

## **Article 206: ACCESSORY FAMILY APARTMENTS ORDINANCE**

### **206.1 AUTHORITY:**

This section is enacted in accordance with the provisions of RSA 674:21.

### **206.2 PURPOSE AND OBJECTIVES:**

The purpose of the accessory family apartment provision is to provide increased flexibility with respect to housing alternatives for families in Kingston while maintaining health, safety, aesthetics and quality of the Town's neighborhoods.

The objectives of this Section are to:

- A.** Provide for the construction of accessory apartments in existing single-family dwelling units to be occupied by family members, thereby lessening fluctuations in the demand for Town services, e.g., education and elderly care;
- B.** Add more units to the housing stock to meet the needs of smaller households, both young and old;
- C.** Protect stability and property values, in Single-family residential, Single-family residential-agricultural and Historic I and II zoning districts by ensuring that accessory apartments are installed only in owner-occupied houses and under such additional conditions as to protect the health, safety, and welfare of the public.

### **206.3 DEFINITIONS:**

- A. Accessory Apartment:** One apartment, provided it is located within a single-family dwelling and is clearly a subordinate part thereof, and has safe and proper means of entrance and exit, and meets the requirements set forth herein.

### **206.4 SPECIAL EXCEPTION:**

- A.** A special exception allowing the installation of one (1)

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accessory apartment within a detached single-family dwelling shall be issued by the Zoning Board of Adjustment provided that the following conditions are met:

1. The proposed use must conform to the dimensional requirements of a single-family lot and meet all existing building requirements.
2. The single-family dwelling shall not be located within an innovative zoning development.
3. The accessory apartment shall be designed so that the appearance of the building remains that of a one-family dwelling. There shall be one egress to the primary living area and one egress shall be located on the side or in the rear of the building.
4. The size of the accessory apartment shall be a minimum of 600 square feet, and shall not exceed 1/3 of the living area of the entire dwelling (both units).
5. The dwelling to which an accessory apartment is to be added must be, and continue to be, owner occupied.
6. Only one bedroom is permitted in the accessory apartment.
7. Off-street paved or gravel parking shall be provided for at least four (4) vehicles.
8. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.
9. Prior to granting a special exception by the ZBA, the owner shall provide, as part of the ZBA case file, the following:
  - a. evidence to the Town health officer that septic facilities are adequate for both units according to the standards of the Town and the N.H. Water Supply and Pollution Control Division. If deemed necessary by said health officer, such evidence shall be in the form of certification by a State of NH licensed septic system designer. Also, the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire. The health inspector then shall indicate his approval in writing to the ZBA.
  - b. a floor plan of one-quarter inch (1/4") to the

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- foot scale showing the proposed changes to the building.
  - c. a sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking.
  - d. evidence must be submitted to the building inspector that all building requirements can be met. The building inspector shall then indicate his approval in writing to the ZBA.
10. The accessory apartment shall be subject to the standards and conditions for a special exception as set forth in this Ordinance.
- a. If a home that had a special exception permit for an accessory apartment is transferred, then said exception shall cease.