

CITY OF LACONIA

In the Year of our Lord two thousand and twenty-four

**AN ORDINANCE AMENDING CHAPTER 235 ZONING RELATIVE TO ARTICLE VII, SUPPLEMENTARY PROVISIONS, § 235-41 A, ACCESSORY DWELLING UNITS**

The City of Laconia ordains:

That the ordinance of the City of Laconia, as amended, be and are further amended in Chapter 235, Article II, Definitions and Word Usage, § 235-13; Article VII, Supplementary Provisions, § 235-41 A; and Attachment 2 – Table I, Table of Permitted Uses.

**§ 235-13. Definitions.**

**~~DWELLING, MULTIFAMILY~~**

~~A building on a single lot of record containing three or more dwelling units, including units that are located one over the other.~~

**~~DWELLING, TWO-FAMILY~~**

~~A building on a single lot of record containing two dwelling units, including units that are located one over the other.~~

**MULTIFAMILY**

Three or more dwelling units located on a single lot of record in attached or detached structures exclusively used by three or more families living independently of each other.

**PRIMARY RESIDENCE**

The place of abode or domicile that is designated by a person as their principal place of physical presence to the exclusion of all others for at least 200 days annually. For the purposes of this chapter, such designation can be determined by providing the Planning Department with two or more of the following documents: valid New Hampshire driver license, valid New Hampshire identification card, valid U.S. Passport, valid vehicle registration, or proof of payment for utilities at the property for which primary residency is being claimed.

**SINGLE-FAMILY**

A dwelling unit located on single lot of record exclusively used for a single family maintaining a household.

**TWO-FAMILY**

Two dwelling units located on a single lot of record in attached or detached structures exclusively used by two families living independently of each other.

**§ 235-41. Residential accessory uses.**

- A. *Accessory dwelling unit. Accessory dwelling units (ADU) 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 a dwelling. The appearance and character of the dwelling ~~must~~ shall remain single-*

family in nature. A single-family dwelling with an **ADU** accessory dwelling unit is not classified as a two-family dwelling. One **ADU** accessory dwelling unit is permitted on any property containing an owner-occupied single-family dwelling, provided the following conditions are met:

- (1) **An ADU is** ~~Accessory dwelling units shall be permitted only on properties containing an owner-occupied single-family dwelling. Only one ADU is permitted per single-family dwelling~~ There shall be not more than one accessory dwelling per lot.
- (2) ~~An ADU is shall not be~~ considered to be an additional dwelling unit for the purposes of determining minimum lot size or development density of the property.
- (3) ~~The property owner must occupy either the principal dwelling unit primary residence or the ADU as their primary his or her 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 of absence. The owner must shall provide documentation demonstrating to the satisfaction of the City that one of the units is their primary his or her principal residence.~~
- (4) ~~An The ADU may must be located in the same building as the principal dwelling unit or 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. Any new structure must conform to the required dimensional standards for the respective zoning district , provided the existing structure conforms to required yard setbacks for the respective zoning district.~~
- (5) ~~The ADU must shall~~ contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations. If the ADU is located within 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 and sewer) may be separate.
- (6) ~~Where municipal water or sewer service is not provided, the ADU must have 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.
- (7) ~~An interior door must shall~~ be provided between the principal dwelling unit and the accessory dwelling unit, **if attached.**
- (8) ~~The ADU must shall not have more than two bedrooms, shall not be less than 300 square feet, and must shall not exceed 1,000 750 square feet. If the principal dwelling primary unit is greater than 4,000 3,000 square feet, the ADU must not exceed can exceed 750 square foot, provided the ADU is no greater than 25% of the gross living area of the principal dwelling primary unit.~~
- (9) ~~The ADU must shall~~ be subsidiary in size, height, and function to the principal

dwelling and **must** ~~shall~~ be consistent with the principal dwelling in appearance, design, colors, and materials.

- (10) ~~Any necessary additional entrances or exits on the lot must to the primary residence, to serve the ADU, shall be located to the side or rear of the building. Any new or altered structures, intended to be used as an ADU, must be located behind the building line of the existing primary residence, except when the Zoning Board of Adjustment finds that the placement of the ADU on the lot will not adversely affect the character of the neighborhood, traffic, or the safety of pedestrians and must will not create a hazard or nuisance to abutting property owners.~~
- (11) ~~There must shall be at least one off-street parking space for the ADU in addition to the off-street parking requirements for the principal dwelling unit in the rear or side yard for the accessory dwelling and no additional curb cut. The additional parking space shall comply with the parking standards contained in the Zoning Ordinance.~~
- (12) ~~The structure and lot must shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal dwelling unit principal single-family dwelling.~~
- (13) ~~An A zoning/building permit application must be submitted to and approved by the Planning Department for the ADU must be approved and issued prior to its construction, and a certificate of occupancy, specifying that the dwelling unit is an ADU, must be obtained prior to its occupancy. A building permit must be submitted for all construction related to the creation of an ADU. A certificate of occupancy must be obtained prior to its occupancy. All ADUs must The ADU constructed within a primary residence shall have an interconnected fire alarm system. All ADU's shall meet all current life safety and building codes, as well as all performance standards outlined herein, prior to being issued a certificate of occupancy.~~
- (14) ~~Any lot with an approved ADU is not permitted to use Short-Term Lodging. Any lot approved for Short-Term Lodging is not permitted to have an ADU. Should a property owner obtain a permit for either Short-Term Lodging or an ADU, all prior permits issued for Short-Term Lodging or an ADU will be rescinded upon issuance of the new permit.~~

#### **Attachment 2 – Table I, Table of Permitted Uses**

- Amend the Table of Permitted Uses to change Accessory Dwelling Unit from Permitted by Special Exception (E) to Permitted by Right (P) in all districts except IP, I, and AI.
- Amend the Table of Permitted Uses to remove “Dwelling” from “Multifamily Dwelling.”
- Amend the Table of Permitted Uses to remove “Dwelling” from “Two-Family Dwelling.”

This ordinance amendment shall take effect upon its passage.



Andrew J. Hosmer, Mayor

Passed and approved this 20 day of August 2024.



Katie Gargano, City Clerk