

ACCESSORY DWELLING UNIT (ADU) APPLICATIONS

ADUs are governed under Chapter 702 – Site Plan Review Ordinance; Article J, Section 13. The ordinance can be found on the Town of Yarmouth website at the following path:

[Town Charter, Codes and Ordinances \(yarmouth.me.us\)](http://yarmouth.me.us)

OR

Go to the website: Yarmouth.me.us

Choose: Government

Choose: Charter, Codes & Ordinance

Choose: Code & Ordinance drop down menu

Scroll to: 702 – Site Plan

Please note:

1. Detached ADUs are required to install a fire sprinkler system. (See Town of Yarmouth Ordinances Chapter 317)
2. If the property is located in one of Yarmouth's local historic districts, review by the Historic Preservation Committee is completed. (See Town of Yarmouth Ordinances Chapter 701, Article IX and X).

ADU Application Completion Checklist:

- Sections A&B – Completed
- Section C – Items a-r accounted for on the plot/site plan
- Section D - Items a-v must be answered individually by the applicant in a separate document. If an item does not apply indicate N/A
- Attach scaled plans and elevations
- Indicate on the drawings the square footage of all areas pertaining to the ADU (areas in excess of 900sf may require Planning Board approval).
- If on private water and/or private sewer, provide third-party documentation that the system(s) have sufficient capacity for the primary residence and the ADU, and if there is not sufficient capacity, identification of any required improvements to achieve capacity. Approval of an ADU shall be conditioned on any required improvements for the system(s).
- Provide 5 complete sets of the Application including 11x17 size sets of drawings for staff review
- Email a PDF copy of the entire application to Wendy Simmons at wsimmons@yarmouth.me.us for the website
- Complete and submit The Fire Sprinkler Permit (Fee \$75.00)
- Pay \$150.00 fee

TOWN OF YARMOUTH
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**MINOR SITE PLAN APPLICATION FORM
ACCESSORY DWELLING UNITS**

Date: _____ Zoning District _____ Map ___ Lot ___ Ext. ___ Fee Paid _____

Name of Owner/Applicant _____

Mailing Address _____

Phone _____ Fax _____ Email _____

Street Address _____

Proposed Use _____

The Department of Planning and Development shall send notices to all property owners at a minimum of 500 feet including a description of the proposal. Letters will be at a cost of \$5/letter to the applicant.

Fee: \$150.00

The Owner (or Applicant representing the Owner) hereby authorizes representatives of the Yarmouth Department of Planning and Development to enter upon and into the property for which this application has been made during normal business hours to make required inspections and observations appropriate to evaluating the site and processing this application.

I certify that, to the best of my knowledge, all information provided in this application, including all supporting plans and materials, is true and accurate.

Signature of Applicant

(If signed by Applicant's agent, provide written documentation of authority to act on behalf of Applicant)

Print or type name and title of signer _____

Surface Water and Groundwater: No owner of a lot, his agents or successors in interest shall alter the natural course of surface water on any lot in a way which would alter the natural flow of such water across any other parcel, unless such alteration is approved by the owners of all parcels affected. No owner of a lot, his agents or successors in interest shall use blasting chemicals that generate perhlorates.

MINOR SITE PLAN APPLICATION

PROJECT DESCRIPTION

A. Describe the overall project and proposed uses of property.

B. Project details

1. Name and approval date of any subdivision for this site:

Subdivision lot numbers (if applicable) _____

2. Assessor's Map number(s) _____ Lot number(s) _____

3. Existing zone(s) of the site _____

Shoreland Overlay District _____ Yes _____ No

Affordable Housing District _____ Yes _____ No

Mobile Home Park Overlay _____ Yes _____ No

4. a. Total land area of site: _____
b. Total floor area proposed building in square feet (all floors): _____
c. Footprint of proposed building in square feet: _____
d. Height of proposed building: _____ feet _____ stories
e. Total number of proposed parking spaces: _____
f. Number of proposed handicap parking spaces: _____

C. Include a plot/site plan showing the following existing and proposed conditions:

- a. Lot boundaries' and dimensions at scale
- b. Zoning district
- c. Date of plan
- d. Property owner with deed reference
- e. Lot area
- f. Location and setback of all buildings
- g. Date of construction of single-family dwelling
- h. Separate floor layout of all finished levels
- i. All plumbing facilities, kind and location
- j. Use of all rooms
- k. All entrances/exits

- l. All partitions, temporary or permanent
- m. Location and type of all appliances
- n. Rights of way, public and private
- o. All easements
- p. Street names
- q. Sewerage facilities
- r. Off-street parking spaces

D. In permitting an ADU, the Planning Director and/or CEO shall find that:

- a. Exterior design of the ADU is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
- b. The exterior design is in harmony with, and maintains the scale of the neighborhood.
- c. The accessory unit does not result in excessive noise, traffic or parking congestion.
- d. The primary residence and the ADU shall connect to public water and public sewer in compliance with all applicable Town of Yarmouth and Yarmouth Water District requirements and ordinances as well as the Maine Subsurface Wastewater Disposal rules. If the primary residence and the ADU cannot connect to public water and/or public sewer, the applicant shall demonstrate by competent third-party evidence that the supply of potable water and/or septic capacity is sufficient for the primary residence and ADU. Approval of an ADU shall be conditional on any required improvements.
- e. Major access stairs, deck entry doors, and major windows will generally be limited to the walls facing the primary residence. Windows that impact the privacy of the neighboring side or rear yard shall be minimized. The design of the accessory unit shall relate to the design of the primary residence and shall not visually dominate it or the surrounding properties.
- f. The orientation and location of the buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including heritage or significant trees and shrubs to the extent feasible and minimize alteration of natural land forms.
- g. Building profiles, location and orientation relate to natural land forms.
- h. A single-family dwelling exists on the lot or will be constructed in conjunction with the ADU. Only one ADU is permitted per lot.
- i. ADUs are not eligible for variances to setbacks.
- j. Before obtaining a building permit for an ADU the property owner shall file with the registry of deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - i. The accessory unit shall not be sold separately.
 - ii. The unit is restricted to the approved size.
 - iii. The above declarations are binding upon any successor in ownership of the property;
 - iv. The deed restrictions shall lapse upon removal of the accessory unit.
- k. ADUs shall be at least the minimum size adopted by the Technical Building Code and Standards Board pursuant to 10 M.R.S. §9722 and shall not exceed 900 square feet. If an

ADU occupies a portion of an existing Structure either on a single floor or on multiple floors, or an existing detached Structure will be converted to an ADU, the Planning Department may allow for an increase in the allowed size of the ADU up to 1,215 square feet in order to efficiently use all of the floor area, so long as all other standards of this section are met.

- l. Approval of an ADU shall be conditional on obtaining applicable building, plumbing, electrical and any other necessary municipal permits.
- m. The Fire Chief must review and sign off on the application.
- n. Unless part of the design of an existing single family dwelling the dwelling(s) shall have only one (1) front entrance and all other entrances shall be on the side or in the rear of the dwelling. A front entrance leading to a foyer with entrances leading from the foyer to the two (2) dwelling units is permitted. Outside stairways (either open or enclosed), that service an ADU on upper stories are not permitted.
- o. For an ADU located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement of new structures or unless the new structure is designed in a traditional New England form such as a barn.
- p. An existing single-family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback requirements may be expanded to incorporate an Accessory Apartment subject to the requirements of Chapter 701 of the Yarmouth Code Article III for the expansion of other non-conforming single family dwellings.
- q. ADUs may be permitted on back lots.
- r. ADUs are not permitted on a lot with a non-conforming use, unless that non-conforming use is a single-family dwelling, in which case the ADU shall be allowed.
- s. ADUs are not permitted on a lot with mixed uses.
- t. When an owner wishes to eliminate the ADU, proof of the removal of the second kitchen and the restoration of the apartment to its status before the conversion shall be submitted to the satisfaction of the Planning Department. The owner shall record a Release of the Declaration of Restrictions on the Land after inspection and confirmation by the Code Enforcement Officer.
- u. ADUs are not permitted on lots where the number of dwelling units allowed on a lot has been increased under Chapter 701, Article II.EE, after July 1, 2023.
- v. ADUs must comply with all of the standards of Chapter 701, Article IV.R.

MINOR SITE PLAN REVIEW PROCESS AND PROCEDURES

For minor site plan applications, the Department will mail such notice as detailed above within 7 days of determination of completeness of a complete application, as determined by the Director. The Director of Planning and Development shall not make a decision on the proposal for a period of ten (10) days after the mailing of abutter notification to provide an opportunity for public comment.

CONDITIONS OF APPROVAL

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.