

**ARTICLE #05**  
**AMENDMENT #4**

**Hampton Zoning Ordinance Amendment**

Article 6 – Specific Use Regulations, Section 6.1 Accessory Dwelling Units to Single-Family Dwellings

Article 1 - General Provisions, Section 1.5 - Definitions

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**Proposed Regulation Language**

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**Article 1, Section 1.5**

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**Accessory Dwelling Unit:** An accessory dwelling unit, as defined in RSA 674, means a residential living unit that is located on a lot containing a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies. Accessory dwelling units may be constructed at the same time as the principal dwelling unit.

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***Attached Accessory Dwelling Units:*** An attached accessory dwelling unit means a unit that is within or physically connected to the principal dwelling unit, or completely contained within a preexisting detached structure.

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***Detached Accessory Dwelling Unit:*** A detached accessory dwelling unit means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

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**6.1. Accessory Dwelling Units to Single-Family Dwellings (Adopted March 2017, Amended March 2026)** The purpose of accessory dwelling units is to provide more housing flexibility for the owners of single-family dwellings.

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**6.1.1. Location and Quantity.** Accessory dwelling units, as defined in Section 1.5. Definitions, may be located only in those zones where single-family dwellings are permitted as set forth in Section 5.2.50., and only one accessory dwelling unit shall be permitted to accompany any single-family dwelling. No lot with more than one single-family dwelling or manufactured housing located upon it shall be eligible for an accessory dwelling unit. Accessory dwelling units are prohibited on lots where the land is rented or leased.

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25 **6.1.2. Permits Required**

26 One Accessory Dwelling Unit may be constructed with a Building Permit on any lot containing  
27 a single-family dwelling in any zoning district that allows single-family dwellings in the Town  
28 of Hampton per RSA 674:71 – 73, provided that the following provisions are met:

- 29 a) A Building Permit has been applied for and obtained under Section 7.2. of the Hampton  
30 Zoning Ordinance and in compliance with the applicable provisions of Section 7.2. of the  
31 Hampton Zoning Ordinance.
- 32 b) An applicant proposing an accessory dwelling unit shall submit to the Building Department  
33 a plan drawn to scale showing the proposed accessory dwelling unit, distances from the  
34 property lines, and required parking spaces. The applicant shall also submit exterior  
35 elevations and floor plans drawn to scale which show the interior layout of the proposed  
36 accessory dwelling unit. The Building Inspector may require a certified plot plan prepared  
37 by a licensed land surveyor in the State of New Hampshire with the existing and proposed  
38 setbacks and impervious coverage calculations for the lot provided on said plan.
- 39 c) All applicable zoning, including lot dimensional requirements, structural setbacks, lot  
40 coverage, aesthetic requirements and building area requirements imposed on a single-  
41 family dwelling shall apply to the accessory dwelling unit.
- 42 d) The accessory dwelling unit shall have at least one off-street parking space in any zoning  
43 districts that require single-family dwelling units to have off-street parking.
- 44 e) Accessory dwelling units may be constructed at the same time as the principal dwelling  
45 unit.

46 **6.1.3. Provisions for Living Facilities.** An accessory dwelling unit must provide independent  
47 living facilities for sleeping, eating, cooking, and sanitation on the same parcel of land as the  
48 principal dwelling unit it accompanies. An accessory dwelling unit shall contain no more than  
49 two bedrooms.

50 **6.1.4. Occupancy Requirements**

- 51 a) Owner occupancy of either the single-family dwelling unit or the accessory dwelling unit  
52 shall be required. The owner shall demonstrate that one of the units is his or her principal  
53 place of residence by providing an official record to the Building Department such as a  
54 driver’s license, voter registration card, vehicle registration, mortgage documents, or other  
55 similar documentation.
- 56 b) This ordinance is intended to offer additional permanent rental housing opportunities in the  
57 Town of Hampton without negatively impacting neighborhoods. In furtherance of these  
58 ends, an accessory dwelling unit or principal dwelling unit having an accessory dwelling  
59 unit shall not be rented out for less than 90 days outside of the Short-Term Rental Overlay  
60 District, as described in Section 6.2.
- 61 c) A Certificate of Rental Occupancy shall be required, regardless of whether the accessory  
62 dwelling unit has a contractual rental agreement, and kept current for the rental unit.

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64 **6.1.5. Location and Size**

- 65 a) Any accessory dwelling unit shall be no more than 1000 square feet in size and have no  
66 more than two bedrooms.
- 67 b) The addition of an accessory dwelling unit shall be governed by the Dimensional  
68 Requirements set forth in Section 2.2. of the Hampton Zoning Ordinance.
- 69 c) Accessory dwellings may be allowed in any structure legally existing as of June 30, 2025,  
70 provided that adequate ingress and egress are provided as either independent or through  
71 common space. An accessory dwelling in any structure built on or after July 1, 2025 shall  
72 conform to all current dimensional requirements for setbacks or lot coverage.
- 73 d) An accessory dwelling unit shall be subject to all applicable provisions of the Wetlands  
74 Conservation District Ordinance, including but not limited to Section 4.1.7.(C) regarding  
75 special minimum lot area, minimum lot area per dwelling unit, and setback requirements

76 **6.1.6. Provisions for Utilities**

77 The Department of Public Works shall be notified of all accessory dwelling unit applications.

- 78 a) An accessory dwelling unit shall be connected to the Town of Hampton Sewer System or  
79 to the private system that the principal dwelling unit utilizes legally. Construction of an  
80 accessory dwelling unit or its inclusion within an existing dwelling shall provide the proper  
81 design/construction of sewer services that are protected from freezing during the applicable  
82 months. All sewer connection and construction shall follow the Town of Hampton Sewer  
83 Ordinance and the Wastewater Development Charge shall be paid prior to the issuance of  
84 a Building Permit. If the accessory dwelling unit is to be connected to a legal private  
85 system, it must be demonstrated to the Building Inspector that said private sewer system is  
86 rated and permitted with the Town or State of New Hampshire to handle the combined  
87 maximum occupancy load that will be generated by the principal dwelling and the  
88 accessory dwelling unit. If neither the existing sewer service nor the private sewer system  
89 can handle and/or if either is not permitted under the requirements of the Town and the  
90 State of New Hampshire to handle, the additional flow, then the sewer service/private  
91 system shall first be permitted through the Town or the State of New Hampshire and then  
92 be reconstructed or upgraded at the expense of the lot owner to accommodate the sewage  
93 that would be generated by the combined maximum occupancy load.
- 94 b) The water source utilized by the principal dwelling unit shall also be utilized by the  
95 accessory dwelling unit and if a public water system is the provider of water for the primary  
96 dwelling unit, then the public water system shall be notified in advance of the addition of  
97 the accessory dwelling unit or its inclusion within the principal dwelling unit of the  
98 accessory dwelling unit and public water system metering and connection requirements  
99 shall govern. Construction of an accessory dwelling unit or its inclusion within an existing  
100 dwelling shall provide the proper design/construction of water services that are protected  
101 from freezing during the applicable months.
- 102 c) If the principal dwelling unit is served by a private drinking water well, it must be  
103 demonstrated to the Building Inspector that said private well is capable of providing

104 sufficient water for the maximum occupancy loads for both the principal dwelling unit and  
105 the accessory dwelling unit, or a new well must be installed that will provide such sufficient  
106 water before the accessory dwelling unit is allowed to be added or incorporated into the  
107 principal dwelling. Construction of an accessory dwelling unit or its inclusion within an  
108 existing dwelling shall provide the proper design/construction of water services that are  
109 protected from freezing during the applicable months.

110 d) The establishment of a separate electrical panel and separate electrical service to the  
111 accessory dwelling unit is allowed.

112 **6.1.7. Sprinkler Systems.** Any accessory dwelling unit that is attached to a principal dwelling  
113 unit of 3 or more stories in height shall require both units to be furnished with a sprinkler  
114 system in accordance with Article 7., Section 7.2.4.

115 **6.1.8. Condominium Conversion.** By virtue of its being an accessory to the principal  
116 dwelling, the accessory dwelling unit and the principal dwelling shall remain under the same  
117 ownership as the lot owner and shall not be converted to condominium form of ownership.

118 **6.1.9. Impact Fees for Two-Bedroom Accessory Dwelling Units.** All two-bedroom  
119 accessory dwelling units shall be subject to the payment of an impact fee, which shall be  
120 submitted to the Building Department in an amount equal to the current fee per unit for a two-  
121 unit structure. Accessory dwelling units shall not be eligible for a full or partial waiver of the  
122 required impact fee. The impact fee requirement shall not apply to situations where a two-  
123 family property is converted under this Article to one single-family dwelling and one accessory  
124 dwelling unit, or to an arrangement as described in Section 6.1.4.(f) above unless or until the  
125 accessory dwelling unit becomes a conventional rental. (Amended 2021, 2024)

126 **6.1.10. Removal of an Accessory Dwelling Unit**

127 a) Prior to issuance of a Certificate of Occupancy for an accessory dwelling unit, a Deed  
128 Amendment in an approved form shall be recorded at the Rockingham County Registry of  
129 Deeds which states that the property must revert to single-family use (with only one  
130 dwelling unit) if the current or future owner no longer occupies either the principal  
131 dwelling unit or the accessory dwelling unit as his or her principal place of residence. This  
132 requirement shall only apply to lots located in the RA or RAA zoning district. (Amended  
133 March 2019)

134 b) An accessory dwelling unit legally established under this ordinance may be removed only  
135 with the required Building Permit issued by the Building Department.

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