

Accessory Dwelling
Units
(ADU)

SB 146 - VERSION ADOPTED BY BOTH BODIES

03/12/2015 0740s
03/12/2015 0832s
7Jan2016... 2424h
02/11/2016 0375EBA

2016 SESSION

15-0314
03/05

SENATE BILL **146**

AN ACT relative to **accessory dwelling units.**

SPONSORS: Sen. Boutin, Dist 16; Sen. Cataldo, Dist 6; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Little, Dist 8; Sen. Reagan, Dist 17; Sen. Watters, Dist 4; Rep. Hunt, Ches 11; Rep. Matthews, Rock 3

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill establishes requirements for local regulation of accessory dwelling units.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 146 - VERSION ADOPTED BY BOTH BODIES

03/12/2015 0740s
03/12/2015 0832s
7Jan2016... 2424h
02/11/2016 0375EBA

15-0314
03/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Sixteen

AN ACT relative to accessory dwelling units.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Findings. The general court declares that:

2 I. There is a growing need for more diverse affordable housing opportunities for the citizens
3 of New Hampshire.

4 II. Demographic trends are producing more households where adult children wish to give
5 care and support to parents in a semi-independent living arrangement.

6 III. Elderly and disabled citizens are in need of independent living space for caregivers.

7 IV. There are many important societal benefits associated with the creation of accessory
8 dwelling units, including:

9 (a) Increasing the supply of affordable housing without the need for more infrastructure
10 or further land development.

11 (b) Benefits for aging homeowners, single parents, recent college graduates who are
12 saddled with significant student loan debt, caregivers, and disabled persons.

13 (c) Integrating affordable housing into the community with minimal negative impact.

14 (d) Providing elderly citizens with the opportunity to live in a supportive family
15 environment with both independence and dignity.

16 2 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 70
17 the following new subdivision:

18 Accessory Dwelling Units

19 674:71 Definition. As used in this subdivision, "accessory dwelling unit" means a residential
20 living unit that is within or attached to a single-family dwelling, and that provides independent
21 living facilities for one or more persons, including provisions for sleeping, eating, cooking, and
22 sanitation on the same parcel of land as the principal dwelling unit it accompanies.

23 674:72 Accessory Dwelling Units.

24 I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this
25 chapter shall allow accessory dwelling units as a matter of right or by either conditional use permit
26 pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family
27 dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot
28 size, frontage, space limitations, or other controls beyond what would be required for a single-family

1 dwelling without an accessory dwelling unit. The municipality is not required to allow more than
2 one accessory dwelling unit for any single-family dwelling.

3 II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then
4 one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any
5 single-family dwelling in the municipality, and no municipal permits or conditions shall be required
6 other than a building permit, if necessary.

7 III. An interior door shall be provided between the principal dwelling unit and the
8 accessory dwelling unit, but a municipality shall not require that it remain unlocked.

9 IV. Any municipal regulation applicable to single-family dwellings shall also apply to the
10 combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to
11 lot coverage standards and standards for maximum occupancy per bedroom consistent with policy
12 adopted by the United States Department of Housing and Urban Development. A municipality may
13 require adequate parking to accommodate an accessory dwelling unit.

14 V. The applicant for a permit to construct an accessory dwelling unit shall make adequate
15 provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with
16 RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling
17 units.

18 VI. A municipality may require owner occupancy of one of the dwelling units, but it shall
19 not specify which unit the owner must occupy. A municipality may require that the owner
20 demonstrate that one of the units is his or her principal place of residence, and the municipality
21 may establish reasonable regulations to enforce such a requirement.

22 VII. A municipality may establish standards for accessory dwelling units for the purpose of
23 maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A
24 municipality may also establish minimum and maximum sizes for an accessory dwelling unit,
25 provided that size may not be restricted to less than 750 square feet.

26 VIII. A municipality may not require a familial relationship between the occupants of an
27 accessory dwelling unit and the occupants of a principal dwelling unit.

28 IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

29 X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of
30 satisfying the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA
31 674:58, IV for rental units.

32 674:73 Detached Accessory Dwelling Units. A municipality is not required to but may permit
33 detached accessory dwelling units. Detached accessory dwelling units shall comply with the
34 requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV
35 through IX. If a municipality allows detached accessory dwelling units, it may require an increased
36 lot size.

37 3 Innovative Land Use Controls. Amend RSA 674:21, I(l)-(o) to read as follows:

1 (l) ~~[Accessory dwelling unit standards.~~

2 ~~(m)]~~ Impact fees.

3 ~~[(n)]~~ (m) Village plan alternative subdivision.

4 ~~[(o)]~~ (n) Integrated land development permit option.

5 4 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as
6 follows:

7 IV. As used in this section:

8 (a) "Inclusionary zoning" means land use control regulations which provide a voluntary
9 incentive or benefit to a property owner in order to induce the property owner to produce housing
10 units which are affordable to persons or families of low and moderate income. Inclusionary zoning
11 includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined
12 application process.

13 (b) ~~["Accessory dwelling unit" means a second dwelling unit, attached or detached,~~
14 ~~which is permitted by a land use control regulation to be located on the same lot, plat, site, or other~~
15 ~~division of land as the permitted principal dwelling unit.~~

16 (e) "Phased development" means a development, usually for large-scale projects, in
17 which construction of public or private improvements proceeds in stages on a schedule over a period
18 of years established in the subdivision or site plan approved by the planning board. In a phased
19 development, the issuance of building permits in each phase is solely dependent on the completion
20 of the prior phase and satisfaction of other conditions on the schedule approved by the planning
21 board. Phased development does not include a general limit on the issuance of building permits or
22 the granting of subdivision or site plan approval in the municipality, which may be accomplished
23 only by a growth management ordinance under RSA 674:22 or a temporary moratorium or
24 limitation under RSA 674:23.

25 5 Effective Date. This act shall take effect June 1, 2017.

Londonderry Housing Opportunity Accessory Zoning Amendments

“2.3.1.7 Accessory Dwellings

To increase housing alternatives while maintaining neighborhood aesthetics and quality, one accessory dwelling is permitted on any property containing an owner-occupied single-family dwelling, provided the following conditions are met:

- A. Accessory Dwellings shall be permitted only on properties containing an owner-occupied single-family dwelling.
- B. There shall be not more than one accessory dwelling per lot.
- C. An accessory dwelling shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size (of Section 2.3.1.3) or development density of the property.
- D. The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling, as of the date of the permit approval.
- E. The accessory dwelling shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
- F. The maximum size for an Accessory Dwelling shall not exceed 40% of the living area of the principal dwelling, and shall include no more than 2 bedrooms.
- G. The accessory dwelling shall be subsidiary in size and function to the principal dwelling and be consistent with the principal dwelling in appearance, design, colors, and materials.
- H. The accessory dwelling may be located within or added to the principal structure, or attached to an accessory structure such as a free-standing garage, or may itself be a free-standing accessory structure.
 - 1. If contained within or added to the principal structure, exterior entry to the accessory dwelling shall not face the street as a second door.
 - 2. If a free-standing structure or attached to a free-standing structure, the accessory dwelling shall be located only in the side or rear yard of the property.
- I. All required setbacks shall be complied with.
- J. If the accessory dwelling is not on public water and sewer, then well and septic provisions shall comply with New Hampshire Department of Environmental Services regulations.
- K. There shall be one parking space in the rear or side yard for the accessory dwelling and no additional curb cut.
- L. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family dwelling.
- M. Every Accessory Dwelling shall be deemed a unit of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59.”

Londonderry Housing Opportunity Accessory Zoning Amendments

Accessory Apartments Text *Superseded* by Accessory Dwellings Text

Retained or rephrased provisions shown in regular black

Deleted provisions shown in ***bold underlined italics***

"2.3.1.7 Accessory *Apartments*

- A. Maximum of one (1) accessory apartment per lot.
- B. The property owner must occupy one of the two units.
- C. The exterior appearance and entrances of the dwelling unit shall be consistent with a single-family residence.
- D. Only one (1) bedroom is permitted in the accessory apartment and to qualify as an accessory apartment under this section, the apartment may not exceed 750 square feet of floor area.***
- E. Where municipal sewer is not provided, the total number of bedrooms shall not exceed the capacity of the septic system.
- F. Off-street parking shall be provided for at least four (4) vehicles. Garage and "piggy-back" parking is encouraged.***
- G. The structure and the 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. ***Accessory apartment use shall be recorded by deed addendum.***
- H. The accessory apartment shall be allowed only within an existing building which has been certified for occupancy for at least three (3) calendar years prior to the date of application.***
- I. No accessory apartment shall be permitted on a lot created as part of a back-lot development per the requirements of Section 3.4.1.3. (G) of this ordinance."***

Londonderry Housing Opportunity Accessory Zoning Amendments

“2.3.3.6 Small Workforce Housing Developments

- A. Single-family, duplex, triplex, or quadriplex workforce dwellings are permitted in the AR-1 Agricultural and Residential zoning district, according to the following:
 - 1. Provisions of Section 2.3.1.3 to the contrary notwithstanding, minimum area of a lot containing 1 to 4 units shall comprise:
 - a. A minimum of one (1) acre per unit for lots served by public water and sewer, or
 - b. The minimum area necessary to comply with NH Code of Administrative Rules Chapter ENV-Ws 1000 (ENV-Ws 1005.03 Minimum Lot Sizes) Latest Revision, if the property is not serviced by either public water or sewer or both, but not less than one acre per unit.
 - 2. The proposed development must be of a scale and architectural character that is compatible with the surrounding residential neighborhood.
- B. A minimum of 50 % of the units shall be workforce housing and subject to all the provisions of this Ordinance.
- C. A minimum of 51% of the Workforce dwelling units shall contain at least two bedrooms.
- D. All height and setback dimensional requirements of the AR-1 zoning district shall apply.
- E. Small Workforce housing developments with three (3) or four (4) dwelling units shall have 40% open space.
- F. No parking shall be located between the front lot line and the front plane of the building(s) closest to the existing Town street.
- G. Reconstruction or additions to an existing structure shall be directed to the rear of the building as practical.
- H. A Conditional Use Permit is required for Small Workforce Housing Developments, and shall be through application to the Planning Board. Approval of a Conditional Use Permit is contingent upon successful demonstration to the Planning Board that the proposed development is compatible with the surrounding neighborhood.”

Londonderry Housing Opportunity Accessory Zoning Amendments

“2.3.3.7 Live-Work Units

The business component of live/work units are intended for use by entrepreneurs and professionals in occupations including but not limited to : accountants; architects; artists and artisans; attorneys, computer software and multimedia-related professionals; consultants; engineers; fashion, graphic, interior and other designers; hair stylists; insurance, real estate and travel agents; one-on-one instructors; photographers; and for light manufacturing/assembly and similar occupations;

- A. Live/work units are permitted by Conditional Use Permit in the Commercial and Industrial Zones.
- B. In addition to the permitted uses above, the zoning administrator may authorize other uses using reasonable discretion, as long as such other uses are not otherwise precluded by law;
- C. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
- D. Residential areas are permitted above the commercial component, to the side or in back of the business component, provided that there is internal access between the residential and commercial space;
- E. The commercial component as designated on the floor plan approved through the conditional Use Permit shall remain commercial and cannot be converted to residential use;
- F. The residential component as designated on the floor plan approved through the Conditional Use Permit shall remain residential and cannot be converted to commercial use;
- G. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
- H. Signage intended to promote on-site commercial uses shall be restricted to a single four-square foot signs permanently affixed to the door or wall of the business component;
- I. The live/work unit shall be required to provide parking at least 3 spaces per unit.”

These pages prepared by:

Jonathan Edwards 25 MacDonald Drive Hanover, New Hampshire

JonathanEdwards25@gmail.com (603) 643-4778



2016 SB 146 – Accessory Dwelling Units (ADUs)

This legislation was motivated partly by studies conducted in 2014 by the NH Center for Public Policy Studies on *Housing Needs and Preferences in New Hampshire*. The studies identified a serious mismatch between the existing housing stock in the state and the needs and desires of our changing population. Although we have a preponderance of large single family homes, both younger and older people increasingly want smaller and more “urban” homes. The creation of ADUs will help people to age in place, and it will create a greater supply of housing for the young professionals we want to live here.

SB 146 will require municipal zoning ordinances to allow, in all districts that permit single-family residences, one *attached* ADU by right, special exception, or conditional use permit. If the ordinance is silent on the matter, attached ADUs will be deemed allowed in any single-family home. At its discretion, a municipality may allow detached ADUs.

A local zoning ordinance’s dimensional standards for single-family homes will also apply to the combination of the primary dwelling unit and the ADU – this means no added lot size, no increased setbacks or road frontage, and no greater standards for lot coverage or other space limitations.

OBLIGATIONS AND OPTIONS UNDER SB 146

An accessory dwelling unit must

- Be an independent living unit (sleeping, cooking, eating, sanitation)
- Have an interior door between it and the principal dwelling unit
- Have adequate water supply and sewage disposal

A municipality may

- Control for appearance to maintain the “look and feel” of a single-family home (e.g., architecture, driveways, off-street parking, etc.)
- Require owner occupancy of one of the units, but it can’t say which one
- Require demonstration that a unit is the owner’s primary dwelling unit
- Regulate the number of occupants per bedroom, consistent with HUD standards
- Continue to limit the number of unrelated individuals within a single unit
- Establish minimum and maximum ADU sizes (but see below)

A municipality must not

- Require an ADU to be smaller than 750 s.f. (but the owner may make it smaller)
- Require a familial relationship between occupants of the principal unit and an ADU
- Require an ADU to have only one bedroom
- Require additional lot area or other dimensional standards for an ADU (but it may require additional lot area for a *detached* ADU)
- Require separate water or septic systems for the principal unit and an ADU
- Require interior doors between the principal unit and an ADU to remain unlocked

The Legislature has passed SB 146 and the Governor will soon sign it. The bill’s effective date will be June 1, 2017, giving municipalities extra time to amend their zoning ordinances.



Accessory Dwelling Units (ADU's) in New Hampshire

What are Accessory Dwelling Units?

According to (NH) SB 146, "accessory dwelling unit" means 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.

These have been referred to as "mother-in-law apartments" or "granny flats."

What needs do they fulfill?

This type of home may be an affordable option for young workers or students. In addition, for those who wish to stay in their home as they age but may need/want financial assistance or simply having someone around (whether related or not), but separate, this can be a good option. For example, older parents can live in an ADU of the home of one of their offspring (or vice versa). Or an empty nester may have a student or young working person live in an ADU.

Are there any RSA's related to them?

SB 146 is on the Governor's desk for signature. See attached for full text of bill as accepted **by both bodies of the NH Legislature.**

How have NH municipalities incorporated ADU's into their housing ordinances? See Dover and Londonderry for examples – there may be others.

For more information on this topic in general:

<https://accessorydwellings.org/what-adus-are-and-why-people-build-them/>

<http://frameworks.ced.berkeley.edu/2011/accessory-dwelling-units/>

Accessory Dwelling Units: Case Study <https://www.huduser.gov/portal/publications/adu.pdf>

ADU
Accessory Dwelling Unit
selected pages.

TOWN OF HOLLIS, NEW HAMPSHIRE

ZONING ORDINANCE



Amended

Recodification April 3, 2001

March 12, 2002

March 12, 2003

March 10, 2004

March 9, 2005

March 14, 2006

March 13, 2007

March 11, 2008

March 10, 2009

Adoption of Revised Flood Maps – June 22, 2009

Amended March 10, 2010

Amended March 9, 2011

Recodification March 2011

Amended March 13, 2012

Amended March 12, 2013

Amended March 19, 2014

Amended March 10, 2015

Full text available on Hollis website

Table of Contents

<i>PREAMBLE</i>	1
<i>SECTION I: AUTHORITY</i>	1
<i>SECTION II: SEPARABILITY CLAUSE</i>	1
<i>SECTION III: WHEN EFFECTIVE</i>	1
<i>SECTION IV: ENFORCEMENT AND ADMINISTRATION</i>	1
<i>SECTION V: PENALTIES AND FINES</i>	2
<i>SECTION VI: BOARD OF ADJUSTMENT</i>	2
<i>SECTION VII: ZONING</i>	3
<i>A. ZONING DISTRICTS</i>	3
<i>B. OVERLAY ZONING DISTRICTS</i>	4
<i>C. COPIES OF ZONING MAP</i>	4
<i>D. BOUNDARIES</i>	4
<i>SECTION VIII: DEFINITIONS</i>	5
<i>SECTION IX: GENERAL PROVISIONS</i>	10
<i>A. DAMAGED STRUCTURES</i>	10
<i>B. JUNK STORAGE</i>	10
<i>C. MOBILE HOMES</i>	10
<i>D. ONSITE WASTEWATER TREATMENT</i>	10
<i>E. IMPERMEABLE SURFACES AND BUILDING COVERAGE</i>	10
<i>F. SWIMMING POOLS, OUTDOOR STORAGE TANKS, COMMERCIAL FISHING PONDS</i>	11
<i>G. OFF STREET LOADING</i>	11
<i>H. SCREENING</i>	11
<i>I. HEIGHT REGULATIONS:</i>	12
<i>J. NUMBER OF RESIDENTIAL UNITS WHICH MAY BE CONSTRUCTED ON A LOT</i>	12
<i>K. ACCESSORY DWELLING UNITS (Adopted March 1993)</i>	12
<i>L. SITE PLAN REVIEW</i>	14
<i>M. MAXIMUM DRIVEWAY SLOPE</i>	14
<i>N. UNREGISTERED VEHICLES</i>	14
<i>O. DETERMINATION OF DENSITY FOR CONDOMINIUM DEVELOPMENTS</i>	14
<i>P. CONDITIONAL USE PERMIT- LANDSCAPE MATERIALS YARD</i>	14
<i>Q. PLANNED UNIT DEVELOPMENT (PUD) SETBACK REQUIREMENTS</i>	14
<i>SECTION X: ZONING DISTRICTS</i>	15
<i>A. AGRICULTURAL AND BUSINESS ZONE (A&B)</i>	15

(200) feet or a circle with a diameter of one hundred sixty (160) feet. No portion of the Building Area may be located within a building setback or wetland buffer or on altered/unaltered slopes greater than 25%. The home or building is not required to be placed within the building area. Rather, the building area is intended to ensure that the lot is capable of meeting all Town of Hollis zoning requirements. The applicant shall demonstrate that driveway access from the lot's Frontage can be provided to the Building Area without the need for any waivers. Said driveway shall lie entirely on the subject lot.

BUILDING RIGHT: A certificate issued by the Planning Board or its designee which entitles the bearer to obtain a building permit for the construction of a new dwelling unit. The certificate is not transferrable, except under the terms of this ordinance.

BUILDING YEAR: April 1 through March 31.

CLUSTER HOUSING: Cluster housing is an attached unit housing style where common, soundproof and fireproof walls vertically join the separate units, which are side by side. No separate dwelling units may be placed one above the other.

CONGREGATE CARE FACILITY: An elderly housing development with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

DENSITY: The quantity of dwelling units per acre.

DWELLING UNIT: A dwelling unit is a single residential unit of living space, with its own living area, sleeping area, bathroom, and facilities for cooking, approved for occupancy by the Town of Hollis. Dwelling units may be attached, as in accessory dwelling units, apartments, or multifamily configurations, or detached single family structures

DWELLING, ATTACHED: A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than 2 exterior walls fully exposed and not in common with the exterior walls of any other unit.

DWELLING, SINGLE FAMILY: A dwelling unit which is unattached to any other dwelling unit.

DWELLING, TWO FAMILY: Two dwelling units attached, designed, arranged, or used exclusively for 2 families living independently of each other. This definition does not include accessory apartments.

EARNED RIGHT: Building Rights earned by a record holder based on the ownership of land within Hollis during the building year.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities, municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

EXTERIOR STORAGE: The outdoor storing of equipment or materials on a permanent or long-term basis without permanent protection from the elements, such that these materials or equipment are in plain view from surrounding properties. This does not include registered personal vehicles or one registered business vehicle per residence.

FAMILY: One or more persons occupying the premises and living as a single housekeeping unit.

FARM STAND: An Agricultural Enterprise which displays and sells agricultural products raised, produced and processed on the premises, and which may include a Structure(s) used in the operation. All Farm Stands Structures must be set back at least 35 feet from the adjacent Public Road and have adequate off street parking. A Farm Stand shall remain an Agricultural Enterprise and shall not be considered a commercial use, provided that at least 35% of the products sales in dollar volume are attributable to products produced on the farm or farms of the stand owner. Owners of Farm Stands, based upon review by town staff, may be required to obtain site plan review approval from the Planning Board.

FLEA MARKET: An informal market place for sellers of used and new goods. Usually a seasonal operation, with open air tables and stands.

FLOATING ZONE: A floating zone refers to flexible regulations which may be overlaid on any residential zone. The regulations of a floating zone (i.e., HOSPD) may vary the normal requirements of the zone overlaid.

- b. New plantings, grade separations, fences.
2. Where screening is required, it must be approved by the Building Inspector before issuance of a certificate of occupancy. For non-residential projects, screening shall be reviewed by the Planning Board during its site plan review procedure.

I. HEIGHT REGULATIONS:

1. **MAXIMUM HEIGHT:** Structures shall not exceed 38 feet in height in any district.
2. **EXCEPTIONS:**
 - a. Non-residential farming structures.
 - b. Non-residential structures such as church spires, utility and communication towers, smoke stacks, cupolas, etc.
 - c. Commercial and industrial structures if approved by the Planning Board according to its Site Plan Review Regulations.
3. **METHOD OF MEASUREMENT:** Height shall be measured vertically from the average elevation of the finished grade within 5 feet of the structure to the highest point on the roof.
4. **BUILDING PERMITS:** A single building permit shall be issued for each structure, irrespective of the number of attached dwelling units within each structure. The Planning Board shall determine whether or not the dwelling units have been attached in accordance with the requirements of the site plan regulations for housing for older persons.
5. **MINIMUM SAFETY STANDARDS**
 - a. The development shall meet all applicable building codes and life safety codes that have been adopted by the Town of Hollis, as well as other State and Federal statutes and regulations.
 - b. The Planning Board and/or Building Inspector may make requirements that exceed Federal and State requirements.

J. NUMBER OF RESIDENTIAL UNITS WHICH MAY BE CONSTRUCTED ON A LOT

One single family dwelling unit, or one 2 family dwelling unit, as the case may be, may be constructed on a single lot, except under the provisions of the accessory dwelling units, elderly/disabled housing, and condominium sections of this Ordinance, where the number of dwelling units which may be permitted on a lot is determined by a Special Exception granted by the Board of Adjustment and/or approval by the Planning Board under its Site Plan Review Regulations, as required.

K. ACCESSORY DWELLING UNITS (Adopted March 1993)

1. **PURPOSE:** For the purpose of providing expanded housing opportunities and flexibility in household arrangements, accessory dwelling units (in-law apartments) shall be permitted by special exception granted by the Board of Adjustment in any district in conformance with these regulations.
2. **DEFINITION:** "Accessory Dwelling Unit" means a secondary dwelling unit, attached or detached and subordinate to the permitted principal dwelling unit in accordance with the provisions of this section.
3. **REQUIREMENTS/LIMITATIONS:**
 - a. Accessory dwelling units are intended to be secondary and accessory to a principal single-family dwelling unit. In granting a special exception, the Board of Adjustment must find that the secondary dwelling unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family residence. Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot. The accessory dwelling unit shall have a separate house number from the principal dwelling.
 - b. There shall be no exterior alterations, enlargements, or extensions of the structure which alter its character or appearance as a single-family residence (or other detached accessory structure, when applicable). Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
 - c. An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size.

- d. Detached accessory dwelling units are only allowable when located on a lot that has twice the minimum lot size required in the applicable district for that type of lot (e.g., backland lot). Detached accessory dwelling units cannot be converted to a principal dwelling unit.
 - e. An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet measured by the outside dimension of the exterior wall or the interior dimension of a common wall. An attached accessory dwelling unit shall occupy no more than 30 % of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.
 - f. Attached accessory dwelling units shall be designed to allow for re-incorporation into the principal dwelling units. Internal access to the principal dwelling unit shall be maintained or constructed. The accessory dwelling units and principal dwelling units must share internal heated living space access through a common wall.
 - g. The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.
 - h. Adequate off-street parking shall be provided.
 - i. Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site.
4. **EXISTING NONCONFORMING ACCESSORY DWELLING UNITS:** To be considered a nonconforming use, an accessory dwelling unit must have either:
- a. Been constructed or installed prior to January 21, 1952, or
 - b. Have otherwise been legally granted a building permit or certificate of occupancy between the year 1952 and the date of passage of the occupancy dwelling unit amendment.
5. **EXISTING ILLEGAL ACCESSORY DWELLING UNITS:** Accessory dwelling units constructed after January 21, 1952 and before March 1992, which do not have either a building permit or certificate of occupancy, shall apply to the Building Inspector for a determination of compliance with Section IX.K.3 Applications shall be accompanied by the filing fee, plans and other documentation requested by the Building Inspector to enable him/her to evaluate compliance with Section IX.K.3 The Building Inspector shall issue one of the following:
- a. A determination of compliance with Section IX.K.3 and a certificate of occupancy;
 - b. A conditional determination of compliance with Section IX.K.3 and a description of the corrective changes needed to bring the accessory dwelling unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the Building Inspector shall issue a certificate of occupancy; or
 - c. A determination of non-compliance with one or more of the requirements of Section IX.K.3, together with a listing of those requirements and conditions for which compliance cannot be achieved through corrective changes.
6. **FAILURE TO COMPLY:** If an owner fails to comply with the requirements of this section, the use of the accessory dwelling unit shall be terminated within 6 months of the date of notice from the Building Inspector. The owner shall be subject to penalty under RSA 676:17 for each day the accessory dwelling unit fails to comply with the requirements of this section after March 31, 1994.
7. **OWNER OCCUPIED:** The principal dwelling unit or the Accessory dwelling unit shall be owner occupied. If the property owner cannot comply with this provision due to hardship such as but not limited to, job relocation or a medical/family emergency; the owner may apply to the Board of Adjustment for a Special Exception. Such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief granted be greater than two years.

- d. Detached accessory dwelling units are only allowable when located on a lot that has twice the minimum lot size required in the applicable district for that type of lot (e.g., backland lot). Detached accessory dwelling units cannot be converted to a principal dwelling unit.
 - e. An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet measured by the outside dimension of the exterior wall or the interior dimension of a common wall. An attached accessory dwelling unit shall occupy no more than 30 % of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.
 - f. Attached accessory dwelling units shall be designed to allow for re-incorporation into the principal dwelling units. Internal access to the principal dwelling unit shall be maintained or constructed. The accessory dwelling units and principal dwelling units must share internal heated living space access through a common wall.
 - g. The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.
 - h. Adequate off-street parking shall be provided.
 - i. Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site.
4. **EXISTING NONCONFORMING ACCESSORY DWELLING UNITS:** To be considered a nonconforming use, an accessory dwelling unit must have either:
- a. Been constructed or installed prior to January 21, 1952, or
 - b. Have otherwise been legally granted a building permit or certificate of occupancy between the year 1952 and the date of passage of the occupancy dwelling unit amendment.
5. **EXISTING ILLEGAL ACCESSORY DWELLING UNITS:** Accessory dwelling units constructed after January 21, 1952 and before March 1992, which do not have either a building permit or certificate of occupancy, shall apply to the Building Inspector for a determination of compliance with Section IX.K.3 Applications shall be accompanied by the filing fee, plans and other documentation requested by the Building Inspector to enable him/her to evaluate compliance with Section IX.K.3 The Building Inspector shall issue one of the following:
- a. A determination of compliance with Section IX.K.3 and a certificate of occupancy;
 - b. A conditional determination of compliance with Section IX.K.3 and a description of the corrective changes needed to bring the accessory dwelling unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the Building Inspector shall issue a certificate of occupancy; or
 - c. A determination of non-compliance with one or more of the requirements of Section IX.K.3, together with a listing of those requirements and conditions for which compliance cannot be achieved through corrective changes.
6. **FAILURE TO COMPLY:** If an owner fails to comply with the requirements of this section, the use of the accessory dwelling unit shall be terminated within 6 months of the date of notice from the Building Inspector. The owner shall be subject to penalty under RSA 676:17 for each day the accessory dwelling unit fails to comply with the requirements of this section after March 31, 1994.
7. **OWNER OCCUPIED:** The principal dwelling unit or the Accessory dwelling unit shall be owner occupied. If the property owner cannot comply with this provision due to hardship such as but not limited to, job relocation or a medical/family emergency; the owner may apply to the Board of Adjustment for a Special Exception. Such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief granted be greater than two years.