

SECTION 9: ACCESSORY APARTMENTS (also known as Accessory Dwelling Units (ADUs))

A single family residence constituting a principal Dwelling Unit may also include not more than one Accessory Apartment, as an Accessory Use, either integral, attached or detached, provided all of the following conditions are met:

9.1 There is only one Dwelling Unit on the lot at the time the Accessory Apartment is proposed to be added.

9.2 The applicant for an Accessory Apartment shall comply with RSA 485-A:38 “Approval to Increase Load on a Sewage Disposal System.”

9.3 The minimum lot size for a Dwelling Unit with an Accessory Apartment shall be determined by the requirements of Section 6.1.4.

9.4 The Accessory Apartment shall not exceed 1,000 square feet of enclosed space. The minimum size of the Accessory Apartment shall not be less than 350 square feet of enclosed space. Floor space with sloping ceilings providing less than 4 feet of clearance to the floor shall not be included in the square footage.

9.5 An interior door shall be provided between the principal Dwelling Unit and an attached Accessory Apartment, but is not required to be locked or unlocked.

9.6 No Accessory Apartment shall have more than two bedrooms.

9.7 No Accessory Apartment shall have more than one occupant per 250 square feet of space.

9.8 The principal Dwelling Unit and the Accessory Apartment shall comply with the requirements of RSA 48 A:14 (“Housing Standards”, “Minimum Standards Established”) and all other applicable codes and ordinances including without limitation, building codes, fire codes, the Life Safety Code and the Jackson Zoning Ordinance. Without limiting requirements under any applicable code or ordinance, the Accessory Apartment shall be equipped with a hard-wired fire and smoke alarm system. If the principal Dwelling Unit and the Accessory Apartment are contained within the same building, both shall be equipped with a hard-wired fire and smoke alarm system such that alarms sound throughout both units in the event of an emergency in either unit.

9.9 Without limiting requirements under any applicable code or ordinance, adequate off-street parking and access which meet the provisions of Section 7 and Section 3.10 “Driveway” of this Zoning Ordinance shall be provided to serve the combined needs of the principal Dwelling Unit and the Accessory Apartment.

9.10 One or more State approved septic system designs sufficient to serve both the principal Dwelling Unit and the Accessory Apartment shall be provided before any construction or renovation is begun to add an Accessory Apartment.

9.11 Irrespective of the dollar amount of the work and materials involved, a building permit approved by the Board of Selectmen is obtained before beginning the conversion of any existing single family building or other structure into one containing an Accessory Apartment or the construction of a detached Accessory Apartment.

9.12 Irrespective of the dollar amount of the work and materials involved, a building permit approved by the Board of Selectmen is obtained before beginning the structural alteration of an existing Accessory Apartment, in which case all of the provisions of this Section 9 must be met.

9.13 A Certificate of Occupancy must be obtained before any newly created or structurally altered Accessory Apartment may be occupied.

9.12 No Accessory Apartment lawfully established pursuant to this Ordinance shall be deemed to create or allow any subdivision of the property into separate fee estates by deed, use or otherwise, except by express approval by the Planning Board of a subdivision under the then applicable Land Subdivision Regulations of the Town of Jackson.