

1 **2.5.1 ACCESSORY DWELLING UNIT TO BUSINESS USES:**

2  
3 In a commercial zone, a single attached dwelling unit may be allowed as a permitted  
4 accessory use to an allowed business. The accessory dwelling unit shall conform to all  
5 standards required for an Attached Accessory Dwelling Unit (AADU) as defined in Article 18,  
6 except that the AADU shall be accessory to an allowed business instead of a single family  
7 residence.  
8

9 ACCESSORY DWELLING UNITS: [GM edits in blue 12/29/23](#)

10  
11 An Accessory Dwelling unit (ADU) is a second completely private dwelling unit that provides  
12 independent facilities for one or more persons, including provisions for sleeping, eating,  
13 cooking and sanitation on the same parcel of land as the principal dwelling unit it  
14 accompanies. An ADU is intended to be secondary, and accessory to, a principal single  
15 family dwelling unit in accordance with ARTICLE 18 ACCESSORY DWELLING UNITS.  
16

17  
18 **ARTICLE 18**  
19 **ACCESSORY DWELLING UNITS**

20  
21 **18.1 AUTHORITY AND PURPOSE**

22  
23 In accordance with NH RSA 674:71-73, this provision allows for the creation of an Accessory  
24 Dwelling Unit ([also known as an ADU](#)) as an accessory use to single-family detached  
25 dwellings for the purpose of providing expanded housing opportunities and flexibility in  
26 household arrangements.  
27

28 An Accessory Dwelling Unit is intended to be secondary and accessory to a principal single  
29 family-dwelling unit and may be either attached or detached to the principal dwelling unit  
30 as follows:

31 A. Attached Accessory Dwelling Unit located within or attached (bumped  
32 out) to a single-family residence or an attached garage or barn that is  
33 part of the structure. Permitting of Attached Accessory Dwelling Units  
34 shall be via the building permit process in accordance with the  
35 provisions of this Article.

36  
37 B. Detached Accessory Dwelling Unit located within a detached accessory  
38 structure such as a barn or garage, or as a standalone unit such as a  
39 cottage. Permitting of Detached Accessory Dwelling Units shall be via a  
40 Conditional Use Permit application process administered by the  
41 Planning Board in accordance with the provisions of this Article.

42  
43 **18.2 DEFINITIONS**

44  
45 An Accessory Dwelling unit (**ADU**) is a second completely private dwelling unit that provides  
46 independent facilities for one or more persons, including provisions for sleeping, eating,

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47 cooking and sanitation on the same parcel of land as the principal dwelling unit it  
48 accompanies.

49  
50 ~~An ADU is intended to be secondary and accessory to a principal single family dwelling unit  
51 and may be either attached or detached to the principal dwelling unit as follows:~~

52 ~~A. Attached Accessory Dwelling Unit (AADU) located within or attached  
53 (bumped out) to a single family residence or an attached garage or barn  
54 that is part of the structure.~~

55  
56 ~~B.A. Detached Accessory Dwelling Unit (DADU) located within a  
57 detached accessory structure such as a barn or garage, or as a  
58 standalone unit such as a cottage.~~

59 18.3 REQUIREMENTS, LIMITATIONS, CONDITIONS:

60 1. All Accessory Dwelling Units, attached or detached, shall comply with the following  
61 standards:

62  
63 ~~A. An ADU shall require a Special Exception approval from the Canterbury Zoning  
64 Board of Adjustment and Select Board approval for a Residential Building  
65 Application. RSA 674:72,1.~~

66  
67 ~~B.A.~~ An ~~accessory dwelling unit~~ Accessory Dwelling Unit shall have no more than  
68 1,000 square feet of gross floor area, ~~and be smaller than the principal dwelling,~~ and  
69 contain no more than two bedrooms in addition to kitchen and bathroom facilities.  
70 Gross floor area shall mean the sum of the several floors (including basements) of  
71 the ADU measured from the exterior walls, but not including interior parking or  
72 loading space for motor vehicles or any space where the floor to ceiling height is  
73 less than six feet.

74  
75 ~~C. An ADU shall contain fully self-sufficient living quarters, consisting of adequate  
76 sleeping, eating cooking, and sanitation accommodations.~~

77  
78 ~~D.B.~~ One ADU is permitted per lot, provided the lot is an existing legal lot of  
79 record.

80  
81 ~~E.C.~~ Either the primary single family unit or the ~~accessory dwelling unit~~  
82 Accessory Dwelling Unit must be owner occupied.

83  
84 ~~F.D. Adequate off-street parking must be provided. One parking space must be provided  
85 for the Accessory Dwelling Unit and two for the Single Family Home.~~

86  
87 ~~G.E.~~ An ~~accessory dwelling unit~~ Accessory Dwelling Unit shall meet all setbacks,  
88 height, lot coverage, zoning, fire, building codes, sanitary requirements, and  
89 maximum occupancy per bedroom applicable to a single family dwelling and shall  
90 require a certificate of occupancy. The ADU shall not increase any nonconforming  
91 aspect of any existing structure.  
92

93 H.F. ~~The Accessory Dwelling Unit shall either be connected to municipal sewer~~  
94 ~~and water, or an onsite well and septic system.~~ applicant for a permit to construct  
95 ~~an accessory dwelling unit shall make adequate provisions for water supply and~~  
96 ~~sewage disposal for the accessory dwelling unit in accordance with RSA 485:A38;~~  
97 ~~but separate systems shall not be required for the principal and accessory dwelling~~  
98 ~~units. RSA 674:72; approved for the total occupancy of all dwelling units. V.~~  
99

100 G. Accessory dwelling units associated with multiple single family dwellings attached  
101 to each other, such as townhouses, ~~and with manufactured housing as defined in~~  
102 ~~RSA 674:31,~~ are prohibited.  
103

104 H. ~~A Detached Accessory Dwelling Unit must share a common driveway entrance~~  
105 ~~(curb cut) with the primary dwelling and ?must?have a separate address.? See 3. C.~~  
106  
107 ~~Maybe C.3 unnecessary if it's here for all ADU's?~~  
108

109 I. Subsequent condominium conveyance of any ~~96 accessory dwelling unit~~ Accessory  
110 ~~Dwelling Unit~~ separate from that of the principal dwelling unit are prohibited,  
111 notwithstanding the provisions of RSA 356-B:5.  
112

113 ~~J.—An ADU may be considered a unit of workforce housing for purposes of satisfying~~  
114 ~~the municipality's obligation under RSA 674:59 if the unit meets the criteria in RSA~~  
115 ~~674:58, IV for rental units.~~  
116

117 2. Attached Accessory Dwelling Units (~~AADU's~~) shall comply with the following additional  
118 standards:  
119

120 A. Upon meeting requirements, the municipality shall allow one ~~AADU~~ Attached  
121 ~~Accessory Dwelling Unit~~ per residence in all zoning districts that allow single family  
122 dwellings. RSA 674:72,I.  
123

124 B. One ~~AADU~~ Attached Accessory Dwelling Unit shall be allowed without additional  
125 requirements for lot size, frontage, space limitations or other controls beyond what  
126 would be required for a single family unit.  
127

128 C. An interior door shall be provided between the principal dwelling unit and the ~~AADU~~  
129 ~~Attached Accessory Dwelling Unit.~~ This interior door ~~but it~~ need not remain  
130 ~~un~~locked. A common wall is not necessary when entrance is through an attached  
131 garage, barn, or heated hallway.  
132

133 3. ~~A~~ Detached Accessory Dwelling Unit (~~DADU's~~) shall comply with the following  
134 additional standards:  
135

136 ~~A.—For DADU's only, The Zoning Board may use its discretion to require additional~~  
137 ~~lot size in order to meet requirements of this section and section 1 above.~~  
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- 139 B.A. A ~~DADU~~ Detached Accessory Dwelling Unit may not be constructed on an  
 140 existing nonconforming lot.  
 141
- 142 G.B. A ~~DADU~~ Detached Accessory Dwelling Unit may not be constructed in the  
 143 Center Historic District without approval from the Historic District Commission.  
 144
- 145 D.C. A ~~DADU~~ Detached Accessory Dwelling Unit must share a common driveway  
 146 entrance (curb cut) with the primary dwelling and ?must? have a separate  
 147 address.<sup>2</sup>  
 148
- 149 D. A ~~DADU~~ Detached Accessory Dwelling Unit may exist as a freestanding structure  
 150 or a unit within or attached to a detached accessory building or be a conversion  
 151 of an existing detached accessory building.  
 152
- 153 E. A Detached Accessory Dwelling Unit must be similar in appearance to the Single  
 154 Family Home.  
 155
- 156 F. The principal dwelling unit and the ~~DADU~~ Detached Accessory Dwelling Unit  
 157 shall not be separated in ownership (including by condominium ownership) and  
 158 title and shall not be separable from the primary dwelling to which it is  
 159 accessory.  
 160
- 161 G. Remote ~~DADU~~ Detached Accessory Dwelling Units, located greater than 500  
 162 feet from the primary dwelling, are prohibited as not meeting the general  
 163 intention of this ordinance as accessory, incidental, and subordinate to the  
 164 primary dwelling. See lot requirements for subdivision or cluster housing for the  
 165 Canterbury Zoning Ordinance for other options.  
 166
- 167 H. Notwithstanding paragraphs F. and G., a ~~detached accessory dwelling unit~~  
 168 Detached Accessory Dwelling Unit (DADU) may become an individually owned  
 169 private residence if the original lot is legally subdivided by application to the  
 170 Canterbury Planning Board into two or more separate lots that meet all the  
 171 regular requirements for subdivision in the Canterbury Zoning Ordinance and  
 172 Subdivision Regulations ~~s-without-exception-or-special-consideration~~. The  
 173 former primary dwelling unit and lot and the new converted independent  
 174 dwelling unit and lot may not be made nonconforming by the subdivision  
 175 process, including lot size, all front and side setbacks, road frontage, private  
 176 septic and utilities. In the granting of an ADU permit, no terms or conditions in  
 177 this Article, expressed or implied, shall be interpreted as conferring any  
 178 obligation by the Town to allow any future subdivision either by vested right or  
 179 variance for hardship, special exception, CUP, or any other reason.

180 18.5 18.4? ACCESSORY DWELLING UNIT TO BUSINESS USES:

181  
 182 In a commercial zone, a single attached dwelling unit may be allowed as a permitted  
 183 accessory use to an allowed business. The Accessory Dwelling Unit shall conform to all  
 184 standards required for an Attached Accessory Dwelling Unit (Attached Accessory Dwelling

Unit) as defined in Article 18, except that the Attached Accessory Dwelling Unit shall be accessory to an allowed business instead of a single family residence.

18.5 CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS:

Applicability:

1. All Detached Accessory Dwelling Unit shall obtain a Conditional Use Permit from the Planning Board, and shall do so prior to the issuance of a Building Permit.

2. Application materials:

All Conditional Use Permit applications for a Detached Accessory Dwelling Unit shall include the following:

A. Applications completed on forms provided by the Planning Board for a Conditional Use Permit.

B. A narrative describing how each of the required elements will be met.

C. Color photographs of the Single Family Dwelling and any other structures on the site.

D. Elevation renderings of the proposed Detached Accessory Dwelling Unit.

3. The Planning Board is authorized to grant requested waivers for above items if, in the opinion of the Board, both of the following are demonstrated:

A. Strict conformity to the specific Conditional Use Permit application requirement could create an unnecessary burden to the applicant; and,

The information provided by the applicant is sufficient for the Board to determine that granting the waiver is in compliance with the spirit and intent of the ordinance. Granting the requested waiver will still provide adequate information to the Planning Board to make an informed decision.

B.

4. Conditional Use Permit Approval Standards:

The Planning Board may require additional conditions at its discretion. ?to further the spirit and intent?

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226 If, in the opinion of the Planning Board, all of the standards described in Section 18.3.1 and  
227 section 18.3 above have been met, the Board may~~shall~~ issue the Conditional Use Permit.

228 If, in the opinion of the Board, one or more of the standards in Section 18.3.1 and Section  
229 18.3 has not been met, the Conditional Use Permit shall be denied.

230 The Planning Board may affix other conditions of approval at their discretion.  
231