

DRAFT AMENDMENTS TO PLYMOUTH ZONING ORDINANCE

AMENDMENTS 1-7 (version 7)

AMENDMENT 8 (version 3)

*As revised 1/4/23*

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**Amendment 7. Section 416, Accessory Dwelling Unit (ADU) by Conditional Use Permit**

1. Amend the section title by deleting the words “by Conditional Use Permit”
2. Delete the paragraph that reads, “Subject to the Provisions of RSA 674:21, II, the Planning Board is Hereby Authorized to Issue a Conditional Use Permit for an Accessory Dwelling Unit in the Town of Plymouth if the proposed project meets the approval criteria of the zoning ordinance and planning review.”
3. Amend the definition of Accessory Dwelling Unit by removing the last sentence, which reads, “Every accessory dwelling unit shall be deemed a resident of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59.”
4. Amend Subsection H by deleting the words, “The ADU shall have sufficient off-street parking allotted to it on underlying parcel and all parking shall meet current Plymouth Zoning standards and parameters for a two-family home. No new curb cut from the street shall be constructed. Previous single-family parking criteria shall cease upon construction of an attached or detached ADU for a single-family dwelling on the same lot” and replacing it with the following: “There shall be one off-street parking space allotted to the ADU in addition to the minimum two spaces per unit required for the principal single-family dwelling.”

The revised section will read:

Section 416     Accessory Dwelling Unit (ADU)

Purpose and Intent:

In accordance with N.H. RSA 674:71-73, the purpose of this ordinance is to expand the mix of affordable housing opportunities in town by permitting the creation of secondary dwelling residences as an accessory use to existing single-family detached dwellings while maintaining the visual and functional character of single-family residential neighborhoods for the following reasons:

- I.     There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.
- II.    Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.
- III.   Elderly and disabled citizens are in need of independent living space for caregivers.
- IV.    There are many important societal benefits associated with the creation of accessory dwelling residences.

Section 1. Definition: As used in this article, the following term shall have the meaning indicated:

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Accessory Dwelling Unit. An "accessory dwelling unit" (or "ADU") is a residential living unit that is within, attached to or detached from 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 principal dwelling unit it accompanies.

Section 2. Provisions. An accessory dwelling unit shall subject to the following:

- A. Only one (1) ADU shall be permitted on a lot that has an existing single-family dwelling and no other accessory dwelling.
- B. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the property owner.
- C. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
- D. The ADU shall not include more than two bedrooms, nor shall it be occupied by more than two adults per ADU.
- E. For attached ADUs, 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.
- F. The ADU shall not exceed 1000 square feet in habitable floor area.
- G. An ADU shall make provision for adequate water supply and for sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.
- H. The ADU shall have at least one parking space allotted to it in addition to the minimum of two spaces required for the single-family dwelling. No new curb cut from the street shall be constructed. Previous single-family parking criteria shall cease upon construction of an attached or detached ADU for a single-family dwelling on the same lot.
- I. Construction of the ADU shall meet all building code/life safety code guidance. The architecture and design of the ADU should reflect that of the primary residence.
- J. The construction of the ADU shall not increase the nonconforming aspect of any existing structure.
- K. Any exterior stairway leading to the ADU shall be covered or enclosed.
- L. Minimum Lot Dimension Requirements: An attached ADU shall not be required to meet additional lot area requirements beyond those already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements and shall not exceed in combination with existing structures more than 75 percent coverage of the host lot.
- M. There shall be no conveyance of an accessory dwelling unit separate from the principal dwelling unit by subdivision, as that term is defined by RSA 674:14, nor shall the accessory dwelling unit have ownership separate from the lot on which the principal dwelling is located. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal residential dwelling.

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**Amendment 8. Fairgrounds Road Residential Overlay District**

Amend the Zoning Ordinance and Zoning Map to establish the following new provisions of the Zoning Ordinance.

Part I. Amend Article 3 by adding the following:

304.3. Fairgrounds Road Residential Overlay District

Purposes

The purpose of the Fairgrounds Road Overlay District (FRROD) is to provide for moderate-density residential development opportunities in areas with public water and public sewer service while preserving the underlying zoning.

Establishment of District

This Section 304.3 is adopted pursuant to the authority for establishing zoning districts under RSA 674.20 and 674.21. The FRROD is as shown on the Fairgrounds Road Residential Overlay District (FRROD) map dated November 15, 2023, entitled, Fairgrounds Road Residential Overlay District, on file with the Planning Board and Town Clerk.

Applicability.

Development of land within the FRROD may be undertaken subject to the requirements of this Section 304.3 or by complying with all applicable requirements of the underlying district. Developments proceeding under this Section 304.3 shall be governed solely by the provisions herein and the standards or procedures of the underlying districts shall not apply. Where the FRROD provides for uses or structures not otherwise allowed in the underlying district, the provisions of the FRROD shall control.

Use Regulations

1. The following uses shall be permitted in the FRROD:
  1. Open-Space Residential Development
  2. Single-Family Dwelling, Detached
  3. Single-family Dwelling, Attached, not exceeding 4 units per building
  4. Two-Family Dwelling
2. The following uses shall be permitted by special exception in the FRROD:
  1. Accessory Dwelling Unit

Density and Dimensional Regulations

Area Dimensions shall be in accordance with Section 304.2 for the Single-Family Residential (SFR) Zone for lots with municipal or private sewage disposal and public water or for lots with

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municipal or private sewage disposal or public water, as applicable, all in accordance with appropriate state standards.

Off-Street Parking

All regulations pertaining to off-street parking in the SFR district in Section 411 shall also apply to development in the FRROD.

Signs

Any sign erected in the FRROD shall comply with the requirements for signs in the SFR zone under Section 408.

Relationship to Other Overlay Districts

When the provisions of this Section 304.5 conflict with the more restrictive provisions of Article VII, Floodplain Development, or the Environmentally Sensitive Zone (ESZ) under Section 710, the more restrictive provisions shall control.

Part II. Further amend Article 3 as follows:

Amend Section 301, Zones, to add the following after AR Airport, the following new words:  
FRROD Fairgrounds Road Residential Overlay District.