

Town of Albany, NH

Proposed Ordinance for Accessory Dwelling Units

Proposed update to the Zoning Ordinance:

Article 2. Accessory Dwelling Units

Section 1. Definitions: As used in this article, the following term shall have the meaning indicated: Accessory Dwelling Unit. An "accessory dwelling unit" (or "ADU") is 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.

Section 2. Provisions.

An attached accessory dwelling unit shall be permitted in all zoning districts that permit single family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted for each single-family dwelling. An ADU is not allowed in two-family or multifamily dwellings or in any nonresidential buildings.
- B. The original single-family dwelling shall not be a mobile home or condominium.
- C. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership (including by condominium ownership).
- D. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.

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- E. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.
- F. The ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
- G. The ADU shall be attached to the principal dwelling unit. In order to be considered an attached ADU there must be a common wall between the principal dwelling unit and the ADU.
- H. Detached accessory dwelling units are prohibited.
- I. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property. The owner shall provide documentation demonstrating to the satisfaction of the Town that one of the units is his or her principal place of residence.
- J. The ADU shall not exceed 800 square feet in habitable floor area.
- K. An ADU shall be provided a minimum of two (2) off-street parking spaces without creation of an additional driveway or curb cut.
- L. An ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.

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- M. The ADU shall be limited to a 2-bedroom maximum and 2 persons per bedroom maximum.
- N. The ADU shall match in design and aesthetic appearance to the principal dwelling and neighborhood. The front face of the primary dwelling structure is to continue to appear as a one-family dwelling after any alterations to the structure are made to accommodate the ADU. Any additional separate entrances must be located so as to preserve the appearance of a one-family dwelling.
- O. An ADU created under this ordinance shall qualify as meeting the provisions of RSA 674:59; units for workforce housing.
- P. No new exterior entrance shall be constructed at the front of a residence for access to the ADU.
- Q. A property owner must obtain a building permit as required by the Town prior to creation of an ADU within or attached to the principal residence.
- R. All land use regulations applicable to a single-family dwelling shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit.
- S. Neither the principal dwelling nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.

Section 3. Minimum Lot Dimension Requirements: An attached ADU shall not be required to meet additional lot area requirements other than already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements.