

Article 5: To see if the Town will vote to amend the Newport Zoning Ordinance by the adoption of Zoning Amendment No. 1, concerning Accessory Dwelling Units. Copies of the complete text of Amendment No. 1 are available for review at the Town Office and will be available the day of the election. The following question will be printed on the official ballot:

“Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board for the Town Zoning ordinance as follows? Amendment No 1 makes an Accessory Dwelling Unit a permitted use in conjunction with any permissible single family dwelling, as required by a 2016 State statute, RSA 674:71-73. Please see complete text for details.”

The Current Language that is contrary to RSA 674:71-73 is:

Accessory Apartment: A second dwelling unit on the same lot that is subordinate to the principal use of the principal building and occupies space no greater than 35% of the principal building and contains no more than one bedroom. The principal building may be either residential or non-residential in principal use. No more than one accessory apartment per lot shall be allowed. The Accessory Apartment may be attached either to the principal building or to a detached accessory building. Accessory Apartment is understood to include the term Accessory Dwelling Unit as defined in RSA 674:21.

The Proposed Language that is in compliance with RSA 674:71-73 is as follows:

Proposed Article IV, Section 419

419.1 Definitions

Accessory Dwelling Unit: An "accessory dwelling unit" (or "ADU") is a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the dwelling unit it accompanies.

419.2 Provisions

An accessory dwelling unit shall be permitted by special exception in all zoning districts that permit single family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted for each single-family dwelling.
- B. The ADU shall provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking and sanitation.
- C. If attached, the ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
- D. The ADU shall not exceed 750 square feet in habitable floor area.
- E. The ADU shall be provided a minimum of two (2) off-street parking spaces as provided for in Article IV, Section 409.
- F. An ADU 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.
- G. The ADU shall have an interior door between the attached ADU and the primary dwelling.

- H. The ADU shall comply with the residential occupancy standards that are covered by the State Building Code and other pertinent safety, fire, health and accessibility standards.
- I. If the ADU is not on public water and sewer, well and septic provisions shall comply with NH Department of Environmental Services regulations. Note that DES may require enlargement or modification of the septic system if the ADU makes it necessary to accommodate a larger loading.
- J. The ADU shall not have more than 2 bedrooms.
- K. The ADU shall maintain the aesthetic continuity with the principal dwelling unit as a single-family dwelling.
- L. The ADU shall comply with the density and lot size requirements outlined in each zoning district.

419.3 Minimum Lot Dimension Requirements: An ADU shall not be required to meet additional lot area requirements other than already provided for the dwelling unit. An ADU shall comply with all lot setback requirements.

The term *Accessory Apartment* will be replaced with **Accessory Dwelling Unit (ADU)**. Below is where these terms are currently located in the Zoning Ordinance

Current locations:	206.1	Page 8	(R)
	206B.1	Page 11	(K)
	208.1	Page 15	(R-2)
	213.3	Page 31	(PB)
	409.7	Page 58	(Parking)
By reference	209.1	B-1 says anything in R-1	
	209.2	B-1 Special Exception for new construction of one-family dwellings	
	210.1	B-2 says anything in B-1	
	210.2	B-2 Special Exception for new construction of one-family dwellings	