

Chapter 701, Zoning

Amend Article II by adding the following section:

EE. DWELLING UNIT ALLOWANCES

1. Purpose: Additional dwelling units may be allowed on lots where housing is allowed beginning on July 1, 2023, subject to the following standards.
2. Applicability
 - a. If a lot does not contain an existing dwelling unit, up to four dwelling units per lot are allowed if the lot is located in an area in which housing is permitted and is located in the designated growth area of the most recently adopted Town of Yarmouth Comprehensive Plan.
 - b. If a lot does not contain an existing dwelling unit, up to two dwelling units per lot are allowed if the lot is located in an area in which housing is permitted and is located outside the designated growth area of the most recently adopted Town of Yarmouth Comprehensive Plan. The two dwelling units may be in one structure or two separate structures.
 - c. If a lot contains one existing dwelling unit, up to two additional dwelling units per lot are allowed, subject to the following:
 - i. One within the existing structure or attached to the existing structure;
 - ii. One detached from the existing structure; or
 - iii. One of each.
 - d. If a lot contains two existing dwelling units, no further allowances are granted. This includes any lot where an accessory dwelling unit exists on the lot as of or is added after July 1, 2023.
 - e. If a dwelling unit in existence after July 1, 2023, is demolished resulting in a vacant lot, the allowances of this section are not applicable.
 - f. If a lot is nonconforming as to lot area or lot area per unit for the number of dwelling units on the lot after July 1, 2023, the allowances of this section are not applicable.
3. Standards
 - a. For the first two dwelling units allowed, the minimum lot area and minimum lot area per unit, if applicable, of the zoning district in which the lot is located apply per unit. For the third and fourth dwelling unit allowed, no further lot area or minimum lot area per unit is required.
 - b. For each dwelling unit allowed by this section, the setback requirements of the zoning district in which the lot is located apply.
 - c. If applicable, complies with the minimum lot size requirements in accordance with Title 12, Chapter 423-A.
 - d. Prior to the issuance of a Certificate of Occupancy, written verification that each unit of the affordable housing development is connected to adequate water and wastewater services shall include the following:
 - i. If a unit 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.

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- ii. If a unit 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 pursuant to 30-A M.R.S. §4221. Plans for a 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*.
- iii. If a unit 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.
- iv. If a 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.
- e. Nothing in this section exempts compliance with the requirements of Chapter 601, Subdivision, the applicable provisions of this ordinance, including Chapter 701, Article IV.V, and Chapter 702, Site Plan Review.

Chapter 702, Site Plan Review

Amend Article I.B.1.a, Major Development

1. Major Development:
 - a. The construction of any new structure(s) except as provided in Section 1.B.1.a and Section I.C;

Amend Article I.B.1.b, Minor Development

- o. Any development utilizing the Dwelling Unit Allowances of Chapter 701, Article II.EE.

Chapter 703, Character Based Development Code

Amend Article 1.C.3.d to add:

- xv. Chapter 701, Article II.EE. Dwelling Unit Allowances

Amend Article 5.6 to add:

7. If the dwelling unit allowances of **Chapter 701, Article II.EE** are applied, any allowed dwelling unit that is in an additional Principal Building shall be placed on its own lot conforming to Article 5.F and the other standards of this chapter. This does not apply to allowed dwelling units created within or attached to the Principal Building such as in an attached Backbuilding and Outbuilding as illustrated generally in **Illustration 5.G.2 (Principal Building/Backbuilding/Outbuilding)**. Allowed detached dwelling units must be in a Principal Building.