

March 22, 2024

**PROPOSED AMENDMENTS TO MOUNT VERNON LAND USE ORDINANCE
REGARDING ACCESSORY DWELLING UNITS FOR CONSIDERATION AT PUBLIC
HEARING**

**Revised LD 2003 Amendments related to Accessory Dwelling Units 08/31/2023, reviewed by
KVCOG and incorporated KVCOG comments.**

**(These amendments take into account DECD Regulations and P.L 2023, ch. 192, effective
June 16, 2023)**

(Deleted language is stricken out and new language is underlined).

Amend Section 3, Definition of Accessory Dwelling Unit as follows:

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 or 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.
~~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 or 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~~

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 ADU must be a minimum of one hundred ninety (190) square feet, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, adopts a different minimum standard; if so, that standard applies. ADUs may not exceed eight hundred (800) square feet.

Amend Section 5(B)(10) as follows:

10. ACCESSORY DWELLING UNIT (“ADU”)

~~Notwithstanding the road frontage and minimum lot size requirements of this Land Use Ordinance, one ADU may be constructed either as part of the primary dwelling unit or an accessory structure or as an attached structure to a primary dwelling unit or as an attached structure to an existing accessory structure located on the same lot in any zoning district. The primary dwelling unit or the accessory structure must be in existence on July 18, 2020. 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)

No more than 5 ADU permits may be issued per year in the Town of Mount Vernon.

d)

The ADU shall not exceed eight hundred (800) square feet in size.

e)

The ADU shall include no more than one bedroom.

f)

Two parking spaces must be provided for the ADU.

g)

The primary dwelling unit must conform to the minimum lot size and frontage requirements of this Land Use Ordinance and the Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code for the ADU in addition to the primary dwelling unit.

h)

ADUs are permitted on conforming lots in the Village District in accordance with Section 5(B)(~~Error! Reference source not found.~~).

~~Notwithstanding the road frontage and minimum lot size requirements of this Land Use Ordinance, one ADU may be constructed either as part of the primary dwelling unit or an accessory structure or as an attached structure to a primary dwelling unit or as an attached structure to an existing accessory structure located on the same lot in any zoning district. The primary dwelling unit or the accessory structure must be in existence on July 18, 2020. 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:~~

~~i)~~

~~Either the primary dwelling unit or the ADU must be occupied by the owner of the property.~~

~~j)~~

~~An ADU shall not be constructed prior to the issuance of a permit by the Code Enforcement Officer.~~

~~k)~~

~~No more than 5 ADU permits may be issued per year in the Town of Mount Vernon.~~

~~l)~~

~~The ADU shall not exceed eight hundred (800) square feet in size.~~

~~m)~~

~~The ADU shall include no more than one bedroom.~~

~~n)~~

~~Two parking spaces must be provided for the ADU.~~

~~o)~~

~~The primary dwelling unit must conform to the minimum lot size and frontage requirements of this Land Use Ordinance and the Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code for the ADU in addition to the primary dwelling unit.~~

~~p)~~

~~ADUs are permitted on conforming lots in the Village District in accordance with Section 5(B)(8).~~

One ADU is allowed on the same lot as a single-family dwelling unit in any area in which housing is allowed, subject to the requirements of this section.

a) ADUs outside the Shoreland Zone

Outside the Shoreland Zone, One ADU may be constructed only within an existing dwelling unit on the lot, attached to or sharing a wall with a single-family dwelling unit, or as a new structure on the lot for the primary purpose of creating an accessory dwelling unit. ADUs outside the Shoreland Zone must comply with all provisions of this Land Use Ordinance, except for the road frontage and minimum lot size requirements.

b) ADUs in the Shoreland Zone

In all Shoreland Zone areas, one ADU may be constructed only within an existing dwelling unit on the lot, attached to or sharing a wall with a single-family dwelling unit, or as a new structure on the lot for the primary 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. § 3 and shoreland zoning requirements established by this Land Use Ordinance are met.

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c) _____

In all districts in which ADAs are allowed, ADUs must meet the following additional standards:

i.

Either the primary dwelling unit or the ADU must be occupied by the owner of the property.

ii.

An ADU shall not be constructed prior to the issuance of a permit by the Code Enforcement Officer.

iii.

An accessory dwelling unit must be allowed on a lot regardless of whether the lot conforms to existing dimensional requirements. Any new structure constructed on the lot to be an accessory dwelling unit must meet the existing dimensional requirements as required by the municipality for an accessory structure. The owner of an ADU must provide written verification that each of the accessory dwelling units are connected to adequate water and wastewater services prior to issuance of a Certificate of Compliance for occupancy of the ADU pursuant to Section 11 (G) of this Ordinance.

iv.

If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this section, the lot is not eligible for any additional units or increases in density.

v.

For an ADU located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit.

aa)

For an ADU permitted in an existing accessory building or secondary building or garage as of July 1, 2024, the required setback requirements for the existing accessory or secondary building apply.

vi.

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 issuance of a Certificate of Compliance for occupancy of the ADU pursuant to Section 11 (G) of this Ordinance. Written verification under this provision must include:

aa)

If an ADU is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

bb)

If an ADU is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. 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 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules;

cc)

If an ADU is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

dd)

If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10, section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

vii.

ADUs are permitted on non-conforming lots if the ADU does not further increase the non-conformity and, in the Shoreland Zone, also meets the shoreland zoning requirements established by the Department of Environmental Protection under 38 M.R.S. § 3 and the shoreland zoning requirements of this Land Use Ordinance.

viii.

ADUs are subject to the requirements of 30-A M.R.S § 4 and Section 7 of this Land Use Ordinance relating to subdivisions.

ix.

For an ADU located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements are the same as the setback requirements and dimensional requirements of the single-family dwelling unit. For ADUs permitted in an existing accessory building or secondary building or garage as of July 1, 2024, the setback requirements for an accessory or secondary structure apply.

x.

An ADU that was not built with municipal approval must be allowed if the ADU otherwise meets the requirements for ADUs under the provisions of this Land Use Ordinance and 30-A M.R.S. § 4364-B. An After-the-Fact permit may be obtained for an ADU that was not built with municipal approval if the ADU otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO.