
- Said another way:
 - one ADU must be permitted for every single family dwelling unit.
- Voting “No” on this change to the Land Use Ordinance will effectively be the same as doing nothing.

What is mandated by law?

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- One ADU is permitted for every single-family dwelling unit.
- No additional requirements may be imposed by Unity including but not limited to: lot size, frontage, space limitations, or other dimensional controls beyond what is required for a single-family home.
- Any municipal regulation that applies to single-family dwelling units must apply to the combination of a principal dwelling unit and an accessory dwelling unit.
- An interior door shall be provided between the principal dwelling unit and the ADU.
- Adequate provisions for water supply and sewage disposal for ADU must be required in accordance with RSA 485-A:38, but need not be separate.
- Maximum occupancy per-bedroom must be consistent with the policy adopted by United States Department of Housing and Urban Development.

What can we choose to do?

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- **Unity can choose to:**
 - Specify criteria for granting conditional use permits or special exceptions;
 - Allow or prohibit more than one ADU per single-family residence;
 - Specify that residential occupancy standards are covered by State Building Code and other safety, fire, health, and accessibility standards;
 - Require additional parking;
 - Allow detached ADUs or ADUs within non-principal dwelling unit structures;
 - Require well and septic compliance with NHDES regulations (which could require enlargement of septic system to accommodate larger loading);

What can we choose to do? (continued)

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- Require owner occupancy of one of the dwelling units;
- Require the owner to demonstrate that one of the units is the owner's principal place of residence
- Establish minimum and maximum sizes for ADUs, but we cannot require them to be less than 750 sf.;
- Limit the number of bedrooms to number greater than one;
- Establish standards for the purpose of maintaining aesthetic continuity with the principal dwelling unit as a single-family dwelling;
- Deem an ADU as a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if it meets criteria in RSA 675:58, IV for rental units.

What we must not do?

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- **Unity must not:**
 - Prohibit an interior door or require it to remain unlocked;
 - Require separate water or sewage systems;
 - Specify which unit the owner must occupy;
 - Require a familial relationship between occupants of the units;
 - Restrict ADU to less than 750 square feet;
 - Limit ADU to one bedroom;
 - Require ADU to comply with workforce housing standards.

What are we proposing?

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- **We propose the following:**
 - Permit ADUs by Conditional Use;
 - Limit one ADU per single-family residence;
 - ADUs must be attached or within the structure containing the primary dwelling;
 - Well and septic systems shall comply with NHDES regulations;
 - Require an interior door between the principal dwelling and the ADU;
 - Require owner occupancy of one of the two units;
 - Restrict the ADU to a maximum of two bedrooms;
 - The ADU may not exceed 750 sf.;
 - Require a minimum of two parking places per dwelling unit;
 - The exterior appearance and entrances of the ADU shall be consistent with the single family residence.

Notes from January Hearing

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