



Town of Stratham  
*Planning and Zoning Department*  
*Building Department & Code Enforcement*

## FACT SHEET

# ACCESSORY DWELLING UNITS



The Town of Stratham permits Accessory Dwelling Units (ADUs) to provide an accessory housing alternative in single-family home neighborhoods, while maintaining neighborhood character. Stratham allows one ADU, subject to Stratham's Zoning Ordinance, on a legal lot or property which is already approved for or developed with a detached single-family dwelling.

**What is an Accessory Dwelling Unit?** An ADU is a residential living unit that is within a single-family dwelling (attached ADU) OR within an accessory structure (detached ADU), and meets the requirements set forth in Stratham's Zoning Ordinance. ADUs offer several benefits for homeowners including allowing a separate living space for relatives or can be rented or leased in the real estate market.

This fact sheet is intended to be a guide and describes Planning and Zoning requirements regarding attached and detached ADUs in Stratham. For a complete list of requirements, refer to the Stratham Zoning Ordinance, Section 5.4. For specific questions, please contact the Planning & Zoning Department at (603) 772-7391 or [planning@strathamnh.org](mailto:planning@strathamnh.org).

### **PLANNING/ZONING REQUIREMENTS FOR ACCESSORY DWELLING UNITS:**

#### **1. Accessory to Owner-Occupied Residential Use**

The property to which an ADU is to be added must be owner-occupied although the owner may reside in the primary dwelling or the accessory unit.

#### **2. Ownership**

The ADU or lot cannot be converted to a condominium or any other form of ownership other than the existing single-family dwelling. The single-family dwelling cannot be a mobile home or condominium or located in a Residential Open Space Cluster Development.

### **3. Occupancy**

The occupancy of the ADU cannot be utilized for short-term rentals or vacation rentals (including through sites like Airbnb and Vrbo). At a minimum the ADU must be rented out on a month-to-month basis.

### **4. Smaller than 1,000 square feet**

ADUs must be between 400 and 1,000 square feet including uses such as garages, porches, decks, etc. Additionally a detached ADU shall not exceed 50% of the primary residence or 1,000 square feet whichever is smaller. Detached ADUs cannot include a pool or garage if one already exists on the property.

### **5. Adequate Septic Capacity and Potable Water**

The property owner must provide evidence of adequate septic system design and capacity according to the standards of Stratham and the NHDES Water Division, along with adequate potable water according to the standards of the State of New Hampshire.

### **6. Two Parking Spaces Required, No New Driveway Curb Cut**

A minimum of 2 off-street parking spaces must be provided for both the ADU and the single family dwelling for a total of 4 parking spaces.

### **7. Compatible Exterior Design and Located in the Side or Rear Yard**

The architecture of the ADU must be compatible with the single-family dwelling and in character of the property, and designed so that the property retains the appearance of a single-family dwelling. Detached ADUs must have the appearance of a barn, carriage house, or other customary accessory structure.

### **8. Building and Zoning Setbacks**

For new detached ADUs, the ADU must be set back a minimum of 50 feet from the front property boundary. Detached ADUs must also meet structural, wetlands, and other applicable zoning setbacks.

### **9. Secure a Building Permit**

Although this fact sheet covers Planning & Zoning requirements related to ADUs, there are several building, health, and safety measures that must be addressed relating to the ADU. Prior to applying for a building permit, contact the Building Department for more information at (603) 772-7391. ADUs constructed without the benefit of a building permit are not recognized by the Town and may incur fines, and can affect future sales of the property.

## **5.4 ACCESSORY DWELLING UNITS** (Rev. 3/90, 3/05, 3/09, 3/17, 3/18, 3/20, 3/22)

5.4.1 Purpose: The purpose of the accessory dwelling unit provision is to provide an accessory housing alternative, while maintaining neighborhood aesthetics and quality.

5.4.2 Objectives: The objectives of this Section are to:

- a. Provide a housing unit in a single-family neighborhood for individuals seeking affordable housing alternatives;
- b. Protect the single-family residential character of a neighborhood by ensuring that the accessory dwelling unit is permitted only on an owner-occupied property and under such conditions as to protect the health, property values, safety, and welfare of the public. (Rev. 3/20)

5.4.3 Regulations: (Rev. 3/20 & 3/22)

No more than one (1) accessory dwelling unit (ADU) will be permitted on a legal lot or property which is already approved for or developed with a detached single-family dwelling. Further, an ADU may be created within a single-family dwelling, or within an accessory structure, in accordance with these regulations. In cases where there is uncertainty that a proposed ADU will meet the zoning regulations, the Code Enforcement Officer shall be authorized to seek a determination from the Planning Board which will decide the matter as part of a public hearing.

All ADUs must meet the following requirements:

- a. The property to which an accessory dwelling unit is to be added must be owner-occupied where the owner must reside in either unit following completion of the ADU;
- b. ADUs shall only be permitted on legally established parcels;
- c. The accessory dwelling unit shall be designed so that the exterior appearance of the building(s) and property remains that of a one family dwelling. Any new entrance that may be required shall be located on the side or in the rear of the building;
- d. The size of the accessory dwelling unit shall be between 400 square feet and 1000 square feet;
- e. In no case shall there be more than one (1) family having a maximum occupancy as dictated by the Town of Stratham Building Ordinance, residing within an ADU;
- f. A minimum of two (2) off-street paved or gravel parking spaces per unit (single-family and ADU), shall be provided and shown on the sketch plan. The appearance of the parking design shall be that of a single-family dwelling;
- g. 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;
- h. No new curb cut shall be constructed to serve an ADU.
- i. Prior to issuance of a Certificate of Occupancy by the Code Enforcement Officer, the owner shall provide, the following:
  - i. Evidence to the Building Inspector or their agent that septic facilities are adequate for both units according to the standards of Stratham and the N.H. Water Supply and Pollution Control Division. If deemed necessary by said Inspector, 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.

- ii. A floor plan of one quarter inch (1/4") to the foot scale showing the proposed changes to the building, if applicable.
- iii. A sketch plan (drawn to scale) of the lot, with existing and proposed structures and parking, if applicable. If there are any wetlands on the property and an expansion of the building footprint is proposed, the owner shall provide a certified plot plan, stamped by a licensed wetland scientist, demonstrating that the ADU will meet all wetland setback and buffer requirements.
- j. The single-family dwelling shall not be a mobile home or condominium (Rev. 3/18, 3/22).

5.4.4 Detached ADUs may be constructed in an accessory structure, only if they meet all of the requirements of Section 5.4.3 and the following additional requirements:

- a. The detached ADU shall not exceed 50 percent of the gross interior square footage of the primary residence, but in no case shall exceed 1,000 square-feet. The gross size of the building footprint housing a detached ADU, including appurtenant uses, shall not exceed 1,000 square-feet. Appurtenant uses include attached garages, porches, decks, storage areas, or any other attached or interior areas accessory to the ADU.
- b. No garage or pool shall be constructed attached, or adjacent to, the accessory dwelling unit if a garage or pool already exist on the parcel.
- c. For new accessory structures that include an accessory dwelling unit built after March 8, 2022, the structure must be set back a minimum of fifty (50) feet from the front property boundary. Accessory structures existing before March 8, 2022 may be repurposed to include a detached accessory dwelling unit and shall be exempt from this requirement if the height of the accessory structure is not increased and the gross size of the building footprint is not expanded by more than fifteen (15) percent.
- d. Detached ADUs shall be prohibited within Residential Open Space Cluster Developments.

5.4.5 Additional Regulations:

- a. The Building Inspector may require construction plans of any improvements and foundations to determine safety of any structure to be used as an accessory dwelling unit. Safety may be determined by review and inspection of the structure to be used.
- b. Once any renovation or construction is complete, or the owner is ready to have a unit occupied, a request shall be made to the Building Inspector for an occupancy permit. There shall be no occupancy of the accessory dwelling unit until the Building Inspector has issued said occupancy permit.
- c. Any accessory dwelling unit shall be allowed to continue to be used as such as long as all the requirements of Section 5.4.3 are maintained. If any of the conditions set forth in Section 5.4.3 are not maintained such accessory dwelling unit shall cease to exist. To reestablish use of such accessory dwelling unit, the home owner must reapply for a permit.
- d. No ADU shall be used for transient occupancy uses. (Rev. 3/20)