



ORDINANCE

AMENDING THE LAND USE CODE BY AMENDING THE ACCESSORY DWELLING UNIT ORDINANCE AND DEFINITION OF DWELLING UNIT, ACCESSORY

CITY OF NASHUA

In the Year Two Thousand and Twenty-Five

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article VI “Supplemental Use Regulations”, Section 190-32 “Accessory dwelling units” of the Nashua Revised Ordinances as amended, is hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

“§190-32. Accessory dwelling units.

- A. Applicability. This section applies to any accessory dwelling unit.
- B. Standards.
 - (1) The accessory dwelling unit shall be clearly incidental and subordinate in extent, use, and purpose to the primary structure and does not exceed ~~750~~980 square feet.
 - (a) If an accessory dwelling unit is proposed to be developed within an existing structure, or a portion thereof, and no expansion of the footprint of that existing structure is proposed, the accessory dwelling unit may consist of an area up to 1,200 square feet.
 - (2) The accessory dwelling unit shall be the only accessory dwelling unit within or on the same lot as the single-family dwelling.
 - (3) The accessory dwelling unit shall not alter the single-family character or appearance of the single-family dwelling or its conformity with the character of the neighborhood.
 - (a) ~~No new entrance or exit to an accessory dwelling unit shall be constructed on the front or frontage side of the single-family dwelling.~~
 - (b) ~~(a) No new curb cut from the street shall be constructed.~~

- ~~(e) The exterior design of the accessory dwelling unit shall be compatible with the single-family dwelling through architectural use of building forms, scale, and construction materials.~~
- (4) ~~(Reserved).~~ The applicant shall make provisions for adequate water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38.
- (5) The owner of the property must occupy either the primary or accessory dwelling unit as the owner's principle place of residence.
- (6) The owner of the property shall provide the City of Nashua with a covenant for filing with the Hillsborough County registry of deeds, along with the appropriate filing fees. The covenant shall read substantially as follows:
- " _____ of _____ covenants and agrees that the property located at _____ contains an accessory dwelling as defined by the City of Nashua Land Use Code (§ 190-264 of Article XLII). ~~That use of the property is permitted as a special exception granted by the Zoning Board of Adjustment on _____, _____.~~ The continued use of the accessory dwelling unit is conditioned upon compliance with all current and subsequently adopted ordinances and statutes applicable to the property."*
- The granting of a ~~certificate of occupancy~~ of building permit for the accessory dwelling unit shall be contingent upon receipt of the covenant and fees.
- (7) One (1) additional off-street parking space is required above the minimum standard for a single-family house, either on-site or at an off-site location and legally dedicated via a lease agreement or other instrument deemed acceptable by the Administrative Officer.
- (8) ~~An interior door shall be provided between the primary dwelling unit and the accessory dwelling unit.~~ Attached accessory dwelling units shall either have an independent means of ingress and egress or ingress and egress through a common space shared with the principal dwelling.
- (9) The single-family dwelling and the accessory dwelling unit shall not be separated in ownership (including by condominium ownership).
- (10) Accessory dwelling units shall only be associated with single family detached dwellings and shall not be associated with multiple single-family dwellings attached to each other, such as townhouses ~~manufactured housing as defined in RSA 674:31.~~
- (11) Where the standards of this Section conflict with those found elsewhere in Chapter 190 "Land Use", the standards of this Section apply.

It is further ordained that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article III “Base Districts”, Section 190-15 “Permitted Uses”, Table 15-1 “Use Matrix” of the Nashua Revised Ordinances as amended, is hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

Table 15-1 Use Matrix.

Use	LBCS Function	LBCS Structure	NAICS	R-40 Rural Residence	R-30 Suburban Residence	R-18 Suburban Residence	R-9 Suburban Residence	R-A Urban Residence	R-B Urban Residence	R-C Urban Residence	LB Local Business	GB General Business	D-1 Downtown	D-3 Downtown	HB Highway Business	PI Park Industrial	AI Airport Industrial	GI General Industrial
Accessory Uses																		
1. Accessory uses as permitted in §190-31		1130		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
2. Fences, walls or other enclosures subject to §190-44				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
3. <u>Accessory dwelling units</u>	<u>1100</u>	<u>1130</u>		<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AS</u>	<u>AP</u>	<u>AP</u>	<u>AS</u>	<u>AS</u>	<u>A</u>	<u>AS</u>
Residential Uses																		
3. <u>Accessory dwelling units</u>	<u>1100</u>	<u>1130</u>		S	S	S	S	S	S	S	S	S	P	P	S	S	-	S

It is further ordained that Part II “General Legislation”, Chapter 190 “Land Use”, Part 8 “Definitions and Submittal Requirements”, Article XLII “Definitions”, Section 190-264 “Definitions”, “Dwelling Unit, Accessory” of the Nashua Revised Ordinances as amended, is hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

Dwelling Unit, Accessory

A second dwelling unit contained within, ~~or attached to, or detached from the same~~ building as a single-family dwelling on the same lot.”

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective immediately upon passage.

LEGISLATIVE YEAR 2025

ORDINANCE: O-25-076

PURPOSE: Amending the Land Use Code by amending the accessory dwelling unit ordinance and definition of dwelling unit, accessory

ENDORSER(S): Alderman Tomas Lopez

COMMITTEE ASSIGNMENT: Planning and Economic Development Committee
Planning Board

FISCAL NOTE: None

ANALYSIS

This legislation reflects changes to the City’s ordinances required by the passage of HB 577 (2025), effective July 1, 2025.

This legislation amends the land use code. State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least ten calendar days prior to the date of the hearing. (Notice period does not include the day notice is posted or the day of the public hearing. RSA 675:7, I). See RSA 675:7, I-a for notice requirements to individual owners for changes that affect 100 or fewer properties. A favorable vote of two-thirds of all the members of the board of aldermen present and voting would be required if a protest petition is filed pursuant to RSA 675:5.

Approved as to form: Office of Corporation Counsel

By: /s/Celia K. Leonard

Date: October 8, 2025