

1 ~~2.5.1 ACCESSORY DWELLING UNIT TO BUSINESS USES:~~

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3 ~~In a commercial zone, a single attached dwelling unit may be allowed as a permitted~~
4 ~~accessory use to an allowed business. The accessory dwelling unit shall conform to all~~
5 ~~standards required for an Attached Accessory Dwelling Unit (AADU) as defined in Article 10,~~
6 ~~except that the AADU shall be accessory to an allowed business instead of a single family~~
7 ~~residence.~~

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9 ACCESSORY DWELLING UNITS:

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11 An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides
12 independent facilities for one or more persons, including provisions for sleeping, eating,
13 cooking and sanitation on the same parcel of land as the principal dwelling unit it ~~to~~
14 accompanies. An ADU is intended to be secondary, and accessory to, a principal single
15 family dwelling unit in accordance with ARTICLE 18 ACCESSORY DWELLING UNITS.
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18 **ARTICLE 18**
19 **ACCESSORY DWELLING UNITS**

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21 18.1 AUTHORITY AND PURPOSE

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23 In accordance with NH RSA 674:71-73, this provision allows for the creation of an Accessory
24 Dwelling Unit (~~also known as an~~ ADU) as an accessory use to single-family detached
25 dwellings for the purpose of providing expanded housing opportunities and flexibility in
26 household arrangements.

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29 An Accessory Dwelling Unit is intended to be secondary and accessory to a principal single
30 family-dwelling unit and may be either attached or detached to the principal dwelling unit
31 as follows:

32 A. Attached Accessory Dwelling Unit: located within or attached (bumped
33 out) to a single-family residence, such as an attached garage or barn that
34 is part of the structure. Permitting of Attached Accessory Dwelling Units
35 shall be via the building permit process in accordance with the
36 provisions of this Article.

37
38 B. Detached Accessory Dwelling Unit: located within an existing detached
39 accessory structure such as a barn or garage, or as a new standalone
40 structure. Permitting of Detached Accessory Dwelling Units shall be via
41 a CU Permit application process administered by the Planning Board in
42 accordance with the provisions of this Article.

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44 18.2 DEFINITIONS

45
46 An Accessory Dwelling unit (~~ADU~~) is a second completely private dwelling unit that provides
47 independent facilities for one or more persons, including provisions for sleeping, eating,

48 cooking and sanitation on the same parcel of land as the principal dwelling unit it
49 accompanies.

50
51 ~~An ADU is intended to be secondary and accessory to a principal single family dwelling unit~~
52 ~~and may be either attached or detached to the principal dwelling unit as follows:~~

53 ~~A. Attached Accessory Dwelling Unit (AADU) located within or attached~~
54 ~~(bumped out) to a single family residence or an attached garage or barn~~
55 ~~that is part of the structure.~~
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57 ~~B. Detached Accessory Dwelling Unit (DADU) located within a detached accessory~~
58 ~~structure such as a barn or garage, or as a standalone unit such as a cottage.~~

59 18.3 REQUIREMENTS, LIMITATIONS, CONDITIONS:

60 1. All Accessory Dwelling Units, attached or detached, shall comply with the following
61 standards:

62
63 ~~A. An ADU shall require a Special Exception approval from the Canterbury Zoning~~
64 ~~Board of Adjustment and Select Board approval for a Residential Building~~
65 ~~Application. RSA 674:72,1.~~
66

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68 ~~B.A. An accessory dwelling unit~~ Accessory Dwelling Unit shall have no more than
69 1,000 square feet of gross floor area, ~~and be smaller than the principal dwelling,~~ and
70 contain no more than two bedrooms in addition to kitchen and bathroom facilities.
71 Gross floor area shall mean the sum of the several floors (including basements) of
72 the ADU measured from the exterior walls, but not including interior parking or
73 loading space for motor vehicles or any space where the floor to ceiling height is
74 less than six feet.
75

76 ~~C. An ADU shall contain fully self-sufficient living quarters, consisting of adequate~~
77 ~~sleeping, eating cooking, and sanitation accommodations.~~
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79 ~~D.B.~~ One ADU is permitted per lot, provided the lot is an existing legal lot of
80 record.
81

82 ~~E.C.~~ Either the primary single family unit or the ~~accessory dwelling unit~~ Accessory
83 Dwelling Unit must be owner occupied.
84

85 ~~F.D. Adequate off street~~ At least one parking space must be provided ~~for the Accessory~~
86 ~~Dwelling Unit and at least two for the Single Family Home.~~
87

88 ~~G.E.~~ An ~~accessory dwelling unit~~ Accessory Dwelling Unit shall meet all setbacks,
89 height, lot coverage, zoning, fire, building codes, sanitary requirements, and
90 maximum occupancy per bedroom applicable to a single family dwelling and shall
91 require a certificate of occupancy. The ADU shall not increase any nonconforming
92 aspect of any existing structure.
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~~H. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485:A38, but separate systems shall not be required for the principal and accessory dwelling units. RSA 674:72, V.~~

F. The Accessory Dwelling Unit shall either be connected to municipal sewer and water, or an onsite well and septic system approved for the total occupancy of all dwelling units.

G. Accessory dwelling units associated with multiple single family dwellings attached to each other, such as townhouses, and with manufactured housing as defined in RSA 674:31, are prohibited.

H. A Detached Accessory Dwelling Unit must share a common driveway entrance (curb cut) with the primary dwelling and have an appropriate E-911 address.

I. Subsequent condominium conveyance of any ~~96 accessory dwelling unit~~ Accessory Dwelling Unit separate from that of the principal dwelling unit are prohibited, notwithstanding the provisions of RSA 356-B:5.

~~J. An ADU may be considered a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA 674:58, IV for rental units.~~

2. Attached Accessory Dwelling Units (~~AADU's~~) shall comply with the following additional standards:

A. Upon meeting requirements, the municipality shall allow one ~~AADU~~ Attached Accessory Dwelling Unit per residence in all zoning districts that allow single family dwellings. RSA 674:72, I.

B. ~~One AADU~~ One Attached Accessory Dwelling Unit shall be allowed without additional requirements for lot size, frontage, space limitations or other controls beyond what would be required for a single family unit.

C. An interior door shall be provided between the principal dwelling unit and the ~~AADU~~ Attached Accessory Dwelling Unit. ~~This interior door~~ need not remain unlocked. A common wall is not necessary when entrance is through an attached garage, barn, or heated hallway.

3. A Detached Accessory Dwelling Unit (DADU's) shall comply with the following additional standards:

~~A. For DADU's only, The Zoning Board may use its discretion to require additional lot size in order to meet requirements of this section and section 1 above.~~

141 ~~A DADU may~~
142 ~~B.A.~~ A Detached Accessory Dwelling Unit shall not be constructed on an existing
143 nonconforming lot.

144
145 ~~G.B.~~ A DADU may A Detached Accessory Dwelling Unit shall not be constructed
146 in the Center Historic District without approval from the Historic District
147 Commission.

148
149 ~~D.~~ A DADU must share a common driveway entrance (curb cut) with the primary
150 dwelling and have a separate address.

151
152 ~~A DADU~~

153 ~~E.C.~~ A Detached Accessory Dwelling Unit may exist as a freestanding structure
154 or a unit within or attached to a detached accessory building or be a conversion
155 of an existing detached accessory building.

156
157 ~~F.D.~~ The principal dwelling unit and the DADU Detached Accessory Dwelling Unit
158 shall not be separated in ownership (including by condominium ownership) and
159 title and shall not be separable from the primary dwelling to which it is
160 accessory.

161
162 ~~G.E.~~ Remote DADUs Detached Accessory Dwelling Units, located greater than
163 500 feet from the primary dwelling, are prohibited as not meeting the general
164 intention of this ordinance as accessory, incidental, and subordinate to the
165 primary dwelling. See lot requirements for subdivision or cluster housing for the
166 Canterbury Zoning Ordinance for other options.

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168 ~~H.F.~~ Notwithstanding paragraphs F. and G., a detached accessory dwelling unit
169 (DADU) A Detached Accessory Dwelling Unit may become an individually
170 owned private residence if the original lot is legally subdivided by application to
171 the Canterbury Planning Board into two or more separate lots that meet all the
172 regular requirements for subdivision in the Canterbury Zoning Ordinance and
173 Subdivision Regulations ~~without exception or special consideration.~~ The former
174 primary dwelling unit and lot and the new converted independent dwelling unit
175 and lot may not be made nonconforming by the subdivision process, including
176 lot size, all front and side setbacks, road frontage, private septic and utilities. In
177 the granting of an ADU permit, no terms or conditions in this Article, expressed
178 or implied, shall be interpreted as conferring any obligation by the Town to allow
179 any future subdivision either by vested right or variance for hardship, special
180 exception, CU Permit, or any other reason.

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182 18.4 ACCESSORY DWELLING UNIT TO BUSINESS USES:

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184 In a commercial zone, a single attached dwelling unit may be allowed as a permitted accessory use
185 to an allowed business.

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The Accessory Dwelling Unit shall conform to all standards required for an Attached Accessory Dwelling Unit as defined in Article 18, except that the Attached Accessory Dwelling Unit shall be accessory to an allowed business instead of a single family residence.

18.5 CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS:

1. All Detached Accessory Dwelling Unit shall obtain a CU Permit from the Planning Board, and shall do so prior to the issuance of a Building Permit.

2. Application materials:

All CU Permit applications for a Detached Accessory Dwelling Unit shall include the following:

- A. Applications completed on forms provided by the Planning Board for a CU Permit.
- B. A narrative describing how each of the required elements will be met.
- C. Color photographs of the Single Family Dwelling and any other structures on the site.
- D. Elevation renderings of the proposed Detached Accessory Dwelling Unit.

3. The Planning Board is authorized to grant requested waivers for above items if, in the opinion of the Board, both of the following are demonstrated:

- A. Strict conformity to the specific CU Permit application requirement could create an unnecessary burden to the applicant; and,
- B. Granting the requested waiver will still provide adequate information to the Planning Board to make an informed decision.

4. CU Permit Approval Standards:

The Planning Board may require additional conditions at its discretion.

If, in the opinion of the Planning Board, all of the standards described in Section 18.3.1 and section 18.3 above have been met, the Board may issue the CU Permit.

If, in the opinion of the Board, one or more of the standards in Section 18.3.1 and Section 18.3 has not been met, the CU Permit shall be denied.