



COMMITTEE ON BILLS ON SECOND READING

March 5, 2024 at 5:00 PM

Aldermanic Chambers, City Hall (3rd Floor)

Members: Aldermen Kantor, Levasseur, Morgan, Barry, Fajardo

AGENDA

The Chairman calls the meeting to order.

The Clerk calls the roll.

1. Chairman Kantor advises that the first purpose of the meeting is organizational in nature, and requests the Clerk to provide a brief overview regarding typical issues addressed by the Committee.

2. Ordinance Amendment:

“An Ordinance amending the Zoning Ordinance, Chapter 155 of the Manchester Code of Ordinances, to increase from three (3) to four (4) the number of units permitted per lot without an increase in required lot area in zoning districts that permit multi-family uses; to reduce parking requirements for multifamily uses in the R-3, C-1, and RDV Zoning Districts; and to remove the requirement that accessory dwelling units receive a conditional use permit, among other amendments.”

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

If there is no further business, a motion is in order to adjourn.



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Jeffrey D. Belanger, AICP
Director

Planning and Zoning
Building Regulation
Code Enforcement
Community Improvement Program

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director Building Regulations

February 12, 2024

Board of Mayor and Aldermen
c/o Matthew Normand, City Clerk
One City Hall Plaza
Manchester, NH 03101

Re: Proposed Amendments to the Manchester Zoning Ordinance to Encourage Housing Construction

Dear Mayor Ruais and Aldermen:

Please find enclosed with this letter proposed amendments to Articles 5, 8, and 10 of the Manchester Zoning Ordinance (Ordinance). The amendments fall into two categories. The first would make the construction of townhouse and multifamily housing easier, especially for small, neighborhood-scale buildings. The second would make the construction of accessory dwelling units (ADUs) easier. The goal with these amendments is to continue to address the city's crisis of housing affordability, while respecting the character of the city's neighborhoods.

Regarding townhouse and multifamily construction, the proposed amendments would allow for four dwelling units to be constructed on the amount of land on which the Ordinance currently permits only three dwelling units. These amendments would make housing construction easier in all zoning districts that allow townhouse or multifamily construction, but they should be especially helpful in areas of the city with smaller lot sizes, such as the R-3 and C-1 Zoning Districts. They should also be most helpful to builders of smaller multifamily buildings, which are commonly called "missing-middle housing," because they are not built as frequently as either single-family homes or large-scale apartments.

The amendments also propose to reduce the amount of parking spaces required for multifamily construction in the R-3, RDV, and C-1 Zoning Districts from 1.5 down to 1 per dwelling unit. This reduction in parking would not only mean that a four-unit building could be built with 4, rather than 6, parking spaces, but it would also allow four-unit buildings to be constructed without reserving a 10-foot, landscaped buffer around their parking areas. Again, these amendments should be most helpful to builders of smaller buildings on smaller lots. The amendments would not prohibit builders from constructing more parking spaces, if they prefer, but they would allow the flexibility to provide fewer than what is currently required.

Regarding ADUs, the amendments would eliminate the need for property owners to request approval from the Planning Board prior to the construction of ADUs. Last year, the Board of Mayor and Aldermen adopted a zoning amendment that exempted ADUs from Planning Board

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www.manchesternh.gov

review, when the ADUs were to be constructed entirely within an existing structure. ADUs proposing external construction remained under the Planning Board's purview, so the Board could continue to regulate aesthetics. The goal of the new amendments is to exempt all ADUs from Planning Board review and codify aesthetic requirements. This should reduce the amount of time necessary to permit ADUs, while ensuring that their appearance is compatible with surrounding properties.

The Planning Board is in favor of the ADU and multifamily amendments. Planning staff brought the language to the Planning Board for review and comment at their most recent meeting, and the board expressed their approval. Planning staff will also solicit comments from the Housing Commission, which meets on the 14th.

To assist you with understanding the proposed amendments, there is a second document enclosed with this letter. It is labeled "Commentary Draft," and it contains the same proposed amendment language, but it also contains explanations of the intent of each amendment in the margin. This sort of document does not usually accompany proposed ordinance amendments, but, considering the complexity of the proposed amendments, it should be helpful.

In summary, the proposed amendments offer another step forward in taking on the crisis of housing affordability in Manchester. They should allow the market to respond to the need for additional housing, while respecting the character of the city's well-established neighborhoods. Should you approve of the proposed amendments, I would ask that you authorize the Planning Department and the City Clerk to set a date for a public hearing on the amendments, pursuant to Article 16 of the Zoning Ordinance, Chapter 155 of the Manchester Code of Ordinances, and RSA 675. After the public hearing and necessary committee recommendations, you would have the authority to adopt the amendments.

Thank you for your consideration. I would be happy to answer any questions that you have either before or at your next meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Belanger".

Jeffrey Belanger, AICP
Director

Enclosures

City of Manchester *New Hampshire*

In the year Two Thousand and Twenty-Four

AN ORDINANCE

“An Ordinance amending the Zoning Ordinance, Chapter 155 of the Manchester Code of Ordinances, to increase from three (3) to four (4) the number of units permitted per lot without an increase in required lot area in zoning districts that permit multi-family uses; to reduce parking requirements for multifamily uses in the R-3, C-1, and RDV Zoning Districts; and to remove the requirement that accessory dwelling units receive a conditional use permit, among other amendments.”

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amending the Zoning Ordinance, Chapter 155 of the City of Manchester Code of Ordinances, as follows:

Note: New text shown **bold**. Text to be deleted is shown ~~struck through~~.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK,

City of Manchester New Hampshire

In the year Two Thousand and Twenty-Four

AN ORDINANCE

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 5, Section 11 of the Zoning Ordinance, Table of Accessory Uses, as follows:

ACCESSORY USES P- Permitted -- Not Permitted CU - Conditional Use by the Planning Board SE - Special Exception by the ZBA		RESIDENTIAL						BUSINESS			INDUSTRIAL/R&D		MIXED USE		CIVIC			SUPPLEMENTARY Supplementary Regulations Reference (refer to these sections of the Ordinance for specific standards applicable to the use)
		Suburban	One Family	One Family	Two Family	Suburban Multifamily	Urban Multifamily	Neighborhood	General	Central Business District	General Ind./Industrial Park	Research Park	Redevelopment	Amoskeag Millyard Mixed Use	Institutional	Hospital	Conservation	
Use No.	Zoning District:	R-S	R-1A	R-1B	R-2	R-SM	R-3	B-1	B-2	CBD	IND	RP	RDV	AMX	C-1	C-2	CV	Applicable to the use in any zoning district
L. SERVING A RESIDENTIAL PRINCIPAL USE																		
1	Accessory dwelling units within a single family detached residence (Rev. 05/17)	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 --	--	--	--	--	--	--	--	--	--	8.26

City of Manchester *New Hampshire*

In the year Two Thousand and Twenty-Four

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 8, Section 1 of the Zoning Ordinance, Single family attached (townhouse) dwellings, as follows:

8.01 Single family attached (townhouse) dwellings

The construction of single family attached (townhouse) dwellings, including the construction of additional dwelling units in an existing development of single family attached dwellings and the conversion of an existing non-residential structure to single family attached dwellings, shall be subject to the following standards for minimum lot size and development density:

Zoning District	Minimum Lot Size for the first three four (3 4) Units	Minimum Additional Lot Area for each Unit after the first three four (3 4) Units
	(square feet)	(square feet)
RSM, C-1	10,000	3,500
R-3, C-1 , CBD, B-1 (Rev. 2/3/04; 12/07)	5,000	1,500

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 8, Section 4 of the Zoning Ordinance, Multifamily dwellings, as follows:

8.04 Multifamily dwellings (Rev. 11/5/03, 2/3/04)

The construction of multifamily dwellings, including the construction of additional dwelling units in an existing multifamily development and the conversion of an existing non-residential structure to multifamily dwellings, shall be subject to the following standards for minimum lot size and development density:

Zoning District	Minimum Lot Size for the first three four (3 4) Units	Minimum Additional Lot Area for each Unit after the first three four (3 4) Units
	(square feet)	(square feet)
RSM, C-1	10,000	3,500
R-3, C-1, B-1, RDV (Rev. 11/5/03)	5,000	1,500
CBD (Rev. 2/3/04)	3,000	500
AMX	*	1,000

* Pursuant to Article 6, Dimensional Regulations, of this Ordinance, the AMX District has a minimum lot size of 25,000 square feet, so that up to twenty- five (25) units can be accommodated on this minimum lot.

City of Manchester New Hampshire

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 8, Section 5 of the Zoning Ordinance, Multifamily dwelling units for the elderly, as follows:

8.05 Multifamily dwelling units for the elderly

The construction of multifamily dwelling units for the elderly, including the construction of additional dwelling units in an existing development of multifamily dwelling units for the elderly, shall be subject to the following standards:

A. Minimum area of dwelling unit. Each dwelling unit shall contain a minimum of five hundred (500) square feet of gross floor area, said floor area to be exclusive of common hallways and facilities;

B. Minimum lot area. The following are the minimum standards for lot size and development density:

Zoning District	Minimum Lot Size for the first three four (3 4) Units	Minimum Additional Lot Area for each Unit after the first three four (3 4) Units
	(square feet)	(square feet)
RSM, C-1	10,000	3,500
R-3, C-1, RDV	5,000	1,500
CBD	1,500	500
AMX	*	500

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

* Pursuant to Article 6, Dimensional Regulations, of this Ordinance, the AMX District has a minimum lot size of 25,000 square feet, so that up to fifty (50) units can be accommodated on this minimum lot.

Revise Article 8, Section 26 of the Zoning Ordinance, Accessory Dwelling Unit, as follows:

8.26 Accessory Dwelling Units *(Rev. 10/06/20, 06/06/23)*

Accessory dwelling units (ADUs) are intended to provide more diverse, affordable housing opportunities to the community without the need for additional infrastructure or further land development. Since ADUs are accessory to single-family dwellings in residential zoning districts, it is essential to maintain the appearance, aesthetic continuity and character of such dwellings. Therefore, ADUs shall be subject to the following conditions and limitations to occupancy **and shall be subject to all applicable requirements of this Ordinance, unless expressly exempted in this Section.**

- A. Quantity. ADUs shall only be permitted as accessories to single-family dwellings. Not more than one ADU shall be permitted per single-family dwelling. An ADU may be located within a single-family dwelling, attached to a single-family dwelling, within or above its attached or detached garage, or as a standalone structure. Any ADU located within a garage shall not displace those portions of the garage necessary to provide required off-street parking for the use. *(Rev. 10/06/20, 06/06/23)*

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

- B. Owner Occupied. Either the principal dwelling unit or the ADU must be owner occupied. The owner must demonstrate that one of the units is the owner’s principal place of residence. Both the principal dwelling unit and the ADU must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted. Prior to the issuance of a certificate

of occupancy for an ADU, the property owner shall record a deed restriction or similar document that mandates owner occupancy of the principal dwelling unit or ADU in perpetuity. (Rev. 06/06/23)

- C. Number of Bedrooms Allowed. Size. ~~ADUs shall not exceed 900 square feet in gross floor area shall not exceed the height of the principal structure.~~ No more than two (2) bedrooms shall be permitted within an ADU. (Rev. 06/06/23)

D. Size.

1. An ADU shall not exceed the height of the principal structure on the lot.
2. An ADU shall not exceed 900 square feet of gross floor area.
3. An ADU located within or attached to a principal structure shall not occupy an entire floor of the principal structure and shall not exceed 40% of the gross floor area of the principal structure.
4. An ADU located within an accessory structure that is detached from the principal structure shall not exceed 40% of the gross floor area of the principal structure. The total floor area of the entirety of the detached structure shall not exceed 80% of the total floor area of the entirety of the principal structure.

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

- 5. The percentages in paragraphs 3 and 4 shall not require an ADU to be smaller than 750 square feet of gross floor area.**

~~DE.~~ Location. ADUs shall not be located within front yards and shall be located a minimum of ten (10) feet from both side and rear property lines. Detached ADUs shall be located a minimum of five (5) feet from the principal structure. (Rev. 06/06/23)

~~EF.~~ Parking. One additional off-street parking space shall be provided for the ADU. **No additional curb cut shall be established to serve the ADU.** (Rev. 06/06/23)

~~FG.~~ Adequate Utilities. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises. Where ~~municipal~~ utilities are available, the ADU's shall be connected to the existing utilities within the subject parcel **and shall not be separately connected from the public right-of-way, unless mandated by the provider of the utility.** (Rev. 06/06/23)

~~GH.~~ Design and Construction. ~~No new entrance or exit to the ADU shall be constructed on the street side of the primary residence. For all ADUs, exterior design and construction shall be consistent with that of the primary residence.~~ **Any exterior construction associated with an ADU shall use the same materials, trim, and colors as the principal structure. Any exterior staircase serving a second story of an ADU shall be located at the rear or side of the ADU and shall not face a street.** (Rev. 10/06/20, 06/06/23)

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

- ~~H. Internal Construction — Conditional Use Permit Not Required. ADUs located completely within an existing principal structure or within existing detached structures, such as garages or carriage houses, shall not require a conditional use permit. Minor exterior alterations of existing structures, such as the addition of an external stairway, shall not require a conditional use permit. (Rev. 06/06/23)~~
- ~~I. External Construction — Conditional Use Permit Required. As authorized by RSA 674:72, I, a conditional use permit from the Planning Board, in accordance with Article 12, shall be required to allow new construction of building additions or detached structures to be used as ADUs. In addition to the criteria set forth in Article 12 for a conditional use permit, the Planning Board must also find that the exterior of the ADU is architecturally consistent with the single family dwelling based on the following criteria:~~
- ~~1. Color or color scheme;~~
 - ~~2. Architectural style;~~
 - ~~3. Materials and trim;~~
 - ~~4. Proportion and style of windows, doors, and other elements; and~~
 - ~~5. Massing of the accessory dwelling unit with respect to the single family dwelling.~~
- ~~(Rev. 06/06/23)~~
- II. Impact Fees Required.** The creation of a new dwelling unit requires the payment of impact fees in accordance with Article 13. (Rev. 06/06/23)

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 10, Section 10.04 of the Zoning Ordinance, Table of Off-Street Parking Requirements, as follows:

PRINCIPAL USES	UNIT OF MEASUREMENT	MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASUREMENT
A. RESIDENTIAL		
Multi-Family	Dwelling unit	Two (2) [One & one half (1½) in the R-3, C-1, and RDV] (Rev. 11/5/03)

Revise Article 10, Section 10.07(G) of the Zoning Ordinance, Internal Landscaping of Parking Area as follows:

G. Internal landscaping of parking area. ~~Except for parking in connection with one and two-family dwellings, a~~ All parking areas **containing five (5) or more spaces** shall have a landscaped perimeter of at least ten (10) feet in width. Parking areas of twenty-five (25) spaces or more shall have landscaped areas within the perimeter of the parking area in the minimum amount of five (5) percent of the area occupied by the required parking spaces and associated access aisles.

II. Resolve this ordinance shall take effect upon passage.

City of Manchester
New Hampshire

In the year Two Thousand and Twenty-Four

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amending the Zoning Ordinance, Chapter 155 of the City of Manchester Code of Ordinances, as follows:

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 5, Section 11 of the Zoning Ordinance, Table of Accessory Uses, as follows:

ACCESSORY USES P- Permitted - Not Permitted CU - Conditional Use by the Planning Board SE - Special Exception by the ZBA		RESIDENTIAL						BUSINESS		INDUSTRIAL/R&D		MIXED USE		CIVIC		SUPPLEMENTARY		
		Suburban	One Family	One Family	Two Family	Suburban Multifamily	Urban Multifamily	Neighborhood	General	Central Business District	General Ind./Industrial Park	Research Park	Redevelopment	Amoskeag Millyard Mixed Use	Institutional	Hospital	Conservation	Supplementary Regulations Reference (refer to these sections of the Ordinance for specific standards applicable to the use)
Use No.	Zoning District:	R-S	R-1A	R-1B	R-2	R-SM	R-3	B-1	B-2	CBD	IND	RP	RDV	AMX	C-1	C-2	CV	Applicable to the use in any zoning district
L. SERVING A RESIDENTIAL PRINCIPAL USE																		
1	Accessory dwelling units within a single family detached residence (Rev. 05/17)	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 P	CU 5/17 P	--	--	--	--	--	--	--	--	--	8.26

Commented [B1]: These changes, combined with others in Section 8.26, would allow for ADUs to be built without needing a conditional-use permit from the Planning Board.

City of Manchester New Hampshire

In the year Two Thousand and Twenty-Four

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 8, Section 1 of the Zoning Ordinance, Single family attached (townhouse) dwellings, as follows:

8.01 Single family attached (townhouse) dwellings

The construction of single family attached (townhouse) dwellings, including the construction of additional dwelling units in an existing development of single family attached dwellings and the conversion of an existing non-residential structure to single family attached dwellings, shall be subject to the following standards for minimum lot size and development density:

Zoning District	Minimum Lot Size for the first three four (3 4) Units	Minimum Additional Lot Area for each Unit after the first three four (3 4) Units
	(square feet)	(square feet)
RSM, C-1	10,000	3,500
R-3, C-1 , CBD, B-1 (Rev. 2/3/04; 12/07)	5,000	1,500

Commented [B2]: This would allow 4 townhouse dwelling units to be built on the amount of land that currently allows only 3 dwelling units. This comment also applies to multifamily dwelling units in Section 8.04 and multifamily dwelling units for the elderly in 8.05.

Commented [B3]: Bringing the C-1 district to this lower row means that the first four units only need 5,000 square feet of land area, rather than 10,000 square feet. There are numerous lots in the C-1 that are around 5,000 square feet, and there are also numerous multifamily dwellings. Accordingly, the current zoning does not reflect the district as it is today. Also, the C-1 is much more similar to the R-3, CBD, and B-1 than to the RSM. This comment also applies to the C-1 District in Section 8.04 for multifamily dwellings and Section 8.05 for multifamily dwellings for the elderly.

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 8, Section 4 of the Zoning Ordinance, Multifamily dwellings, as follows:

8.04 Multifamily dwellings (Rev. 11/5/03, 2/3/04)

The construction of multifamily dwellings, including the construction of additional dwelling units in an existing multifamily development and the conversion of an existing non-residential structure to multifamily dwellings, shall be subject to the following standards for minimum lot size and development density:

Zoning District	Minimum Lot Size for the first three four (3 4) Units	Minimum Additional Lot Area for each Unit after the first three four (3 4) Units
	(square feet)	(square feet)
RSM, C-1	10,000	3,500
R-3, C-1, B-1, RDV (Rev. 11/5/03)	5,000	1,500
CBD (Rev. 2/3/04)	3,000	500
AMX	*	1,000

* Pursuant to Article 6, Dimensional Regulations, of this Ordinance, the AMX District has a minimum lot size of 25,000 square feet, so that up to twenty- five (25) units can be accommodated on this minimum lot.

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 8, Section 5 of the Zoning Ordinance, Multifamily dwelling units for the elderly, as follows:

8.05 Multifamily dwelling units for the elderly

The construction of multifamily dwelling units for the elderly, including the construction of additional dwelling units in an existing development of multifamily dwelling units for the elderly, shall be subject to the following standards:

A. Minimum area of dwelling unit. Each dwelling unit shall contain a minimum of five hundred (500) square feet of gross floor area, said floor area to be exclusive of common hallways and facilities;

B. Minimum lot area. The following are the minimum standards for lot size and development density:

Zoning District	Minimum Lot Size for the first three four (3 4) Units	Minimum Additional Lot Area for each Unit after the first three four (3 4) Units
	(square feet)	(square feet)
RSM, C-1	10,000	3,500
R-3, C-1, RDV	5,000	1,500
CBD	1,500	500
AMX	*	500

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

* Pursuant to Article 6, Dimensional Regulations, of this Ordinance, the AMX District has a minimum lot size of 25,000 square feet, so that up to fifty (50) units can be accommodated on this minimum lot.

Revise Article 8, Section 26 of the Zoning Ordinance, Accessory Dwelling Unit, as follows:

8.26 Accessory Dwelling Units (*Rev. 10/06/20, 06/06/23*)

Accessory dwelling units (ADUs) are intended to provide more diverse, affordable housing opportunities to the community without the need for additional infrastructure or further land development. Since ADUs are accessory to single-family dwellings in residential zoning districts, it is essential to maintain the appearance, aesthetic continuity and character of such dwellings. Therefore, ADUs shall be subject to the following conditions and limitations to occupancy **and shall be subject to all applicable requirements of this Ordinance, unless expressly exempted in this Section.**

- A. Quantity. ADUs shall only be permitted as accessories to single-family dwellings. Not more than one ADU shall be permitted per single-family dwelling. An ADU may be located within a single-family dwelling, attached to a single-family dwelling, within or above its attached or detached garage, or as a standalone structure. Any ADU located within a garage shall not displace those portions of the garage necessary to provide required off-street parking for the use. (*Rev. 10/06/20, 06/06/23*)

Commented [B4]: This is a minor amendment. Its purpose is simply to clarify that standard requirements like setbacks and lot coverage apply to ADUs, as they do with all structures.

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

- B. **Owner Occupied.** Either the principal dwelling unit or the ADU must be owner occupied. The owner must demonstrate that one of the units is the owner’s principal place of residence. Both the principal dwelling unit and the ADU must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted. Prior to the issuance of a certificate

of occupancy for an ADU, the property owner shall record a deed restriction or similar document that mandates owner occupancy of the principal dwelling unit or ADU in perpetuity. (Rev. 06/06/23)

- C. **Number of Bedrooms Allowed. Size.** ADUs shall not exceed 900 square feet in gross floor area shall not exceed the height of the principal structure. No more than two (2) bedrooms shall be permitted within an ADU. (Rev. 06/06/23)

Commented [B5]: This is a minor amendment. The limitations on height and square footage were just moved to 8.26(D)(1) and 8.26(D)(2).

D. **Size.**

1. An ADU shall not exceed the height of the principal structure on the lot.
2. An ADU shall not exceed 900 square feet of gross floor area.
3. An ADU located within or attached to a principal structure shall not occupy an entire floor of the principal structure and shall not exceed 40% of the gross floor area of the principal structure.
4. An ADU located within an accessory structure that is detached from the principal structure shall not exceed 40% of the gross floor area of the principal structure.

Commented [B6]: The purpose of this paragraph is to ensure that single-family homes do not get turned into what are essentially duplexes, with two equally sized units. An ADU is accessory to a principal dwelling, and should be subordinate to it. Londonderry also uses 40% as a limiting percentage.

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

The total floor area of the entirety of the detached structure shall not exceed 80% of the total floor area of the entirety of the principal structure.

5. **The percentages in paragraphs 3 and 4 shall not require an ADU to be smaller than 750 square feet of gross floor area.**

DE. Location. ADUs shall not be located within front yards and shall be located a minimum of ten (10) feet from both side and rear property lines. Detached ADUs shall be located a minimum of five (5) feet from the principal structure. (Rev. 06/06/23)

EF. Parking. One additional off-street parking space shall be provided for the ADU. **No additional curb cut shall be established to serve the ADU.** (Rev. 06/06/23)

FG. Adequate Utilities. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises. Where ~~municipal~~ utilities are available, the ADU's shall be connected to the existing utilities within the subject parcel **and shall not be separately connected from the public right-of-way, unless mandated by the provider of the utility.** (Rev. 06/06/23)

GH. Design and Construction. ~~No new entrance or exit to the ADU shall be constructed on the street side of the primary residence. For all ADUs, exterior design and construction shall be consistent with that of the primary residence.~~ **Any exterior construction associated with an ADU shall use the same materials, trim, and colors as the principal structure. Any exterior staircase serving a second story of an ADU shall be located at the rear or side of the ADU and shall not face a street.** (Rev. 10/06/20, 06/06/23)

Commented [B7]: Similarly, this is intended to ensure that the ADU remains subordinate to the principal dwelling. It is also intended to ensure that the entire detached structure doesn't dominate the principal structure, such as if an ADU is over a garage. Portsmouth uses a similar percentage.

Commented [B8]: State law prohibits municipalities from requiring ADUs to be less than 750 square feet.

Commented [B9]: A separate driveway leading to a detached ADU would make it seem equal, rather than subordinate, to the principal dwelling.

Commented [B10]: Water Works and DPW both prefer the utility connection to be made within the property, rather than from the street. Planning would prefer that as well, to prevent the possibility of an illegal subdivision. It would almost always be the case that the new services for sewer, water, electrical, and gas would be trenched from the main house, so it is unlikely to be an issue. It is possible, though, that Eversource might require a new line from the street.

Commented [B11]: The prohibition of a second door facing the street has caused problems with numerous ADU applications, and it has been more trouble than it has been worth. Many houses without ADUs have second doors on their breezeways or garages, so the second door does not affect the character of the neighborhood.

Commented [B12]: This language creates more definite standards than the prior language of “consistent with that of the primary residence.” The more concrete standards are more appropriate, if Planning staff will be administering the requirements, rather than the Planning Board.

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

- H. ~~Internal Construction — Conditional Use Permit Not Required.~~ ADUs located completely within an existing principal structure or within existing detached structures, such as garages or carriage houses, shall not require a conditional use permit. Minor exterior alterations of existing structures, such as the addition of an external stairway, shall not require a conditional use permit. (Rev. 06/06/23)
- I. ~~External Construction — Conditional Use Permit Required.~~ As authorized by RSA 674:72, I, a conditional use permit from the Planning Board, in accordance with Article 12, shall be required to allow new construction of building additions or detached structures to be used as ADUs. In addition to the criteria set forth in Article 12 for a conditional use permit, the Planning Board must also find that the exterior of the ADU is architecturally consistent with the single family dwelling based on the following criteria:
1. ~~Color or color scheme;~~
 2. ~~Architectural style;~~
 3. ~~Materials and trim;~~
 4. ~~Proportion and style of windows, doors, and other elements; and~~
 5. ~~Massing of the accessory dwelling unit with respect to the single family dwelling.~~ (Rev. 06/06/23)
- J. Impact Fees Required. The creation of a new dwelling unit requires the payment of impact fees in accordance with Article 13. (Rev. 06/06/23)

Commented [B13]: This would no longer apply, because no Planning Board review would be required.

Commented [B14]: Deleting this language eliminates the requirement that ADUs get approval from the Planning Board.

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Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

Revise Article 10, Section 10.04 of the Zoning Ordinance, Table of Off-Street Parking Requirements, as follows:

PRINCIPAL USES	UNIT OF MEASUREMENT	MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASUREMENT
A. RESIDENTIAL		
Multi-Family	Dwelling unit	Two (2) [One & one-half (1½) in the R-3, C-1, and RDV] (Rev. 11/5/03)

Revise Article 10, Section 10.07(G) of the Zoning Ordinance, Internal Landscaping of Parking Area as follows:

G. Internal landscaping of parking area. ~~Except for parking in connection with one and two family dwellings, a~~ All parking areas containing five (5) or more spaces shall have a landscaped perimeter of at least ten (10) feet in width. Parking areas of twenty-five (25) spaces or more shall have landscaped areas within the perimeter of the parking area in the minimum amount of five (5) percent of the area occupied by the required parking spaces and associated access aisles.

II. Resolve this ordinance shall take effect upon passage.

Commented [B15]: This amendment would reduce the number of parking spaces required from 1.5 to 1 for multifamily dwelling units in the R-3, C-1, and RDV Districts. This is important for making housing easier to construct. It is especially important when paired with the amendments to Sections 8.01, 8.04, and 8.05, because, without reducing the parking, a multifamily building of 4 units would need 6 parking spaces. Section 10.07(G) requires that a 10-foot, landscaped buffer be constructed around any parking area of 5 or more dwelling units. So, if the parking requirements were not reduced from 1.5 to 1, it would still be quite difficult to build a 4-unit building on a small lot, because a property owner would need 6 parking spaces and a 10-foot, landscaped perimeter around the parking area.

Commented [B16]: This clarifies that any parking area of less than 5 parking spaces does not need a landscaped perimeter, not just parking areas for 1- and 2-family dwellings. It is related to the amendments in Sections 8.01, 8.04, 8.05, and 10.03.