



2017-04

ORDINANCE

CITY OF BERLIN

In the year of our Lord Two Thousand Seventeen

AN ORDINANCE amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE II. General Provisions, Section 17-29, Accessory Dwelling Units

Be it ordained by the City Council of the City of Berlin as follows:

NOW THEREFORE BE IT ORDAINED by the Mayor and Council that the Code of Ordinances of the City of Berlin Chapter 17, ZONING, ARTICLE II. General Provisions, Section 17-29, Accessory Dwelling Units is hereby amended by to read as follows (double underline = new language):

To increase housing alternatives while maintaining neighborhood aesthetics and quality, attached accessory dwelling units (ADU) are permitted by the Planning Board through a Conditional Use Permit process on any property containing an owner-occupied single-family dwelling, provided that the applicant meets the criteria set forth below:

1. A maximum of one (1) ADU per property is permitted. An ADU shall not be permitted on property where more than one primary dwelling unit (PDU) currently exists;
2. The ADU is contained within or will be an addition to an existing or proposed single family dwelling;
3. The ADU shall contain fully self-sufficient living quarters, consisting of adequate sleeping, bathing, and eating accommodations.
4. Exterior alterations, enlargements, or extensions of the PDU are permitted in order to accommodate the ADU. However, no such change is permitted which would alter the appearance of the PDU to look like a duplex or any other multifamily structure (i.e., the house should not look like it was designed to house more than one family). The construction of any exterior access ways which are required for access to the ADU shall be located to the side or rear of the building whenever possible. The ADU shall also be designed to remain functionally dependent on the PDU and shall not have provisions for separate utilities, garages, driveways, and other similar amenities; The ADU shall contain no more than two bedrooms;
5. The ADU shall not exceed 1,000 square feet in area and shall not exceed 40% of the living area of the principal dwelling;
6. The ADU shall be connected internally to the PDU;
7. The property owner must occupy one of the two dwelling units;

8. One parking space for the ADU shall be provided in addition to any parking for the PDU if parking is available on the property;
9. The PDU, ADU, and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single family dwelling. In order to assure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Coos County Registry of Deeds and a copy provided to the Community Development Department and the Assessor prior to the issuance of a Certificate of Occupancy; and
10. 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.

This Ordinance shall be in full force and effect from and after passage.

PASSED: _____
Date

APPROVED: _____
Paul Grenier Mayor

ATTEST: _____
Elaine Riendeau, City Clerk