

Accessory Dwelling Units and Accessory Apartments

(See Page 4 for Zones where these types of units are allowed)

ACCESSORY DWELLING UNIT – A dwelling unit located in, or attached to, a single-family residence as an accessory use. A single-family residence with an accessory dwelling unit is considered a single-family residence (not a duplex residence).

ACCESSORY APARTMENT – A dwelling unit located in an accessory structure in conjunction with a single-family residence as an accessory use. A single-family residence with an accessory apartment is considered a single-family residence (not a duplex residence).

Accessory dwelling units and accessory apartments shall conform to the following standards:

1. Only one accessory dwelling unit or one accessory apartment shall be located on a lot with a single-family residence. The location of an accessory dwelling unit and an accessory apartment in conjunction with one single-family residence shall not be permitted.
2. An accessory dwelling unit shall contain a minimum of 300 and a maximum of 850 square feet of floor space.
3. An accessory apartment shall contain a minimum of 300 and a maximum of 850 square feet of floor space.
4. In zoning districts where no more than **three unrelated persons** may occupy a dwelling unit (as specified in subsection 175-56 General Dimensional Standards), there shall be no more than **three unrelated occupants** in total for the single-family dwelling and the accessory dwelling unit combined or for the single-family dwelling and the accessory apartment combined.
5. The location and design of the accessory dwelling unit or accessory apartment shall maintain the single-family character and appearance of the premises.
6. An interior door shall be provided between the single-family dwelling and the accessory dwelling unit, but the door may be locked or not at the option of the property owner.
7. One parking space shall be provided for the accessory dwelling unit or accessory apartment, in addition to parking required for the single-family dwelling. The parking space may be situated within a driveway along with other vehicles provided it is readily accessed.
8. The property owner shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit or accessory apartment in accordance with RSA 485-A:38. However, systems for the accessory dwelling unit or accessory apartment separate from those serving the single-family dwelling are not required.
9. There are no additional requirements for lot size, frontage, space limitations, or other dimensional controls for an accessory dwelling unit or accessory apartment beyond

what would be required for a single-family residence without an accessory dwelling unit or accessory apartment.

DEFINITION OF HOUSEHOLD – A group of occupants of a dwelling unit defined by one of the following two categories:

1. **FAMILY** – An individual or two (2) or more persons related within the second degree of kinship by civil law or by marriage or adoption or foster care arrangement living together as a single housekeeping unit, including necessary domestic help such as nurses or servants not to exceed three (3) in number.
2. **UNRELATED HOUSEHOLD** – Any household not conforming to the definition of a "family," above.

175-56. General Dimensional Standards.

A. Limitation on number of unrelated occupants. **Within the following zoning districts, any dwelling unit consisting of an unrelated household shall contain no more than three (3) unrelated occupants:**

1. Rural (R)
2. Residence A (RA)
3. Residence B (RB)
4. Residence C (RC)
5. Central Business District (CB)
6. Professional Office (PO)
7. Church Hill (CH)
8. Courthouse (C) and
9. Coe’s Corner (CC)

(Note that there may be more restrictive occupancy requirements than these under the New Hampshire State Building Code and Fire Code and the Durham Rental Housing Ordinance.)

B. Minimum floor area per occupant in unrelated household. The minimum required habitable floor area per occupant in an unrelated household is shown in Table 175-56 below. (See definition for “Household.”).

Table 175-56. MINIMUM HABITABLE FLOOR AREA BY DWELLING TYPE FOR UNRELATED HOUSEHOLD

DWELLING TYPE	Minimum habitable floor area per occupant in unrelated household
Single-family dwelling	300
	300

Duplex or townhouse	
Apartment (but not including accessory apartments, apartments in the ORLI and MUDOR districts, and apartments in the CB District conforming to the provisions of Section 175-42 B.7.d).	400
Three-story apartment in the CB District conforming to the provisions of Section 175-42 B.7.d.	300
Apartment in the Central Business District (excluding accessory apartments) where the number of unrelated occupants does not exceed two	300
Apartment in the ORLI and MUDOR districts (but not including accessory apartments)	200
Accessory Apartment	200
Rooming/boarding, including accessory rooming/boarding	150
Dormitory	100
Fraternity or sorority	150
Nursing home	150
Senior housing	200
(Note that there may be more restrictive occupancy requirements than these under the New Hampshire State Building Code and Fire Code and the Durham Rental Housing Ordinance.)	

DURHAM ZONING DISTRICTS

	RESIDENTIAL ZONES				COMMERCIAL CORE ZONES					RESEARCH-INDUSTRY ZONES			
	Rural (R)	Residence A (RA)	Residence B (RB)	Residence C (RC)	Central Business (CB)	Professional Office (PO)	Church Hill (CH)	Courthouse (C)	Coe's Corner (CC)	Office Research - Route 108 (OR)	Mixed Use and Office Research (MUDOR)	Office Research Light Industry (ORLI)	Durham Business Park (DBP)
Accessory dwelling unit	P	P	P	P	X	P	P	X	X	X	P	P	X
Accessory apartment	P	X	X	P	X	P	P	X	X	X	P	P	X

P = Permitted

X= Not Permitted