10.122 Sustainability Objectives

This Ordinance is intended to promote **sustainable** and balanced **development** in support of the following **sustainability** objectives:

1. Reduce dependence upon fossil fuels, extracted underground metals and minerals and promote the use of alternative energy sources such as solar and wind;
2. Reduce dependence on chemicals and other manufactured substances that accumulate in nature;
3. Reduce dependence on activities that harm life-sustaining ecosystems; and
4. Meet the hierarchy of present and future human needs fairly and efficiently.

Section 10.810 Residential and Institutional Residence or Care Uses

10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following **use**s are permitted as **accessory use**s to permitted residential **use**s, in addition to those **accessory use**s listed in Section 10.440:

(a) The keeping of dogs and cats and other **household pet**s, but not including **kennel**s.

(b) **Yard sale**.

(c) The **outdoor storage** of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.

(d) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:

(1) Such stand or display area shall not cover more than 150 square feet of **gross floor area** or ground area.

(2) Such stand or display area shall be located at least 30 feet from the **street** right-of-way.

(3) Adequate **off-street parking** shall be provided and arranged in such a way that vehicles will not back into the **street**.

(e) EV fueling space A.

(f) Roof-mounted Solar Energy Systems, less than or equal in area to 100% of the roof area of the principal **structure** on the **lot**.

(g) Ground-mounted Solar Energy Systems, provided: 1) Its solar panels are less than or equal in area to 25% of the footprint (SF) of the principal **structure** on the **lot;** and that the area for the structural portion attached directly to the ground, together with the other coverage for existing and any proposed buildings and structures, does not exceed the maximum lot coverage allowed in that zone..

10.5A43.30 Building and Story Heights

10.5A43.32 A roof appurtenance may exceed the maximum allowed building height as specified on Map **10.5A21B** (Building Height Standards) by 10 feet, subject to the following:

(a) All roof appurtenances and other features that exceed the allowed building height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators, stair towers, and decorative railing no taller than four feet in height, shall be set back at least 10 feet from any edge of the roof.

(b) Outside the Historic District, **Roof-mounted solar energy ~~panels~~ systems** shall not be subject to the 33 percent limitation or the edge of roof setback~~. provided that they are not visible from a point 20 feet above the edge of the street right-of-way on the opposite side of the street~~.

(c) Inside the Historic District**, Roof-mounted solar energy ~~panels~~ systems** shall not be subject to the 33 percent limitation or the edge of roof setback.

(d) The area of roof appurtenances that comply with this section shall not be considered as part of the building's gross floor area calculations.

10.517 Roof Appurtenances and Other Rooftop Features

10.517.30 All roof appurtenances and other features that exceed the allowed structure height for the zoning district shall not exceed 33 percent of the total roof area of the structure and, except for elevators and stair towers, shall be set back at least 10 feet from any edge of the roof.

10.517.31

(a) Outside the Historic District**, Roof-mounted solar energy ~~panels~~ systems** shall not be subject to the 33 percent limitation or the edge of roof setback. ~~provided that they are not visible from a point 20 feet above the edge of the street right-of-way on the opposite side of the street~~.

(b) Inside the Historic District, **Roof-mounted solar energy ~~panels~~ systems** shall not be subject to the 33 percent limitation or the edge of roof setback

Add to Article 15 - Definitions

Building coverage

The aggregate horizontal area or percentage (depending on context) of a lot or development site covered by all **buildings** and **structures** on the **lot**, excluding

(a) gutters, **cornices** and eaves projecting not more than 30 inches from a vertical wall, and

(b) **structures** less than 18 inches above ground level (such as decks and patios);

(c) balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the **building** face;

(d) fences; and

(e) mechanical system (i.e. HVAC, power generator, etc.) ~~that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet~~.

Roof appurtenance

A device or **structure** not designed for human occupancy, attached to the exterior of the roof of a **building**, such as a stair or elevator tower, cooling tower, mechanical equipment housing, storage tank, antenna, **roof-mounted solar energy system** or similar equipment.

Solar Energy Systems

Any device or structural design feature, including accessory equipment associated with the system, whose primary purpose is to provide for the collection, generation, storage, or distribution of solar energy. This includes **Roof-mounted Solar Energy Systems** and **Ground-mounted Solar Energy Systems**.

Roof-mounted Solar Energy System

A solar energy system that is structurally mounted to the roof of a building or structure.

Ground-mounted Solar Energy System

A solar energy system that is structurally mounted to the ground and is not roof-mounted. The horizontal setback requirement shall be to that part of the **Ground-Mounted Solar Energy System** nearest to a property line, but not less than the vertical height of the highest element of the **Ground-Mounted Solar Energy System**.

Structure (including **roof structure**)

Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner. **Structure**s include, but are not limited to, **building**s, fences over 4 feet in height, **sign**s, swimming pools and **Ground-mounted Solar Energy Systems**. (See also: **temporary structure**.)

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4-L1	CD4-L2	MRB	CD5 CD4	GB	G1	G2	B CD4-W	WB	OR	I	WI	Supplemental Regulations
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
15. Transportation and Utilities																		
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building																		
15.11 Essential to service the area in which it is located	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	
15.12 Providing community-wide or regional service	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	S	S	

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MROCD4-CD4-L2 L1	MRB	CD5 CD4	GB	G1	G2	B CD4-W	WB	OR	I	WI	
15.20 Heliport or helipad																	
15.21 Helipad, as an accessory use to a permitted hospital use	N	N	N	N	N	N	N	N	N	N	N	N	N	S	S	S	
15.22 Heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
15.30 **Ground-mounted Solar Energy System**	CU	CU	N	N	N	N	CU	N	CU	CU	CU	N	N	CU	CU	CU	Installations that exceed the footprint area of the principal structure on a lot or those installed as a principal use.

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4-L1	CD4-L2	MRB	CD5 CD4	GB	G1	G2	B CD4-W	WB	OR	I	WI	Supplemental Regulations
1. Residential Uses																		
1.20 **Accessory dwelling unit (Attached or Detached) up to 750 sq. ft. GLA**	P	P	P	P	N	P	P	P	P	N	P	P	N	N	N	N	N	10.814 (Accessory Dwelling Units)
~~1.21 **Attached accessory dwelling unit (AADU)**~~																		
~~1.211 Up to 750 sq. ft. **GLA** and entirely within an existing **single-family dwelling**~~	~~AP~~	~~AP~~	~~AP~~	~~AP~~	~~N~~	~~AP~~	~~AP~~	~~AP~~	~~CU~~	~~N~~	~~CU~~	~~CU~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	
~~1.212 Up to 750 sq. ft. **GLA** and in an expansion of an existing **single-family dwelling**~~	~~CU~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~N~~	~~CU~~	~~CU~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4-L1	CD4-L2	MRB	CD5 CD4	GB	G1	G2	B CD4-W	WB	OR	I	WI	Supplemental Regulations
~~1.22 **Detached accessory dwelling unit (DADU)**~~																		
~~1.221 Up to 600 sq. ft. **GLA** and entirely within an existing **accessory building** that conforms with the dimensional requirements of this Ordinance.~~	~~CU~~	~~CU~~	~~AP~~	~~AP~~	~~N~~	~~AP~~	~~AP~~	~~AP~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	
~~1.222 Up to 750 sq. ft. **GLA** and entirely within an existing **accessory building** that conforms with the dimensional requirements of this Ordinance.~~	~~CU~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	
~~1.223 Up to 600 sq. ft. **GLA** in an existing **accessory building** that does not conform with the dimensional requirements of this Ordinance or includes the expansion of the existing **accessory building**.~~	~~CU~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	
~~1.224 Up to 750 sq. ft. **GLA** on a lot and in a new **building** that complies with all **lot** and **building** dimensional standards of this Ordinance for a **single-family dwelling**~~	~~CU~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	

10.814 Accessory Dwelling Units

10.814.10 Purpose and Eligibility

10.814.11 The purpose of this section is to provide for additional **dwelling unit**s within single-family neighborhoods in order to: increase the supply of smaller, more affordable housing units with less need for more municipal infrastructure or further land development; contribute to local housing needs; and provide opportunities for adapted reuse of existing **accessory structure**s. The standards in this section are intended to integrate more housing options into the community with minimal impact on the surrounding neighborhood.

10.814.12 Only one **accessory dwelling unit (ADU)** (either an **attached accessory dwelling unit (AADU) or a detached accessory dwelling unit (DADU))** shall be allowed on any **lot** containing a **single-family dwelling**. An **accessory dwelling unit** shall not be allowed under this Section 10.814 on a **lot** that contains more than one **dwelling unit**, multi-family dwellings or on rented or leased land.

10.814.13 Except as provided elsewhere in this Section 10.814, in order for a **lot** to be eligible for an **accessory dwelling unit**, the **lot** and all proposed **structure**s and additions to existing **structure**s shall conform to all zoning regulations as follows:

10.814.131 Any municipal regulation applicable to **single-family dwelling**s shall also apply to the combination of a **principal dwelling unit** and an **accessory dwelling unit**. However, an **accessory dwelling unit** shall be allowed without additional requirements for **lot area**, **lot area** per dwelling unit, or frontage beyond those required for a **single-family dwelling** without an **ADU** in the same zoning district.

10.814.132 An **attached accessory dwelling unit** is permitted on existing **nonconforming lots** and within an existing **nonconforming building** provided no increased or new nonconformity is created.

10.814.133 Newly constructed **detached accessory dwelling unit**s shall be governed by the provisions of this Ordinance and the **side** and **rear yard** requirements for the applicable zoning or Character District.

10.814.14 Notwithstanding all of the above provisions, an **accessory building** existing on the effective date of this ordinance may be converted to a **detached accessory dwelling unit** as provided in this Ordinance.

10.814.20 Standards for All Accessory Dwelling Units

All **accessory dwelling unit**s shall comply with the following standards:

10.814.21 The **principal dwelling unit** and the **accessory dwelling unit** shall not be separated in ownership (including by condominium ownership).

10.814.22 Either the **principal dwelling unit** or the **accessory dwelling unit** shall be occupied by the owner's principal place of residence. The owner shall provide documentation demonstrating compliance with this provision to the satisfaction of the City.

10.814.221 When the property is owned by an entity, one of the **dwelling unit**s shall be the principal place of residence of one or more principals of that entity, such as a member or beneficiary.

10.814.23 **Accessory dwelling units** shall not have more than two bedrooms.

10.814.24 Neither the **principal dwelling unit** nor the **accessory dwelling unit** shall be used for any business, except that the property owner may have a **home occupation** use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.

10.814.25 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.

10.814.26 1 **off-street parking** space shall be provided for an **ADU** in addition to the spaces that are required for the principal **single-family dwelling**.

10.814.27 **Accessory dwelling units** shall comply with the drainage requirements of this Ordinance.

10.814.28 **Accessory dwelling units** shall comply with the lighting requirements of this Ordinance.

10.814.29 **Accessory dwelling units** located in the Historic District are subject to review and approval by the Historic District Commission.

~~**10.814.30 Additional Standards for Attached Accessory Dwelling Units**~~

~~The following standards are intended to ensure proportionality and aesthetic continuity between the **AADU** and the principal **dwelling unit**.~~

~~An **attached accessory dwelling unit** (**AADU**) shall comply with the following additional standards:~~

10.814.30~~1~~ An **attached accessory dwelling unit** shall have either an independent means of ingress and egress or ingress and egress through a common

shared space with the principal dwelling. ~~interior door shall be provided between the **principal dwelling unit** and the **AADU**.~~

10.814.3~~1~~2 All **accessory dwelling units** ~~The **AADU**~~ shall not be larger than 750 sq. ft.in **gross living area (GLA)**. For the purpose of this provision, the **gross living area** of the **AADU** shall not include storage space, shared entries, or other spaces not exclusive to the **AADU**.

10.814.3~~2~~ A newly constructed **DADU** shall be separated no less than 5 feet from the **principal structure** or as required by the Building Code, whichever is greater. ~~The **AADU** shall be subordinate to the principal **dwelling unit** in scale, height and appearance, as follows:~~

~~10.814.331 If there are two or more doors in the front of the principal **dwelling unit**, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.~~

~~10.814.332 An addition to or expansion of an existing **building** for the purpose of creating an **AADU** shall be recessed or projected at least 18 inches from the existing front wall of the principal **dwelling unit**. Where the addition includes the construction of an attached, street-facing garage, it shall be set back at least 10 feet from the front wall of the principal **dwelling unit**.~~

~~10.814.333 The **building height** of any addition or expansion that includes an increase in **building footprint** shall be no greater than 75% of the height of the existing **building**. In the case of a single-story **building**, an addition or expansion may include either an additional story to the existing **building** or a single-story addition at the same height as the existing **building**.~~

~~10.814.40 Additional Standards for Detached Accessory Dwelling Units~~

~~The following standards are intended to ensure proportionality and aesthetic continuity between the DADU and the principal dwelling unit.~~

~~A **detached accessory dwelling unit** (**DADU**) shall comply with the following additional standards:~~

~~10.814.41 The **DADU** shall not be larger than 750 sq. ft. in **gross living area.**~~

~~10.814.411 A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard**~~

requirements shall not exceed 750 sq. ft. in **gross living area.**

10.814.42 A **DADU** that is created from an existing **accessory building** that does not comply with its minimum **yard** requirements shall comply with the following additional requirements:

10.814.421 The existing **accessory building** shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.; except that the Planning Board may grant a conditional use permit to allow the **gross living area** of the **accessory building** to be expanded up to a total of 600 sq. ft. as provided in this Ordinance.

10.814.422 A **DADU** that is within a required **side yard** or **rear yard** setback for the zoning district shall not have any windows, balconies, or doors higher than eight feet above grade facing adjacent property.

10.814.43 The **DADU** shall be subordinate to the principal **single-family dwelling** in scale, height and appearance as follows:

10.814.431 The front wall of a **DADU** that is not created within an existing **accessory building** shall be **set back** at least 10 feet further from the **front lot line** than the existing front wall of the principal **dwelling unit**.

10.814.432 The **building height** of the **building** containing the **DADU** shall be no greater than 22 feet.

10.814.433 When the **building** containing the **DADU** is taller than the **principal building**, its required setback from all property lines shall be increased by the difference in **building height** between the **DADU** and the **principal building**.

10.814.434 The **building footprint** of the **building** containing the **DADU** shall be no greater than 750 sq. ft.

10.814.435 The **gross floor area** of the **building** containing the **DADU** shall be no greater than 1,600 sq. ft. **gross floor area** or 75 percent of the **gross floor area** of the principal **dwelling unit**, whichever is less.

10.814.436 The **DADU** may include roof dormers provided they are located outside the required setbacks from all property lines and occupy no greater than 33% of any individual roof plane.

10.814.437 The **DADU** shall comply with the drainage requirements of this Ordinance.

10.814.438 The **DADU** shall comply with the lighting requirements of this Ordinance.

10.814.44 A newly constructed **DADU** shall be separated no less than 5 feet from the **principal structure** or as required by the Building Code, whichever is greater.

10.814.50 Architectural Design Standards

Where the creation of an **accessory dwelling unit** involves the construction of a new **building** or an addition to or expansion of an existing **building**, the exterior design shall be architecturally consistent with or similar in appearance to the **principal building** using the following design standards:

10.814.51 The new **building**, addition or expansion shall be architecturally consistent with or similar in appearance to the existing **principal building** with respect to the following elements:

- Massing, including the shape and form of the **building footprint**, roof or any projecting elements;
- Architectural style, design, and overall character;
- Roof forms, slopes, and projections;
- Siding material, texture, and profile;
- Window spacing, shapes, proportions, style and general detailing;
- Door style, material and general detailing;
- Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements;
- Exposed foundation materials and profiles.

10.814.52 If provided, the following elements shall be architecturally consistent with or similar in appearance to the corresponding elements on the **principal building** in terms of proportions, materials, style and details:

- Projections such as dormers, porticos, bays, porches and door canopies;
- Chimneys, balconies, railings, gutters, shutters and other similar design elements.

10.814.53 If provided, all street-facing garage doors shall be limited to 9 feet in width.

10.814.60 Review and Approval Process

10.814.61 When Section 10.440 indicates that an **attached** or **detached ADU** is permitted by administrative approval ("AP"), the following shall apply:

10.814.611 For a period of at least 30 days following the date of application to the City, the applicant shall post a notice, in the form of a sign provided by the city, that describes the proposed **ADU** application subject to the following:

(1) Such sign(s) shall be located on the perimeter of the **lot** where it can easily be viewed and readable from all abutting public ways.

(2) The applicant shall also provide the sign notice information to the City. The City shall send notice by certified mail to all owners of any property located within 100 feet of the **lot**.

10.814.612 Any person may submit written comments on the **ADU** application. In order to be considered by the Planning Director, such comments shall be submitted to the Planning Director within the 30-day notice period, which begins on the date the certified mailing is sent by the City.

10.814.613 The determination as to whether the **ADU** complies with all requirements shall be made as an Administrative Approval by the Planning Director. The Planning Director may approve, deny, or request additional information from the applicant. The Planning Director may refer the application to the Planning Board for a conditional use permit, if appropriate.

10.814.614 The Planning Director shall not approve an application for an **ADU** until the conclusion of the 30-day notice period.

10.814.62 When Section 10.440 requires a conditional use permit for an **attached** or **detached ADU**, the Planning Board shall make the following findings before granting approval:

10.814.621 The **ADU** complies with all applicable standards of this Section 10.814 or as may be modified by the conditional use permit.

10.814.622 The exterior design of the **ADU** is architecturally consistent with or similar in appearance to the existing **principal dwelling** on the **lot**.

10.814.623 The site plan provides adequate and appropriate **open space** and landscaping for both the **ADU** and the principal

~~**dwelling unit** and complies with the **off-street parking** requirements of Section 10.814.26.~~

~~10.814.624 The **ADU** will maintain a compatible relationship with the character of **adjacent** and neighborhood properties in terms of location, design, and **off-street parking** layout, and will not significantly reduce the privacy of **adjacent** properties.~~

~~10.814.63 In granting a conditional use permit for an **accessory dwelling unit**, the Planning Board may modify a specific standard set forth in Sections 10.814.26 and 10.814.30 through 10.814.50 (except the size and height of any **ADU**), including requiring additional or reconfigured **off-street parking** spaces, provided that the Board finds such modification will be consistent with the required findings in Section 10.814.62.~~

~~10.814.70 Post-Approval Requirements~~

~~10.814.71 Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal **dwelling unit** or the **accessory dwelling unit** will be occupied by the owner of the **dwelling** as the owner's principal place of residence, as required by Section 10.814.22.~~

10.814.33 A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner-occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.

10.814.34 The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.

10.1112.30 Off-Street Parking Requirements

10.1112.31 Parking Requirements for Residential Uses

10.1112.311 The required minimum number of **off-street parking** spaces for **use**s 1.10 through 1.90, including **dwelling unit**s in mixed-use developments, shall be based on the gross floor area of each **dwelling unit**, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
Less than 500 sq. ft.	0.5 spaces per unit
Over 500~~–750~~ sq. ft.	1.0 space per unit
~~Over 750 sq. ft.~~	~~1.3 spaces per unit~~

The Revised Law on Accessory Dwelling Units – 2025 Edition
Updated Version
August 12, 2025

This guidance document is an updated version of the original guidance NHMA issued on accessory dwelling units in July 2025.

Governor Ayotte signed House Bill 577 on July 15, 2025, relative to accessory dwelling units, substantially amending RSA 674:71 to :73. This document provides local officials with guidance on how to interpret and implement the new law.

The Revised Law

The New Basic Requirement. A municipality that adopts a zoning ordinance shall allow accessory dwelling units in all zoning districts that permit single-family dwellings. One accessory dwelling unit, **which may be either attached or detached**, shall be allowed as a matter of right, and **municipalities may no longer require either a conditional use permit or special exception for an ADU.**

Revised Definitions:
"Accessory dwelling unit" means a residential living unit that is located on a lot containing a single-family dwelling 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. Accessory dwelling units may be constructed at the same time as the principal dwelling unit.

"Attached unit" means a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure.

"Detached unit" means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

Effective Date. The new law took effect on July 1, 2025. (The Governor did not sign the bill until July 15, 2025.)

Where to Begin?

Does your zoning ordinance already address ADUs?

- If your zoning ordinance expressly **allows ADUs, both attached and detached, without limitation**, then you may not need to do anything, because your ordinance may already comply with the new law. However, please keep reading, because your ordinance may contain a limitation that doesn't *seem* like a limitation.

- The municipality shall allow one accessory dwelling unit without additional requirements for lot size, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. However, the municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

- If your zoning ordinance contains no provisions pertaining to accessory dwelling units, then

one accessory dwelling unit shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than building permits, if required by statute.

What *Can* You Do?

Here are some of the conditions a zoning ordinance may impose:

One ADU per dwelling. A municipality is not required to allow more than one attached or detached ADU per single-family dwelling. A one-ADU limit should be stated in the ordinance if a municipality wishes to implement a limit. Of course, the municipality may allow more than one ADU per principal dwelling unit, if it chooses.

ADU's may be prohibited for multi-family uses, or on rented or leased land. The municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other, such as townhouses. The municipality may prohibit accessory dwelling units associated with rented or leased land.

Sale of an ADU through condominium conveyance is prohibited. Subsequent condominium conveyance of any accessory dwelling unit separate from the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.

Attached ADU's - manner of access. Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared

with the principal dwelling. However, the municipality shall not limit the choice of ingress and egress.

Owner occupancy. The ordinance may require owner occupancy of either the principal or the accessory dwelling unit, but it cannot specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

Combined principal dwelling & ADU shall otherwise comply with municipal zoning regulations. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit, including but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development, provided that such municipal regulations shall not be more restrictive for accessory dwelling units than for any single-family use in the same zoning district.

Aesthetic Standards. A municipality may apply aesthetic standards to accessory dwelling units only if it has also applied such standards to the principal dwelling unit.

Minimum and maximum sizes. The ordinance may establish size limits for ADUs, but it may not limit an ADU to less than 750 square feet. The total living space of the accessory dwelling unit shall not exceed 950 square feet unless otherwise authorized by the municipality.

What *Can't* You Do?

Here are some conditions that the ordinance may *not* impose:

Septic system/wastewater requirements/water supply. The municipality may not impose greater requirements for a septic system for a single-family home with an accessory dwelling unit than is required by the Department of Environmental Services. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. Prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.

Parking. Only if existing municipal regulations impose off-street parking requirements for the principal dwelling unit can the municipality require up to one additional parking space for each accessory dwelling unit. Required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.

Familial Relationships. A municipality "may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit." Some municipalities have this restriction built into their existing ADU definition; that will need to change.

Bedroom limit. A municipality "may not limit an accessory dwelling unit to only one bedroom." This means, of course, that it may impose a *two*-bedroom limit.

Electric Service. A municipality shall not deny the establishment of a separate electrical panel and separate electrical service for the accessory dwelling unit.

What *Must* You Do?

The ordinance ***shall* permit the following:**

ADU in Nonconforming Structures. Under RSA 674:72, XI, a municipality shall allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.

NHMA offers the following suggestions for interpreting and applying Paragraph XI of 674:72. This section of the statute is ambiguous, and so municipalities are encouraged to consult with their own legal counsel as to how to proceed on any building permit applications that fall under this section of the law.

1. In order for a structure to be an "existing structure" under this provision, it had to exist on or before July 1, 2025, the effective date of HB 577.

2. For any structure that was in existence prior to July 1, 2025, the municipality could determine eligibility for placement of an ADU within that existing structure where the existing structure does not comply with dimensional requirements for setbacks and lot coverage based on one of the following possible procedures, which should be reviewed and approved by the municipality's regular municipal legal counsel:

a. The existing structure could be required to demonstrate that it qualifies as a pre-existing, nonconforming structure exempt from the currently applicable dimensional requirements for setbacks and lot coverage according to RSA 674:19 or any local zoning regulation protecting non-conforming structures, or;

b. The existing structure received a prior zoning approval or determination it was exempt from the current dimensional requirements for setbacks and lot coverage, or;

c. Deem the provisions of Paragraph XI of amended 674:72 as essentially granting a blanket zoning exemption from dimensional requirements for setbacks and lot coverage for any existing structure that seeks a building permit to place an ADU in that existing structure.

Changes to Planning & Zoning Laws in 2025
A Guide for Municipalities

Revised August 13, 2025

This is an updated version of the Changes to Planning & Zoning Laws in 2025 Guide, published in July 2025.

Summary of Changes Pursuant to HB 577

HB 577 (see separate guidance document)

Summary of Changes Pursuant to HB 631

HB 631 creates two new zoning mandates. First, the new law requires municipalities to allow multi-family residential development on commercially zoned land, provided that adequate infrastructure is available to support that development. Municipalities may still restrict residential development in zones where industrial and manufacturing uses are permitted "which may result in impacts that are incompatible with residential use, such as air, noise, odor, or transportation impacts." Nevertheless, municipalities may require that the ground floor space in the commercially zone property may be required to be dedicated in whole or in part to retail or similar uses.

Second, where an existing building is being repurposed for adaptive reuse for residential purposes, municipalities are required to afford exemptions to setbacks, height or frontage of a building, provided the dimensional elements of the building do not change.

When implementing this new mandate locally, the definitions in the statute must be adhered to in determining whether the proposed use must be permitted; however, municipalities are not required to update their zoning ordinances with these definitions.

The statute does not prevent application of dimensional and other similar requirements to developments proposed under this statute. Furthermore, to

determine whether proposed development under these statutes must be allowed, municipalities will need to understand their infrastructure capacity and whether the infrastructure is adequate to sustain proposed development.

Although perhaps seemingly straightforward at first read, HB 631 contains many ambiguities and will require local officials to work with legal counsel to interpret and then implement the new requirements. Below are the major questions raised by this new law.

What is "commercially zoned land"?

The new law defines "commercially zoned land" as "land zoned for such commercial activities as retail and office space." Each municipality will need to determine which zones are "commercial," which should be based on the definition of a "commercial use" in the zoning ordinance. Municipalities are advised to carefully review their definition of "commercial use" to ensure the definition is clear and specific.

What is "infrastructure" under this new statute?

The new statute does not define "infrastructure," but RSA 674:21, V, which provides an exclusive list of allowable purposes for a impact fees, may be instructive:

> As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, **including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; municipal road systems and rights-of-way; municipal office facilities; public school facilities; public works facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space.**

Who decides whether there is adequate infrastructure?
The new law does not say what local official or local body makes these infrastructure capacity determinations. Possibilities include:

1. The planning board could review and make infrastructure capacity determinations when exercising site plan review authority.
2. The select board could be responsible for assessing infrastructure capacities of water, sewer, roads, etc. The select board may also wish to undertake studies about capacity before any application is presented. For example, the select board could commission a study to determine the maximum additional load the public water sewer system can handle.
3. The code enforcement/building code officer could be responsible for the determination as part of the building permit review and issuance process.
4. A combination of more than one, depending on the circumstances. For example, since roads are within the purview of the select board, they may need to weigh in on whether a new development exceeds the capacity of the road impacted by the development.

What does "multi-family" mean?
The statute does not define this term. However, two existing statutes may be instructive: Site plan review for multi-family homes is triggered when the proposed project contains three or more units. RSA 674:43, I. On the other hand, the workforce development statute defines "multi-family housing" as five or more units. RSA 674:58, II.

How does the new requirement for allowing "adaptive reuse" factor in?
The adaptive reuse requirement is related, but ultimately separate, from the requirement to allow multi-family development in commercially zoned areas. This portion of the bill focuses on the conversion of existing *buildings* to residential uses. The law does not limit the mandate for allowing adaptive reuse to commercially zoned areas only; instead, it presumably requires a municipality to allow the conversion of an existing commercial building, wherever located, for adaptive reuse, exempting the conversion from "setbacks, height, or frontage" if the building is being "converted to multi-family or mixed-use through adaptive reuse," as long as the "building's floor area, height, and setbacks do not change." In other words, it appears that the conversion must be permitted as long as the footprint of the building is not changed.
Effective Date: July 1, 2026
Statutes Adopted: RSA 674:79; RSA 674:80

Summary of Changes Pursuant to SB 284

SB 284 prohibits municipal zoning ordinances from requiring more than one residential parking space per unit. This amendment to RSA 674:16 does not affect the power to regulate parking at land uses other than residential uses. This amendment should be presumed to mean that when determining how much parking will be required for a residential use of land under a municipal zoning ordinance, each unit of housing can only be required to have one parking space.

Effective Date: September 13, 2025

Statute Amended: RSA 674:16, VII

Summary of Changes Pursuant to HB 457

HB 457 prohibits municipal zoning ordinances from restricting the number of occupants of any dwelling unit to less than 2 occupants per bedroom. In addition, any existing zoning ordinance that restricts the number of occupants per bedroom to less than 2 occupants can no longer be enforced by the governing body. Furthermore, municipal zoning ordinances based on the familial or non-familial relationships or marital status, occupation, employment status, or educational status, including but not limited to scholastic enrollment, or academic achievement at any level among, the occupants shall not be enforced.

Effective Date: September 13, 2025

Statute Amended: RSA 674:16 by inserting new paragraph VIII

Summary of Changes Pursuant to SB 283

SB 283 enacts new statutes, RSA 674:77 and RSA 674:78 that will require municipalities to exclude from floor-area-ratio (FAR) calculations any part of a building that is entirely or partially below ground level, including basements, cellars and sublevels. Below-grade areas may be utilized for parking, storage, mechanical spaces and additional facilities without affecting FAR calculations.

Effective Date: 60 Days after passage

Statutes Adopted: RSA 674:77 and RSA 674:78

Summary of Changes Pursuant to SB 282

SB 282 will permit residential buildings up to four floors above grade to have only one stairway under conditions to be established by the state building code review board (BCRB). Conditions must be set by the BCRB because the current state building code requires more than one stairway.

Effective Date: September 13, 2025

Statute Amended: RSA 155-A:2, XII

Summary of Changes Pursuant to SB 281

SB 281 amends RSA 674:41, by permitting the issuance of building permits on Class VI roads without requiring approval from the governing body. Instead, in order to get a building permit for erection of a building a Class VI road the applicant will need only sign and record at the registry of deeds a liability waiver acknowledging: that the municipality will not maintain the road nor provide services to any lot accessible by the road; that the municipality will not be responsible for losses or damages caused by lack of services; and, that the responsibility for such services falls solely on the applicant. Prior to the issuance of the building permit, the applicant shall prove that the lot and any buildings thereon are insurable. We recommend that select boards prepare a standard liability waiver that is used for applicants under this statute. The municipality must verify that the waiver has been recorded.

The statute does not prohibit municipalities from establishing separate road frontage requirements for new construction. Therefore, a municipal zoning ordinance can require frontage (of a certain length) on a Class V or better road. However, the municipal ordinance must clearly state this requirement by defining the road as "Class V or better." If the zoning ordinance does require frontage of a Class V or better road, a variance from the ZBA would still be required to build on a Class VI road. Because the statute is not effective until July 1, 2026, municipalities have time to amend their zoning ordinances if desired.

Effective Date: July 1, 2026

Statute Amended: RSA 674:41, I (c)

Summary of Changes Pursuant to HB 296

HB 296 amends RSA 674:41, building and subdivision on Class VI and Private Roads, and RSA 676:5, appeals to the Zoning Board of Adjustment. Currently, a building permit for the erection of a building on a Private Road can only be authorized by the local governing body after review and comment by the planning board. This amendment to RSA 674:41, I (d)(1) will allow as an alternative to going to the planning board for review and comment the applicant can instead establish that the private road identifies and complies with a policy adopted by the governing body. Therefore, if the governing body adopts a policy for building on private roads, and the applicant complies with that policy, then planning board input is not required.

In addition, this bill modifies the statute governing the time for appealing to the Zoning Board of Adjustment. Currently, RSA 676:5, I, states that appeals to the

Zoning Board of Adjustment will be taken within a reasonable time as provided by the rules of the board. This amendment changes that appeal period to a standard 30-day period.
Effective Date: September 13, 2025
Statute Amended: RSA 674:41, I (d)(1)

Summary of Changes Pursuant to HB 92
HB 92 mandates that a Zoning Board of Adjustment member shall recuse himself or herself from voting on matters previously voted upon by the same member while serving as a member of the planning board in a quasi-judicial capacity.
Effective Date: July 23, 2025
Statute Amended: RSA 673:3 by inserting new paragraph V

Summary of Changes Pursuant to HB 413
HB 413 extends the vesting time periods that protect approved subdivision and site plans from changes in local planning and zoning regulations. Currently, approved plans are vested from subsequently enacted local zoning and planning amendments if active and substantial work commences within 24 months of approval, and the development project is substantially completed within 5 years of approval. HB 413 extends these time periods so that substantial work shall commence within 3 years of approval, and the project shall be substantially completed within 7 years of approval. The 7-year and 3-year exemption periods shall apply to any planning board approval granted on or after July 1, 2023. HB 413 also limits the authority of the Zoning Board of Adjustment or Select Board when acting as the building code board of appeals to only hearing appeals involving local amendments to the state building code or state fire code, with all other appeals shall be made to the state building code board of review. Furthermore, in matters involving a possible appeal to the Housing Appeals Board involving final decisions of a local building code board of appeals, the matter would first have to be appealed to the building code board of review and thereafter could then be appealed to the superior court or the Housing Appeals Board.
Effective Date: July 1, 2025
Statutes Amended: RSA 674:39; RSA 674:34, I; RSA 155-A:11-b; RSA 478:1-a; RSA 679:5, IV; RSA 673:3, IV.