

TOWN OF NEW DURHAM ZONING AND LAND USE ORDINANCE

- ii. An inspection by New Hampshire DES for proper disposal of septic and gray water is required for a permit to be issued.

L. Accessory Dwelling Units.

1. **Purpose and Authority:** The town finds that to provide increased affordable housing opportunities to allow seniors to age in place, for college students, and for workers and families entering the workforce to find affordable housing, to accommodate caregivers and disabled persons, and by rental to unrelated individuals to provide economic support for current residents, the creation of these regulations is **enacted in accordance with the provisions of RSA 674:71-73** in the public interest.
2. **Applicability: Accessory dwelling units (ADU), as defined in Article III of this ordinance, shall be allowed by right in all zoning districts that permit single-family dwellings, EXCEPT:**
 - a) **All ADUs proposed within the Shorefront Conservation Overlay District,**
 - i. ~~unless there is no increase in impervious cover.~~ **Require a Conditional Use permit according to the following standards:**
 - i. Provide a stormwater management plan to demonstrate that the proposed construction will not reduce water quality in the adjacent water body due to increased stormwater runoff or increased phosphorus runoff as described in Article XVII, Stormwater Management and Erosion Control.
 - i. If applicable, provide all required information for a Conditional Use Permit as required in Article XI, Steep Slopes Conservation Overlay District.
 - ii. If applicable, provide all required information for a Conditional Use Permit as required in Article XV, Water Quality Protection Overlay District.
 - ii. **Only Attached ADUs are permitted;**
 - iii. **A minimum of one (1) off street parking space shall be provided per ADU bedroom. This is in addition to the four (4) parking spaces required for all Shorefront Conservation lots. (See XIV.C.8).**
 - iv. **The total number bedrooms (primary dwelling + ADU) for non-conforming lots shall not exceed four.**
3. ~~All accessory dwelling units (ADU), shall exhibit and be subject to the following requirements and standards:~~

Where allowed, an ADU shall comply with the following requirements and standards:

- a) ~~A single maximum of one (1) ADU per lot of record may be~~ **is permitted; by conditional use permit in any district of the Town in which single family residential dwellings are permitted;**
- b) ~~An ADU may be attached, detached or stand alone, as defined in Chapter III. Definitions;~~
- c) ~~All ADUs must conform to building regulations including setbacks, have adequate provision for water supply and septic, and meet driveway requirements;~~
- d) ~~ADUs must consist of at least 500 square feet but not more than 750 square feet of living area with total area not to exceed 850 square feet and may not exceed the area~~

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- ~~in square feet of the primary dwelling. The area of the ADU shall have a gross living area not to exceed 1,000 square feet;~~
- ~~i. If the gross living area for the primary dwelling is less than 1,000 square feet, an ADU's living area shall be no greater than 750 square feet.~~
 - e) The ADU shall be limited to a maximum of two (2) bedrooms;
 - f) ~~Only one (1) accessory dwelling unit shall be permitted per lot of record;~~ Attached ADUs shall provide an interior door and common wall between the primary dwelling unit and the accessory dwelling unit, recognizing that ADUs above attached garages may have more than one intervening door between the ADU and the primary dwelling unit;
 - g) An ADU ~~cannot~~ shall not increase any nonconforming aspect of any existing primary structure to which it is attached or a part of, nor cause a conforming lot to become nonconforming;
 - h) ~~On a nonconforming lot, only attached ADUs shall be allowed; No additional driveway shall be permitted for an ADU but a minimum of one (1) off-street parking space shall be provided per bedroom.~~ A single driveway for use by the primary dwelling unit and the ADU is required;
 - i) A minimum of one (1) off street parking space shall be provided per bedroom.
 - j) The appearance, style, color and design of the ADU should be consistent with the primary dwelling or structure (if any) to which it is attached;
 - k) ADUs may not be built in conjunction with a two family or multifamily dwelling and ADUs may not attain the status of a duplex or multifamily dwelling;
 - l) The ADU shall not consist of transient or temporary housing such as a hotel, motel, rooming or boarding house; Building design and placement shall demonstrate that the ADU is clearly subordinate to the primary dwelling unit.
 - i. Attached ADUs shall maintain aesthetic continuity of the principal dwelling unit. As such, any appearance of a duplex or multi-family building is prohibited.
 - ii. Detached ADUs shall be located in a position on the lot that presents a less dominant focus than the primary dwelling unit and maintain an aesthetic continuity with the primary dwelling unit.
 - m) ~~Owner occupancy of either the primary dwelling structure or the ADU is required;~~
 - n) ~~Occupancy of an ADU must be for a minimum of four (4) weeks at a time;~~
 - o) Business usage of an ADU is limited to a home occupation and shall meet the standards required in the New Durham Home Occupation Ordinance;
 - p) Adequate water supply and sewage disposal in accordance with NH RSA 674:72-V 485-A:38 is required. ~~If the existing septic does not meet current requirements, a new or modified septic system will be required.~~ Water supply and sewage disposal for the primary dwelling unit and the ADU may be combined or separate;
 - q) ~~On a conforming lot, a limit of one (1) ADU may be allowed and can be either attached or detached.~~
4. ~~All attached accessory dwelling units shall exhibit and be subject to the following requirements and standards:~~

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- a) ~~Be contiguous to the primary dwelling unit;~~
 - b) ~~Have a shared common wall, floor or ceiling with the existing primary dwelling unit;~~
 - c) ~~Have an interior door between the primary dwelling and the accessory dwelling unit.~~
5. ~~All detached accessory dwelling units shall exhibit and be subject to the following requirements and standards:~~
- a) ~~Detached ADUs may be permitted on conforming lots provided that they conform to other building requirements including setbacks, adequate provision for water supply and septic, and driveway requirements.~~
6. ~~All stand alone accessory dwelling units shall exhibit and be subject to the following requirements and standards:~~
- a) ~~Stand alone ADUs may only be permitted on lots that have an area that is 50% more than that required for a conforming lot based on soil based lot sizing standards (see Chapter VII. A. c. 2~~
 - b) ~~Stand alone ADUs may be permitted on conforming lots provided that they conform to other building requirements including setbacks, adequate provision for water supply and septic, and driveway requirements.~~

M. Lighting Requirements

Preamble: The dark, star-filled night skies that still prevail in New Hampshire's extensive rural areas are an important but diminishing natural resource. New Hampshire's dark skies have more than aesthetic value. They are part of the rural experience that is important to residents, and attracts tourism which in turn contributes significantly to local economies.

This ordinance is intended to improve visibility of the nighttime sky without impacting safety, by reducing lighting conditions including glare, light trespass and sky glow. Additionally, it is intended to maintain the rural character of New Durham, in part by preserving the visibility of night-time skies, and to minimize the impact of artificial lighting on nocturnal wildlife. This ordinance recognizes the importance of residential lighting for safety and security, and promotes good neighborly relations by preventing glare from outdoor lights from intruding on nearby properties or posing a hazard to pedestrians or drivers.

1. Lighting Requirements:

All outdoor lighting shall be controlled to minimize the spillover of light onto adjacent properties. All outdoor area (non-decorative) lighting shall be aimed below the horizontal plane except for non-directional residential lighting such as porch, driveway and walkway lights.

2. Exemptions:

- a) All temporary emergency lighting needed by the police, fire or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this ordinance.
- b) All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article.