

## Amend the Definition of Accessory Dwelling Unit Revised 03 08 2023

**Accessory Dwelling Unit (ADU)** – ~~A secondary dwelling unit to be used as a single family dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit, attached to an existing accessory structure such as an existing garage or existing barn located on the same parcel of land as the primary dwelling unit, or a new structure on the lot for the purpose of creating an accessory dwelling unit.~~ A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and may not exceed 800 square feet.

Amend Section 5(B) :

10. **Accessory Dwelling Unit (ADU).** In the Rural District, the Limited Commercial District and in those parts of the Village District outside the Shoreland Zone, notwithstanding the road frontage and minimum lot size requirements of this Land Use Ordinance, one ADU may be constructed as part of the primary dwelling unit or an accessory structure, as an attached structure to a primary dwelling unit, as an attached structure to an existing accessory structure located on the same lot, or as a new structure on the lot for the purpose of creating an accessory dwelling unit. In all Shoreland Zone areas, one ADU may be constructed as part of the primary dwelling unit or an accessory structure, as an attached structure to a primary dwelling unit, as an attached structure to an existing accessory structure located on the same lot, or as a new structure on the lot for the purpose of creating an accessory dwelling unit, provided the minimum lot size, shore frontage requirements, and all other shoreland zoning requirements established by the Department of Environmental Protection under 38 M.R.S., chapter 3 and shoreland zoning requirements by this Land Use Ordinance are met. ~~any zoning district.~~ Accessory dwelling units must comply with all provisions of this Land Use Ordinance, except for the road frontage and minimum lot size requirements and must meet the following additional standards:

- A. Either the primary dwelling unit or the ADU must be occupied by the owner of the property.
- B. An ADU shall not be constructed prior to the issuance of a permit by the Code Enforcement Officer.
- C. ~~The ADU must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, § 9722 adopts a different minimum size, that standard applies.~~
- D. The ADU shall not exceed 800 square feet in size.  
The ~~number of occupants of the ADU shall not exceed three persons~~
- E. The Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code for the ADU in addition to the primary dwelling unit.
- F. The owner of an accessory dwelling unit must provide written verification to the Code Enforcement Officer that the ADU is connected to adequate water and wastewater services before the Code Enforcement Officer may certify the ADU for occupancy. Written verification under this provision must include;

1. The septic system must be verified as adequate by a local plumbing inspector under 30-A M.R.S. § 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under 22 M.R.S. § 42.
- 2. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

G. ADUs are permitted on non-conforming lots.

H. ADUs must comply with shoreland zoning requirements established by the Department of Environmental Protections under 38 M.R.S. chapter 3 and shoreland zoning requirements established by this Land Use Ordinance.

I. ADUs are subject to the requirements for division of a tract or parcel of land in accordance with 30-A M.R.S, subchapter 4 and Section 7 of this Land Use Ordinance.

