



ORDINANCE

AMENDING THE ACCESSORY DWELLING ORDINANCE

CITY OF NASHUA

In the Year Two Thousand and Seventeen

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article VI “Supplemental Use Regulations”, Section 190-32 “Accessory dwelling units and accessory apartments” of the Nashua Revised Ordinances as amended, is hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

“§ 190-32. Accessory dwelling units ~~and accessory apartments~~.

- A. Applicability. This section applies to any accessory dwelling unit ~~apartment or accessory apartment~~.
- B. Standards.
- (1) The accessory dwelling unit ~~or accessory apartment~~ shall be clearly incidental and subordinate in extent, use, and purpose to the primary structure and does not exceed 30% of the gross floor area of the structure ~~up to a maximum of 700~~ 750 square feet.
 - (2) The accessory dwelling unit ~~or accessory apartment~~ shall be the only accessory dwelling unit within or on the same lot as the one ~~one~~ single-family dwelling.
 - (3) The accessory dwelling unit ~~or accessory apartment~~ shall not alter the single-family character or appearance of the single-family dwelling or its conformity with the character of the neighborhood.
 - (a) No new entrance or exit to an accessory dwelling unit shall be constructed on the front or frontage side of the single-family dwelling.

(b) No new curb cut from the street shall be constructed.

(c) The exterior design of the accessory dwelling unit shall be compatible with the single-family dwelling through architectural use of building forms, scale and construction materials.

~~(4) The accessory dwelling or accessory apartment is not used for rental purposes by persons other than blood or marriage relatives of the one family dwelling of which it is a part, or by individuals related to occupants of the primary dwelling through adoption, or other legally sanctioned or created arrangement.~~

(5) The owner of the property must occupy either the primary or accessory dwelling unit as the owner's principal place of residence for a period of at least five (5) years following the granting of the certificate of occupancy for the accessory dwelling unit.

(6) The owner of the property shall provide the City of Nashua with a covenant for filing with the Hillsborough County registry of deeds, along with the appropriate filing fees. The covenant shall read substantially as follows:

" _____ of _____ covenants and agrees that the property located at _____ contains an accessory dwelling as defined by the City of Nashua Land Use Code (§ 190-264 of Article XLII). That use of the property is permitted as a special exception granted by the Zoning Board of Adjustment on _____, _____. The continued use of the accessory dwelling unit is conditioned upon compliance with all current and subsequently adopted ordinances and statutes applicable to the property."

Granting of a certificate of occupancy of the accessory dwelling unit shall be contingent upon receipt of the covenant and fees.

~~(7) One (1) additional off-street parking space is required above the minimum standard for a single family house.~~

~~(8) An interior door shall be provided between the primary dwelling unit and the accessory dwelling unit.~~

~~(9) The single-family dwelling and the accessory dwelling unit shall not be separated in ownership (including by condominium ownership).~~

(10) Accessory dwelling units shall only be associated with single-family detached dwellings, and shall not be associated with manufactured housing as defined in RSA 674:31.

It is further ordained that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article III “Base Districts”, Section 190-15 “Permitted Uses”, Table 15-1 “Use Matrix” of the Nashua Revised Ordinances as amended, is hereby further amended by deleting the struck-through language as follows:

“Table 15-1 Use Matrix.

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3. ~~Accessory dwelling units or accessory apartments~~

It is further ordained that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article VIII “Impact Fees”, Section 190-75 “Definitions” of the Nashua Revised Ordinances as amended, is hereby further amended by deleting the struck-through language and as follows:

“§ 190-75. Definitions.

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~~DUPLEX – A residential use consisting of two dwellings on a single lot.~~ See Article XLII, § 190-264.

It is further ordained that Part II “General Legislation”, Chapter 190 “Land Use”, Part 8 “Definitions and Submittal Requirements”, Article XLII “Definitions”, Section 190-264 “Definitions” of the Nashua Revised Ordinances as amended, is hereby further amended by deleting the struck-through language and as follows:

“§ 190-264. Definitions.

.....

~~ACCESSORY APARTMENT – A second dwelling unit contained within the same building as a single family dwelling.~~

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DWELLING UNIT, ACCESSORY – A second dwelling unit contained within or attached to the same building as a single-family dwelling.

Commentary: compare “accessory apartment.”

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

This legislation shall take effect June 1, 2017.