

Warrant Article # \_\_\_\_\_

Are you in favor of the adoption of zoning amendment No. 1 to the existing town zoning ordinance as proposed by the Planning Board of East Kingston to amend Article VIII – Permitted Uses to allow for detached accessory dwelling units as follows:

Original ordinance in *italics*, strike-through words deleted, new text in **bold**.

*ARTICLE VIII – PERMITTED USES*

*F. Accessory Dwelling Units. (Adopted 3/05) (Amended 3/17)*

1. Authority

*This section is enacted in accordance with the provisions of RSA 674:71-73 and 674:21. An accessory dwelling unit may be approved on any legally existing parcel or legally approved building lot where single-family dwellings are permitted.*

2. Purpose

*The purposes of the accessory dwelling unit ordinance are to:*

- a) Increase the supply of affordable housing without the need for more infrastructure or further land development.*
- b) Provide flexible housing options for residents and their families.*
- c) Integrate affordable housing in the community with minimal negative impact.*
- d) Provide elderly citizens with the opportunity to retain their homes and age in place.*
- e) Maintain the rural agricultural character of neighborhoods and the town.*

*Such **that** a second dwelling unit, attached to, and integral with, a primary dwelling unit, is distinguished from **the appearance of a duplex dwellings** in East Kingston by provisions which include definition, ownership, construction, living area configuration, and lot acreage requirements. **Additionally, detached units shall be distinguished from the primary/main dwelling and shall maintain the rural character as an ancillary outbuilding to the main dwelling (i.e. barn, garage, shed). More concisely, the attached or detached ADU shall not look like a second main dwelling on the property. The intent is for the parcel to appear to have only one primary/main dwelling.***

3. Definition

***Per RSA 674:71 the Accessory Dwelling Units Law,** **a**An accessory dwelling unit means a “residential living unit that is within or attached to a principal 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.”*

***Per RSA 674:73 Detached Accessory Dwelling Units detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. Detached accessory dwelling units shall be incidental and subordinate to the primary dwelling to maintain the character of the property and not be a replication of the primary dwelling.***

4. Special Exception Criteria

***Both aAttached and detached** accessory dwelling units shall be permitted in East Kingston by Special Exception from the Zoning Board of Adjustment. If granted, the Notice of Decision shall be recorded at the Rockingham County Registry of Deeds. In approving such applications, the Zoning Board of Adjustment must determine that the application complies with the following criteria ~~a-h~~**i** and all other requirements of the East Kingston Zoning Ordinance are met.*

~~a. a.~~—A single-family dwelling located in a zoning district that allows single-family dwellings may be permitted one accessory dwelling unit.

**b. Quantity. Only one accessory dwelling unit, attached or ~~is detached~~, is permitted per parcel or lot.**

~~c. b.~~ Ownership. The owner of the property shall occupy one of the units as a primary residence and be owner of both the primary dwelling unit and the accessory dwelling unit. These ownership and residency provisions shall not change in the event the property is sold. Any kind of condominium ownership arrangement for the accessory dwelling unit and/or the principal dwelling unit is prohibited.

~~d. e.~~ Living Area Configuration. The total living area for an accessory dwelling unit shall not exceed ~~900~~ **1,200** square feet. The accessory dwelling unit shall have no more than two (2) bedrooms. Dormitory-style facilities are expressly prohibited, whether seasonal or otherwise. (Amended 3/16)

~~e. f.~~ Construction Attached Dwelling Units. The accessory dwelling unit shall be constructed within or attached to the principal dwelling to preserve the appearance of a single-family dwelling and clearly secondary to the principal dwelling unit. Attached means having a shared wall ~~or connected by a covered and enclosed structure~~. There shall be a connecting door between the primary dwelling and the accessory dwelling unit. An outside entry way to the accessory dwelling unit shall not be placed on the front/street side.

**f. Detached Dwelling Units. An outside entry way to the accessory dwelling unit shall not be placed on the front/street side. A detached dwelling unit shall be an existing structure or new structure. The detached dwelling unit must meet all setback requirements of a primary dwelling unit unless proposed to be located within a structure existing prior to March 14, 2024.**

~~g. h.~~ Manufactured Housing. The addition of an accessory dwelling unit to a manufactured home is prohibited in manufactured home parks or when a manufactured home is under condominium ownership.

~~h. i.~~ Parking. Off-street, **paved, within a garage, or gravel** parking shall be available for a minimum of two automobiles for the accessory dwelling unit. Room for vehicle ingress and egress on site shall be provided.

~~i. j.~~ Septic facilities and water. An accessory dwelling unit shall conform to all applicable water and sanitary standards for residential structures. Prior to Special Exception approval by the Zoning Board of Adjustment for an Accessory Dwelling Unit, the owner shall provide evidence as part of the Special Exception application that septic facilities are adequate to serve both the principal dwelling and the accessory dwelling unit. The principal dwelling and accessory dwelling may be served by either a combined septic system or separate septic systems. Evidence of septic system adequacy shall be in the form of:

- compliance with requirements in either section i or ii below; and
- septic system inspection required in section iii for all instances when a new septic system is not installed.

Below shall be required:

i. A replacement septic system design plan prepared by a state licensed Septic System Designer sized to accommodate either a combined system or separate systems to serve the primary dwelling and the accessory dwelling. The Zoning Board of Adjustment Special Exception approval shall be conditional upon approval of the septic replacement plan by the NH Department of Environmental Services.

ii. Alternatively, if the existing septic system has been state approved and proven to be adequately sized to accommodate both the primary dwelling and accessory dwellings and conforms to state and local requirements, an applicant may choose to submit a copy of the existing state approved septic system plan. The applicant shall also provide an inspection report by a state licensed Septic System Designer documenting a site inspection and the current condition and function of the existing system.

iii. If installation of a replacement septic system is not proposed as part of the application, a site inspection of the existing septic system shall be performed by a state licensed Septic System Designer. If upon site inspection the existing septic system is found to be not fully functional or inadequate to serve both the principal dwelling and

*accessory dwelling, the property owner shall install a replacement septic system according to an approved replacement septic system design plan prepared by a state licensed Septic System Designer sized to accommodate either a combined system or separate systems to serve the primary dwelling and accessory dwelling.*

*If utilizing methodology i. above, prior to the issuance of a building permit for and a dwelling renovation and/or accessory dwelling unit construction, the owner shall provide the East Kingston Building Inspector a copy of the NH Department of Environmental Services Construction Approval (CA) for the septic design presented with the Zoning Board of Adjustment notice of decision approving the accessory dwelling unit. (Amended 3/23)*

*h.j. Certificate of Occupancy. When renovation or construction is complete, and an accessory dwelling unit is ready for occupation, the owner shall request a Certificate of Occupancy from the Building Inspector. Occupancy of the accessory dwelling unit (or the primary residence if the entire dwelling is new construction) is prohibited until a Certificate of Occupancy is obtained.*