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2 ACCESSORY DWELLING UNITS:
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4 An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides
5 independent facilities for one or more persons, including provisions for sleeping, eating,
6 cooking and sanitation on the same parcel of land as the principal dwelling unit it
7 accompanies. An ADU is intended to be secondary, and accessory to, a principal single
8 family dwelling unit in accordance with ARTICLE 18 ACCESSORY DWELLING UNITS.
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10 **ARTICLE 18**
11 **ACCESSORY DWELLING UNITS**
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13 18.1 AUTHORITY AND PURPOSE
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15 In accordance with NH RSA 674:71-73, this provision allows for the creation of an Accessory
16 Dwelling Unit (also known as an ADU) as an accessory use to single-family detached
17 dwellings for the purpose of providing expanded housing opportunities and flexibility in
18 household arrangements.
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20 An Accessory Dwelling Unit is intended to be secondary and accessory to a principal single
21 family-dwelling unit and may be either attached or detached to the principal dwelling unit
22 as follows:

- 23 A. Attached Accessory Dwelling Unit: located within or attached (bumped
24 out) to a single-family residence, such as an attached garage or barn that
25 is part of the structure. Permitting of Attached Accessory Dwelling Units
26 shall be via the building permit process in accordance with the
27 provisions of this Article.
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- 29 B. Detached Accessory Dwelling Unit: located within an existing detached
30 accessory structure such as a barn or garage, or as a new standalone
31 structure. Permitting of Detached Accessory Dwelling Units shall be via
32 a CU Permit application process administered by the Planning Board in
33 accordance with the provisions of this Article.

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35 18.2 DEFINITIONS
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37 An Accessory Dwelling unit is a second completely private dwelling unit that provides
38 independent facilities for one or more persons, including provisions for sleeping, eating,
39 cooking and sanitation on the same parcel of land as the principal dwelling unit it
40 accompanies.
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42 18.3 REQUIREMENTS, LIMITATIONS, CONDITIONS:

- 43 1. All Accessory Dwelling Units, attached or detached, shall comply with the following
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- A. An Accessory Dwelling Unit shall have no more than 1,000 square feet of gross floor area, and contain no more than two bedrooms in addition to kitchen and bathroom facilities. Gross floor area shall mean the sum of the several floors (including basements) of the ADU measured from the exterior walls, but not including interior parking or loading space for motor vehicles or any space where the floor to ceiling height is less than six feet.
 - B. One ADU is permitted per lot, provided the lot is an existing legal lot of record.
 - C. Either the primary single family unit or the Accessory Dwelling Unit must be owner occupied.
 - D. At least one parking space must be provided for the Accessory Dwelling Unit and at least two for the Single Family Home.
 - E. An Accessory Dwelling Unit shall meet all setbacks, height, lot coverage, zoning, fire, building codes, sanitary requirements, and maximum occupancy per bedroom applicable to a single family dwelling and shall require a certificate of occupancy. The ADU shall not increase any nonconforming aspect of any existing structure.
 - 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 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 Accessory Dwelling Unit separate from that of the principal dwelling unit are prohibited, notwithstanding the provisions of RSA 356-B:5.
2. Attached Accessory Dwelling Units shall comply with the following additional standards:
- A. Upon meeting requirements, the municipality shall allow one Attached Accessory Dwelling Unit per residence in all zoning districts that allow single family dwellings. RSA 674:72,I.
 - B. 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.

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C. An interior door shall be provided between the principal dwelling unit and the 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 shall comply with the following additional standards:

A. A Detached Accessory Dwelling Unit shall not be constructed on an existing nonconforming lot.

B. A Detached Accessory Dwelling Unit shall not be constructed in the Center Historic District without approval from the Historic District Commission.

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

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

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

F. A Detached Accessory Dwelling Unit may become an individually owned private residence if the original lot is legally subdivided by application to the Canterbury Planning Board into two or more separate lots that meet all the regular requirements for subdivision in the Canterbury Zoning Ordinance and Subdivision Regulations. The former primary dwelling unit and lot and the new converted independent dwelling unit and lot may not be made nonconforming by the subdivision process, including lot size, all front and side setbacks, road frontage, private septic and utilities. In the granting of an ADU permit, no terms or conditions in this Article, expressed or implied, shall be interpreted as conferring any obligation by the Town to allow any future subdivision either by vested right or variance for hardship, special exception, CU Permit, or any other reason.

18.4 ACCESSORY DWELLING UNIT TO BUSINESS USES:

140 In a commercial zone, a single attached dwelling unit may be allowed as a permitted
141 accessory use to an allowed business. The Accessory Dwelling Unit shall conform to all
142 standards required for an Attached Accessory Dwelling Unit as defined in Article 18, except
143 that the Attached Accessory Dwelling Unit shall be accessory to an allowed business
144 instead of a single family residence.

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146 18.5 CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS:
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148 1. All Detached Accessory Dwelling Unit shall obtain a CU Permit from the Planning Board,
149 and shall do so prior to the issuance of a Building Permit.

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151 2. Application materials:

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

154 A. Applications completed on forms provided by the Planning Board for a CU Permit.

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156 B. A narrative describing how each of the required elements will be met.

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158 C. Color photographs of the Single Family Dwelling and any other structures on the
159 site.

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161 D. Elevation renderings of the proposed Detached Accessory Dwelling Unit.

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

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167 A. Strict conformity to the specific CU Permit application requirement could create
168 an unnecessary burden to the applicant; and,

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170 B. Granting the requested waiver will still provide adequate information to the
171 Planning Board to make an informed decision.

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173 4. CU Permit Approval Standards:

174 The Planning Board may require additional conditions at its discretion.

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

177 If, in the opinion of the Board, one or more of the standards in Section 18.3.1 and Section
178 18.3 has not been met, the CU Permit shall be denied.

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