



CITY OF KEENE NEW HAMPSHIRE

ITEM #J.1.

Meeting Date: June 15, 2023
To: Mayor and Keene City Council
From: Planning, Licenses and Development Committee, Standing Committee
Through:
Subject: **Relating to an Amendment to the Land Development Code – Accessory Dwelling Units
Ordinance O-2023-06**

Council Action:

In City Council June 15, 2023.

Report filed as informational. Voted unanimously for the adoption of Ordinance O-2023-06.

Recommendation:

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-06.

Attachments:

1. Ordinance O-2023-06_Adopted

Background:

Chair Bosley welcomed City Planner, Evan Clements, who noted that the Committee had heard about these changes multiple times, so he was available to answer questions.

Vice Chair Giacomo asked if this was the first or second reading of this Ordinance. Chair Bosley said this Ordinance already had its second reading by the City Council and was back for this Committee's final recommendation. So, Vice Chair Giacomo said there were no added changes to review. He said this was a great effort that aligned well with the Housing Needs Assessment and had been identified as a critical need in the City for a long time. The Vice Chair was glad this was being codified.

Councilor Jones said he had been a proponent of accessory dwelling units (ADUs) for a long time, since the days when they were called "mother-in-law apartments." He said that historically, property owners were in favor of ADUs because they could rent student housing. However, he thought there were protections against that. Mr. Clements replied that there was no proposal for how ADUs would be used outside of the existing requirement that the property owner live in either the principal dwelling or the ADU itself. There were no other regulations indicating who could live in an ADU.

Councilor Johnsen appreciated Councilor Jones' question because she knew there had been issues in the past, so she hoped these uses would be protected. She said she had nothing against the Keene State College students because she taught there, but she knew that student tenants could be an issue.

Chair Bosley said she would love to see Keene State College thriving in the future again and outgrowing the campus footprint, but their attendance had been reduced for a long time, during which she heard fewer complaints. She said that even the neighborhood across from the college had converted back to a more family-occupied neighborhood. Thus, in this climate, Chair Bosley thought it was less likely that ADUs would become student housing in the future, though issues could certainly arise. More so, she thought ADUs would be used by individuals or families with older parents and grandparents moving into ADUs while their kids and grandkids take over the main houses. She hoped to see more multi-generational families living on these properties with ADUs.

Vice Chair Giacomo added that for every college student that moves into an ADU, there would be one other free housing unit for the public. He thought this Ordinance would only help the City's housing needs. He acknowledged that it was possible for a college student to move into an ADU and act improperly, but he said that would be more difficult with the stipulation that the property owner must live on the property near the ADU. He reiterated how important the stipulation was for the property owner to live on-site to add some protections.

Chair Bosley asked how many permitted ADUs were in the City already and how many current applications there were. Mr. Clements did not believe there were any current building applications for ADUs. The City's Building and Zoning Official, John Rogers, indicated that there were only approximately one dozen permitted ADUs in the City for a number of reasons. Those reasons included the regulations, as well as the cost to build, which had not gone down. He said one benefit of this design type was that, while still expensive to build, ADUs were cheaper than alternatives requiring engineering, subdividing, and building a whole new house. ADUs were more viable for people to implement. Chair Bosley asked whether there was evidence that the old Ordinance might have deterred people who were interested in building ADUs, whereas this Ordinance would open the door to the possibility. Mr. Clements said he had recent conversations with residents who were looking to create new building lots but could not because the lots were substandard for subdividing. He thought ADUs provided a sort of middle ground. He cited examples of families with a member who travels often and does not need a full-time rental but could use an ADU near their families when in town. He also shared the example of a person living in the Medium Density District who wanted to subdivide to build a house for a family member, but there was not enough acreage to subdivide; that property owner was excited to learn that ADUs would be allowed soon. Chair Bosley asked, and City Staff confirmed that they had received positive feedback from the community about this option.

The City Manager, Elizabeth Dragon, provided an example. One year ago, she wanted to add an ADU at her residence in the Commerce District. While her neighborhood is residential, she was unable to add the ADU because the home was not in a single-family district. This Ordinance would add that possibility in her neighborhood.

Chair Bosley was excited to be moving in this direction, noting that having a detached capability would be a big win for many homeowners. She thought there were already a lot of detached structures that people could convert. She said that not sharing a wall with a renter is a big deal, especially for those who had lived alone for a long time. Chair Bosley thought this was a win for the community.

Hearing no public comments, Chair Bosley entertained a motion from Vice Chair Giacomo that was duly seconded by Councilor Jones.

On a vote of 5–0, the Planning, Licenses, and Development Committee recommends the adoption of Ordinance O-2023-06.



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Three

AN ORDINANCE Relating to Amendments to the Land Development Code, Accessory Dwelling Units

Be it ordained by the City Council of the City of Keene, as follows:

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows.

1. That Section 1.3.3 “Setbacks & Build-To Dimensions” of Article 1, subsection 4.e “The following structures may encroach up to 10-ft from the rear lot line of lots in residential zoning districts.” be amended as follows:
 - a. **iv. Accessory Dwelling Units, either detached or attached**
2. That Section 8.4.2.A “Accessory Dwelling Unit (ADU)” of Article 8, subsection 1 “Defined” be amended as follows:
 - a. Defined. An independent living unit ancillary to a single-family dwelling ~~unit~~ and under the same ownership as the principal dwelling unit. The unit may be an attached Accessory Dwelling Unit (ADU), located within or attached to the principal dwelling unit, or a detached ADU, located in **or as** a detached accessory building on the property.
3. That Section 8.4.2.2 “Use Standards” of Article 8, subsection c be amended as follows:
 - c. ~~Attached ADUs~~ **ADUs shall be permitted in any district and on any lot that contains a single-family dwelling. This shall include any legal non-conforming single-family dwelling.**
 - i. ~~Attached ADUs shall only be permitted in the Agriculture, Rural, Low Density, Low Density 1, Medium Density, High Density, High Density 1, Neighborhood Business, Office, Residential Preservation, and Downtown Transition Districts.~~
 - ii. ~~Attached ADUs shall have a minimum gross floor area of 400-sf. In no case shall the gross floor area exceed 800-sf.~~

4. That Section 8.4.2.2 “Use Standards” of Article 8, subsection d be amended as follows:
- d. ~~Detached ADUs~~ **ADUs shall not exceed a maximum gross floor area of 1000-sf.**
 - i. ~~Detached ADUs shall only be permitted in the Agriculture and Rural Districts.~~
 - ii. ~~Detached ADUs shall have a minimum gross floor area of 400-sf, and, in no case, shall the floor area be greater than 50% of the gross floor area of the principal dwelling unit or greater than 1,000-sf, whichever is less.~~
5. That Section 8.4.2.2 “Use Standards” of Article 8, subsection f be amended as follows:
- f. ~~No more than 2 parking spaces shall be permitted for an ADU.~~ **Only 1 parking space shall be required for an ADU.**
6. That Section 8.4.2.2 “Use Standards” of Article 8, subsection k be added as follows:
- k. **An ADU is subject to the same overlying zoning district’s dimensions & siting, buildout, and height requirements, as permitted by RSA 674:72, that would be required for a single-family dwelling without an ADU. In the case of zoning districts that do not allow a single-family dwelling, the zoning district’s dimensions & siting, buildout, and height requirements shall apply.**
 - i. **An ADU may encroach up to 10-ft from the rear lot line of any lot where an ADU is permitted.**

In City Council March 16, 2023.
Referred to the Joint Planning
Board and Planning, Licenses and
Development Committee.


City Clerk



George S. Hansel, Mayor