

Proposed 2026 Warrant Articles to Amend Chapter 1.0 Zoning and Land Use Ordinance of the Town of Strafford, NH

NOTE: Text to be deleted appears in ~~strikethrough~~. Text to be added appears in underline. Text appearing within *[brackets]* is explanation only and not part of the proposed amendment.

AMENDMENT 1 Accessory Dwelling Units “ADUs”

Warrant Article 2, Zoning Amendment 1: Are you in favor of adoption of Amendment 1 as proposed by the Planning Board for the town’s zoning ordinance as follows:

The Town of Strafford is required to update its Zoning Ordinance provisions pertaining to Accessory Dwelling Units (ADUs) to reflect changes to the State’s ADU law (RSA 674:71:73) per 2025 HB577. The existing Article 1.4.1.K Accessory Dwelling Units is proposed to be repealed and replaced with new provisions that, consistent with state requirements, allows one attached or detached ADU as a matter of right in all zoning districts where single-family homes are permitted; increases the maximum square footage to 950 sf for conforming lots; retains the requirement for owner occupancy of the single-family dwelling unit or ADU; allows for conversion of existing structures, including detached garages, into ADUs even if the structure doesn’t meet setback or lot coverage dimensional standards; and adds flexibility for ingress and egress. Additional amendments are made to Article 1.14 Definitions to include definitions of Accessory Dwelling Units, Attached, and Detached.

1.4 Agricultural-Residential District:

1.4.1 Land Requirements.

K. Accessory Dwelling Unit (ADU) Ordinance

[repeal and replace]

1. Authority: This section is enacted in accordance with the provisions of RSA 674:71-73.
2. Purpose: The purposes of the accessory dwelling unit ordinance are to:
 - a. Increase the supply of affordable housing without the need for more infrastructure or further land development.
 - b. Provide flexible housing options for residents and their families.
 - c. Integrate affordable housing into the community with minimal negative impact.

d. Provide elderly citizens with the opportunity to retain their homes and age in place.

3. Criteria for Approval

a. Accessory dwelling units shall be allowed in all zoning districts that permit single-family dwellings subject to compliance with all applicable local ordinances and receipt of a building permit. One accessory dwelling unit, which may be either attached or detached, shall be allowed per single family dwelling unit.

b. A septic system for a single-family dwelling unit with an accessory dwelling unit shall comply with requirements of the department of environmental services.

c. No more than one accessory dwelling unit for any single-family dwelling unit. ADUs are prohibited on rented or leased land.

d. Subsequent condominium conveyance of any accessory dwelling unit separate from that of the single-family dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5.

e. Attached accessory dwelling units shall have either an independent means of ingress and egress or ingress and egress through a common space shared with the single-family dwelling.

f. All municipal regulations applicable to single-family dwellings shall also apply to the combination of a single-family dwelling unit and an accessory dwelling unit, including but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development.

g. One additional parking space for the accessory dwelling unit is required.

h. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the single family and accessory dwelling units. Applicants must have installed an NH Department of Environmental Services approved septic system prior to issuance of a certificate of occupancy.

i. Owner occupancy of either the single-family dwelling unit or the accessory dwelling unit is required. The owner must demonstrate that one of the units is his or her principal place of residence and must submit documentation demonstrating this to the Building Inspector.

j. The total living space of the accessory dwelling unit shall not exceed 750 square feet for a non-conforming lot or 950 square feet for a conforming lot and shall not exceed two (2) bedrooms.

- k. Accessory dwelling units may be converted from existing structures, including but not limited to detached garages, regardless of whether such structures violate current dimensional requirements for setbacks or lot coverage.
- l. Accessory dwelling units do not require the establishment of a separate electrical panel or separate electrical service to the accessory dwelling unit.
- m. Prior to occupancy of the accessory dwelling unit, the homeowner shall obtain an occupancy permit from the Building Inspector.

1.14 Definitions:

[add these new definitions to the Definitions Section]

1.14.25 Accessory Dwelling Unit.

A residential living unit that is located on a lot containing a single-family dwelling that provides independent living facilities for one or more people, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the single-family dwelling unit it accompanies. Accessory dwelling units may be constructed at the same time as the single-family dwelling unit.

1.14.26 Accessory Dwelling Unit, Attached.

A unit that is within or physically connected to a single-family dwelling unit.

1.14.27 Accessory Dwelling Unit, Detached.

A unit that is neither within nor physically connected to the single-family dwelling unit.

AMENDMENT 2 In Home Child Care Facilities

Warrant Article 3, Zoning Amendment 2: Are you in favor of adoption of Amendment 3 as proposed by the Planning Board for the town's zoning ordinance as follows:

Adopt a new section 1.6 Home Based Child Care and renumber all subsequent sections. This new section intends to bring the town into compliance with NH RSA 674:16, VI that requires municipalities to allow such facilities by right or through a conditional use permit. This new section allows a home based child care accessory use to any residential use with a conditional use permit. Programs must be compliant with state licensing and all applicable building, fire, and health codes for residential properties. Additionally, while no additional parking is required, there must be safe space provided for drop-off and pick-up. Operators are encouraged to schedule drop-off and pick-up to minimize congestion.

[Adopt a new section 1.6 and renumber all subsequent sections.]

1.6 Home Based Child Care

Home Based Child Care programs, as defined in Section 1.14, shall be permitted with a conditional use permit from the planning board as an accessory use in all zoning districts where residential uses are allowed, including single-family and multi-family residential, provided the following conditions are met:

- A. Programs must obtain a valid license and comply with all applicable state licensing requirements under RSA 170-E (Child Day Care Licensing). Proof of licensing shall be provided to the municipality upon request.
- B. Programs must comply with applicable building, fire, and health codes for residential properties.
- C. Any modifications to the residence to accommodate childcare must meet local building permit requirements.
- D. Home Based Child Care programs shall not be subject to additional parking requirements beyond those required for the principal residential use of the property except that adequate space must be provided for safe drop-off and pick-up and any additional staff.
- E. Operators are encouraged to schedule drop-off and pick-up times in a manner that minimizes congestion.

Home Based Child Care programs shall not be subject to further Site Plan Reviews. Applicants for a conditional use permit shall provide adequate information to confirm compliance with the above criteria. This may include a narrative description, photos, and/or a sketch of the site. Any child care facilities other than a Home Based Child Care program as defined in Section 1.14 shall be subject to Site Plan Review under the Town's Non-Residential Site Plan Regulations.

1.14 Definitions:

[add the following new definition to the Definitions Section]

1.14.28 Home Based Child Care.

A childcare program operated in a home in which the provider resides and which may include either a Family Child Care Home or Family Group Child Care Home as defined by N.H. Admin. Code Sec. He-C 4002.01 and licensed by the NH Department of Health and Human Services.

AMENDMENT 3 Non-Conforming Uses

Warrant Article 4, Zoning Amendment 3: Are you in favor of adoption of Amendment 3 as proposed by the Planning Board for the town's zoning ordinance as follows:

Amend Article 1.7 Non-Conforming Use to clarify when Special Exceptions or Variances are required, or when neither is needed. Also, the amendments establish provisions to allow for the reconstruction of a non-conforming structure destroyed by fire or other act of nature within one year. Extensions may be granted by the Board of Selectmen or their designee.

1.7 Non-Conforming Use:

Article 1.7.1 Non-Conforming Use, Lot or Structure.

1. Any non-conforming use of land, building lot, or buildings, may continue in its present use except that such non-conforming use shall not be changed, extended, or enlarged, nor shall the dimensions of any non-conforming lot be reduced nor the dimensions of any non-conforming structure be changed, or expanded, except by approval of the Zoning Board of Adjustment as a Special Exception. A special exception will not be required if the non-conformity is eliminated by the proposed action. A discontinuance of one year shall void the permit.
2. Any expansion that would result in greater setback intrusion than currently exists shall be prohibited except where relief is obtained via a variance granted by the Zoning Board of Adjustment. An expansion of a non-conforming structure may include, but is not limited to, any one or all of the following: enlargement of the footprint, increase in height, construction of a full basement, increase in floor space, or the creation of additional living space.
3. Any non-conforming structure which is destroyed by fire or rendered unusable or uninhabitable by an act of nature may be repaired, rebuilt or replaced with a structure having the same dimensions in the same location. Any such rebuild or replacement in an area outside of the original location that can be accomplished in a manner that will comply with the applicable setbacks shall be permitted, provided that all applicable state and local laws and regulations are adhered to. Repairs, rebuilding or replacement must commence within one year of the occurrence of the event and must be completed within one year of the start date. One-year extensions may be granted by the Board of Selectmen or their designee for good cause shown.
4. Special Exceptions may be granted by the Zoning Board of Adjustment, upon submission of a site plan or a building plan, provided that the following requirements are met:
 - a. A non-conforming use, lot or structure shall not be made more non-conforming.

- b. No change or expansion of use shall be permitted which would be detrimental or offensive to the owners of adjoining property or to the Town, that would adversely affect abutting or nearby property values, which would cause any hazard to health or safety, or which would adversely affect the character of the area in which the proposed use will be located.
 - c. That the use conforms with all other applicable regulations governing the district where located.
 - d. That the proposed use has an adequate water supply and sewerage system, and meets all applicable requirements of the State of New Hampshire.
5. Other Requirements: The granting of any Special Exception by the Zoning Board of Adjustment shall not exempt the applicant from any other portion of this Ordinance not specifically ruled upon by the Zoning Board of Adjustment or specifically set forth as an exception in this particular case from a provision of this Ordinance. Any further appeal to the Board, or any change to any required limitations or special conditions imposed by the Board in authorizing a Special Exception, shall be considered a new case.
6. Public Hearing. The Zoning Board of Adjustment shall, within 30 days, hold the hearing of an appeal and before any hearing is given either on an appeal or an application for Variance or Special Exception of the Zoning Ordinance, notice shall be given to all abutting owners or representatives of interest as required under state statutes.
7. If the Zoning Board of Adjustment approves an application for a Special Exception, it may impose relevant conditions of approval under RSA 674:33, IV as serve the purposes of the ordinances, ~~which may include~~ but is not limited to modification of the design of any building involved in the proposed use, limitation of the number of occupants or employees, restrictions in the manner and/or time of operation and use, and of the size or extent of facilities. (amended 3-13- 2007)

1.14 Definitions:

1.14.6 Non-conforming Structure and Non-conforming Lot

A non-conforming structure is a structure which does not conform to the use, dimensional or other regulations of the district in which the structure is located. A non-conforming lot is a lot which was lawfully created, but which does not meet the minimum dimensional requirements for frontage and/or lot size within the zoning district in which the lot is located.

1.14.7 Non-Conforming Use

A non-conforming use is a use ~~of in~~ any lot or structure which does not conform to the use regulations of the district in which such ~~use~~ lot is located.