

ZONING

275 Attachment 1

City of Rochester

Table 18-A Residential Uses
[Amended 4-4-2017; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

LEGEND

P = Permitted Use

C = Conditional Use

E = Use Allowed by Special Exception

| Residential Uses | Residential Districts | | | | Commercial Districts | | | Industrial Districts | | Special | | Criteria/Conditions |
|---|-----------------------|----|----|-----|----------------------|----|----|----------------------|----|---------|----|---------------------|
| | R1 | R2 | AG | NMU | DC | OC | HC | GI | RI | HS | AS | Reference |
| Apartment, accessory (accessory use) | E | P | P | P | P | P | P | — | — | E | — | Article 21 and 23 |
| Apartment, in-law | P | P | P | P | P | P | P | — | — | — | — | |
| Apartment, security | — | P | — | P | P | P | P | P | P | P | P | Articles 2 and 23 |
| Assisted living facility | — | C | C | C | C | C | C | — | — | C | — | Article 21 |
| Boardinghouse | — | — | — | — | E | — | — | — | — | — | — | |
| Community residence-1 | — | E | E | — | E | E | E | — | E | E | — | Article 22 |
| Community residence-2 | — | — | E | — | — | E | — | — | E | E | — | Article 22 |
| Conservation subdivision | C | C | C | — | — | C | C | — | — | — | — | Articles 21 and 33 |
| Dwelling, apartments (apartment/mixed-use building) | — | — | — | P | P | C | P | — | — | — | — | Article 21 |
| Dwelling, multifamily development | — | P | — | — | C | — | P | — | — | — | — | Articles 20 and 22 |
| Dwelling, multifamily | — | P | — | — | C | — | P | — | — | — | — | |
| Dwelling, single-family | P | P | P | P | P | P | P | — | — | P | — | |
| Dwelling, two-family | — | P | P | P | P | P | P | — | — | — | — | Articles 21 and 33 |
| Flag lots | — | C | C | — | — | — | — | — | — | C | — | Article 21 |
| Home occupation-1 (accessory use) | P | P | P | P | P | P | P | — | — | P | — | Article 24 |
| Home occupation-2 (accessory use) | P | P | P | P | P | P | P | — | — | P | — | Articles 22 and 24 |

ACCESSORY APARTMENT

§ 275-23.2 Standards for specific accessory uses.

A. The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

- (1) Accessory apartment. An accessory apartment is permitted subject to compliance with all of the following standards and procedures:
[Amended 4-4-2017]
 - (a) It is permitted where and as specified in the Tables of Uses (by right or by special exception). However, if the accessory dwelling is detached from the single-family dwelling, it must be approved by a special exception;
 - (b) It is accessory to a single-family dwelling only and if detached from the single-family dwelling it is similar in architectural style;
 - (c) It must be two bedrooms or less;
 - (d) It may not exceed 800 square feet;
 - (e) It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family dwelling, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit;
[Amended 3-5-2019]
 - (f) There may be only one per lot;
 - (g) The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his/her principal place of residence;
 - (h) At least one parking space must be provided for the unit;
 - (i) Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and
 - (j) It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.
 - (k) If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require site plan review.
 - (l) If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require site plan review.

IN-LAW APARTMENT

A semi-independent living area (not to exceed 400 square feet) that is part of a larger dwelling unit. An in-law apartment may have its own bedroom, bathroom, and cooking facilities but it has no separate walkable entrance to the outside. Access to the in-law apartment is exclusively from within the larger dwelling unit such that the resident of the in-law apartment is inextricably a member of the household occupying the larger dwelling unit.



City of Rochester, New Hampshire

Building and Licensing Services

LETTER OF INTENT

Table 18-A Residential Uses

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| Residential Uses | Residential Districts | | | | Commercial Districts | | | Industrial Districts | | Special | | Criteria/Conditions |
|--------------------------------------|-----------------------|----|----|-----|----------------------|----|----|----------------------|----|---------|----|---------------------|
| | R1 | R2 | AG | NMU | DC | OC | HC | GI | RI | HS | AS | Reference |
| Apartment, accessory (accessory use) | E | P | P | P | P | P | P | — | — | E | — | Article 21 and 23 |
| Apartment, in-law | P | P | P | P | P | P | P | — | — | — | — | |

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(b) It is accessory to a single-family dwelling only and if detached from the single-family dwelling it is similar in architectural style;

(c) It must be two bedrooms or less;

(d) It may not exceed 800 square feet;

(e) It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family dwelling, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit;

(f) There may be only one per lot;

(g) The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his/her principal place of residence;

(h) At least one parking space must be provided for the unit;

(i) Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and

(j) It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.

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Statement of Compliance: I have read and understand the Zoning requirements and hereby agree to all of the terms stated therein. I agree to abide by any and all codes. I also realize that any false statement made in the application for permit may be grounds for revocation of said permit.

Owner's Name

Owner's Signature

Date