

Section 610:

Allowing the installation of an Accessory Dwelling Unit as an option for single family homeowners to create living space for extended families or for rental purposes, in those zoning districts that permit certain requirements and obtaining a special exception from the Zoning Board of Adjustment.

Q: Will everyone in Lebanon have the ability to install an accessory dwelling unit?

A: No. Accessory dwelling units are only an option for existing or new single family dwellings to create living space for extended families or for rental income to off-set expenses associated with the standards to be met that include limitations on dwelling unit size and location, requirements for persons living in the accessory dwelling unit and the number of parking spaces allowed.

Q: Does the owner of the property have to occupy one of the dwelling units?

A: Yes. One of the most important standards to be met requires the recording of an affidavit with the Registry of Deeds Office giving notice to future owners of the property that there is a prohibition for the owner of the property must reside in one of the dwelling units to qualify for this type of zoning.

Q: How will I know if my next door neighbor is installing an accessory dwelling unit?

A: If you are an abutter (your property directly abuts the subject property or is directly adjacent to the subject property by certified mail). A special exception from the Zoning Board of Adjustment is required before an accessory dwelling unit is installed. You will have an opportunity to review the application and comment on the proposal by speaking either for or against the application.

2. The human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- F. "Specified Sexual Activity" means:
1. Human sexual intercourse of any kind, oral sex, masturbation or sodomy, whether actual or simulated, and whether alone or between two people of either sex, or
 2. Erotic touching or fondling of human genitals, pubic region, buttocks or female breast, or
 3. Any act or conduct which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

SECTION 610 **ACCESSORY DWELLING UNIT (ADU)**

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small dwelling units as rentals to offset the expense of maintaining the dwelling. The appearance and character of the existing or proposed new dwelling shall remain single family in nature. An accessory dwelling unit is only allowed in a detached single family dwelling, and only one such accessory unit is permitted. If allowed in the respective Zoning District, a property owner can seek a conversion of the unit to either a standard two-family or a multi-family dwelling.

If all of the following criteria are met, an accessory dwelling unit shall be allowed by special exception in all zoning districts where single family dwellings are allowed:

- A. The property owner must occupy either the primary unit or the ADU as their permanent residence. A temporary leave of absence by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning/building permit, the owner shall record in the Grafton County Registry of Deeds an acknowledgment of the above owner-occupancy requirement, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units.

- B. The ADU must be located in the same building as the primary residence unless the lot meets or exceeds the minimum required lot size for the respective zoning district. If the lot meets or exceeds the required minimum lot size, the ADU may be located in a separate detached structure such as a garage or barn, provided the existing structure conforms with required yard setbacks for the respective zoning district. An ADU may also be in a new structure.
- C. If the ADU is located within or by an addition to the existing single family dwelling, the ADU must be connected to the same utilities (except telephone and television) as the existing dwelling. If the ADU is located in a detached structure, then

connections to municipal utilities (i.e. municipal water/sewer) must be separate.

If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an ADU to the lot.

- D. The ADU shall in no case be less than 300 square feet, nor greater than 50% of the gross living area of the primary unit. If the primary unit is greater than 1,460 square feet, but less than 2,920 square feet, the ADU shall not exceed 730 square feet. If the primary unit is greater than 2,920 square feet, the ADU can exceed 730 square feet provided the ADU is no greater than 25% of the gross living area of the primary unit.
- E. The detached ADU shall maintain a proportional mass, size, and height to ensure it is not taller than the principal structure on the lot. The detached ADU height shall not exceed the height of the principal structure as measured to the eave line, with a maximum eave height of ten (10) feet for single-story and sixteen (16) feet for two-story detached ADUs. The roof ridge line of the detached ADU must be less than the primary structure and shall not exceed 25 feet in height.
- F. Occupancy within the ADU shall be limited to no more than four (4) persons, or no more than two (2) persons if unrelated.
- G. Any necessary additional entrances or exits to the primary residence, to serve the ADU, shall be located to the side or rear of the building. All new or altered structures, intended to be used as an ADU, must be located behind the building line of the existing primary residence.
- H. In addition to the two (2) on-site parking spaces required for the primary residence, one (1) additional on-site parking space for the ADU must be provided, and no more than two (2) ADU on-site spaces are allowed. The additional parking space shall comply with the parking standards contained in the Zoning Ordinance and the City of Lebanon's Driveway Regulations.
- I. A zoning/building permit application for the ADU must be approved and issued prior to its construction, and a certificate of occupancy must be obtained prior to its occupancy. The ADU shall have an interconnected fire alarm system and shall meet all life safety and building codes.

SECTION 611 The Keeping of Chickens.

The intent and purpose of this section is to allow the keeping of a limited number of hens, primarily for the purpose of providing fresh eggs to the occupants of the dwelling.