

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

- A. In Article 4 – Zoning Districts and Use Regulations, Section 10.440 – Table of Uses – Residential, Mixed Residential, Business and Industrial Districts, insert new uses #1.20 and #1.30 as follows:

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4
1.20 Accessory dwelling unit									
1.21 Attached	CU	CU	CU	CU	N	CU	CU	CU	CU
1.22 Detached	CU	CU	CU	N	N	N	N	N	N
1.30 Garden Cottage	CU	CU	CU	CU	N	CU	CU	CU	CU

Use	GB	GW	B	WB	OR	I	WI	Supplemental Regulations
1.20 Accessory dwelling unit								10.814 (Accessory Dwelling Units)
1.21 Attached	N	N	N	N	N	N	N	
1.22 Detached	N	N	N	N	N	N	N	
1.25 Garden Cottage	N	N	N	N	N	N	N	10.815 (Garden Cottages)

and renumber existing uses #1.20 through 1.80 accordingly.

B. In Article 8 – Supplemental Use Standards, insert the following new Sections 10.814 and 10.815:

10.814 Accessory Dwelling Units

10.814.10 One, and only one, accessory dwelling unit shall be allowed on any lot containing a single-family dwelling. An accessory dwelling unit shall not be allowed under this Section 10.814 on a lot that contains more than one dwelling unit.

10.814.20 Except as provided in elsewhere in this Section 10.814, 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.

10.814.30 All accessory dwelling units shall comply with the following standards:

10.814.31 The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership (including by condominium ownership).

10.814.32 Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.

10.814.33 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.

10.814.34 In addition to the two off-street parking spaces required for the single-family dwelling, one parking space shall be provided for an ADU up to 400 sq. ft. gross floor area, and two parking spaces shall be provided for an ADU larger than 400 sq. ft.

10.814.40 An attached accessory dwelling unit (AADU) shall comply with the following additional standards:

10.814.41 An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.

- 10.814.42** The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area.
- 10.814.43** Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall clearly be the principal entrance and the others shall be designed to appear to be secondary.
- 10.814.50** A detached accessory dwelling unit (DADU) shall comply with the following additional standards:
- 10.814.51** In a General Residence district, the combination of the principal dwelling and the DADU shall comply with the minimum lot area per dwelling unit specified for the district.
- 10.814.52** The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.
- 10.814.54** The DADU shall be separated from the single-family dwelling by at least 20 feet.
- 10.814.60** Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:
- 10.814.61** Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.
- 10.814.62** The site plan provides adequate open space and landscaping that is useful for both the ADU and the primary dwelling.
- 10.814.63** The ADU will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.

10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.

10.814.70 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy requirement. Said certificate shall be renewed annually.

10.814.80 In granting a conditional use permit for an accessory dwelling unit, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.60.

10.815 Garden Cottages

An accessory building existing on the effective date of this ordinance may be converted to a garden cottage through a conditional use permit granted by the Planning Board, subject to the following provisions and limitations.

10.815.10 One garden cottage, and only one, shall be allowed on any lot containing a single-family dwelling.

10.815.20 Relationship to other provisions of this Ordinance:

10.815.21 No garden cottage shall be allowed on the same lot as an accessory dwelling unit authorized under this Ordinance.

10.815.22 The establishment of a garden cottage results in two dwelling units on the property and thus makes the property ineligible to establish an accessory dwelling unit under RSA 674:72-73 and this Ordinance. As a condition of receiving a conditional use permit for a garden cottage, the property owner shall waive all rights under RSA 674:72 and RSA 674:73.

10.815.23 A garden cottage that complies with the standards of this section is exempt from the residential density standards of the Zoning Ordinance. A second dwelling unit on a lot that does not comply with the standards of this section shall be considered to be either a second primary dwelling or an accessory dwelling unit and shall comply with the applicable standards and provisions of the Ordinance.

- 10.815.30 Garden cottages shall comply with the following standards:**
- 10.815.31 The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.**
 - 10.815.32 A garden cottage shall not be larger than 600 sq. ft. gross floor area.**
 - 10.815.33 A garden cottage that is within a required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.**
 - 10.815.34 One parking space shall be provided for a garden cottage in addition to the two off-street parking spaces required for the single-family dwelling.**
 - 10.815.35 The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.**
- 10.815.40 Before granting a conditional use permit for a garden cottage, the Planning Board shall make the following findings:**
- 10.815.41 Exterior design of the garden cottage is compatible with the existing residence on the lot through architectural use of building forms, scale and construction materials.**
 - 10.815.42 The site plan provides adequate open space and landscaping that is useful for both the garden cottage and the primary dwelling.**
 - 10.815.43 The garden cottage will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.**

10.815.44 The garden cottage will not result in excessive noise, traffic or parking congestion.

10.815.50 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy requirement. Said certificate shall be renewed annually.

10.815.60 In granting a conditional use permit for a garden cottage, the Planning Board may modify a specific dimensional or parking standard set forth in this Section, provided that the Board finds such modification will be consistent with the required findings in Section 10.815.40.

C. In Article 15 – Definitions, insert the following new definitions:

Accessory dwelling unit (ADU)

A dwelling unit that is constructed on the same lot as a single-family dwelling and complies with the standards for accessory dwelling units set forth in this Ordinance.

Attached accessory dwelling unit (AADU)

An accessory dwelling unit that is constructed within or attached to a single-family dwelling. For the purpose of this definition, “attached” means sharing a common wall for at least 25 percent of the length of the side of the single-family dwelling.

Detached accessory dwelling unit (DADU)

An accessory dwelling unit that is constructed within an accessory building on a lot containing one single-family dwelling.

Dwelling unit, accessory

See accessory dwelling unit.

Garden cottage

A dwelling unit that is constructed through conversion of an accessory building on the same lot as a single-family dwelling and complies with the standards for garden cottages set forth in the Ordinance.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk