

Chapter 601, Subdivision

Amend Article I.C, Definitions:

Accessory Dwelling Unit (ADU): ~~A secondary dwelling unit that has been added onto, or created within a single family home or an associated Accessory Structure. One ADU is permitted per lot. A self-~~contained dwelling unit within or attached to a single-family dwelling or detached from the single-family dwelling located on the same parcel of land. An ADU approved under the Site Plan Review Ordinance shall not be considered a separate unit for the purposes of applying the area and density requirements of this Ordinance. An ADU approved under the Site Plan Review Ordinance does not require review under this Ordinance or under 30-A M.R.S.A., Chapter 187, subchapter 4, the municipal reviewing authority having determined that review under the Site Plan Review Ordinance is at least as stringent as that required under subchapter 4.

Chapter 701, Zoning

Amend Article I.D, Definitions:

Accessory Dwelling Unit (ADU): ~~A secondary dwelling unit that has been added onto, or created within a single family home or an associated Accessory Structure. One ADU is permitted per lot. A self-~~contained dwelling unit within or attached to a single-family dwelling or detached from the single-family dwelling located on the same parcel of land. An ADU approved under the Site Plan Review Ordinance shall not be considered a separate unit for the purposes of applying the area and density requirements of this Ordinance. An ADU approved under the Site Plan Review Ordinance does not require review under this Ordinance or under 30-A M.R.S.A., Chapter 187, subchapter 4, the municipal reviewing authority having determined that review under the Site Plan Review Ordinance is at least as stringent as that required under subchapter 4.

Amend Article IV.F, “RR” – Rural Residential, List of Permitted Uses

~~ADU-Accessory Dwelling Units (pursuant to Ch. 702)~~

Amend Article IV.I, “RPD” – Resource Protection District, Paragraph 3 Special Exceptions

Essential Services and Single Family residential Structures, and detached Accessory Dwelling Units, are allowed by special exception approval and shall conform to the special performance standards listed below:

Amend Article IV.I, “RPD” – Resource Protection District, Paragraph 4.e Special Performance Standards

e. Single Family Home. In addition to the criteria specified in IV.R.12 excepting Structure setback requirements, the Planning Board may approve a permit for a single family residential Structure or a detached Accessory Dwelling Unit in a RPD provided that the applicant demonstrates that all of the following conditions are met:

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Amend Article IV.P, “WOC I” – Water Oriented Commercial, List of Permitted Uses

o. Accessory Dwelling Units

Amend Article IV.T, “GD” – General Development District, List of Permitted Uses

ff. Accessory Dwelling Units

Amend Article IV.X, Village III District, Paragraph 1 Permitted Uses

o. Accessory Dwelling Units

Chapter 702, Site Plan Review

Amend Article I.J.13, Accessory Dwelling Unit

13. Accessory Dwelling Unit: any request shall include a plot/site plan showing the following:

- 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

Purpose:

The purpose of this section is to promote the public health, safety and general welfare of the community by providing diverse housing choices and to help increase the supply of housing without new land acquisition costs.

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

April 6, 2023, revised May 4, 2023 and May 18, 2023

Additions shown in underline format. Deletions shown in ~~strikeout format~~.

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- 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 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 accessory unit. 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:
 - a. The accessory unit shall not be sold separately.
 - b. The unit is restricted to the approved size.
 - c. The use permit for the accessory unit shall be in effect only so long as either the main residence, or the accessory unit, is occupied by the owner of record as the principal residence.
 - d. The above declarations are binding upon any successor in ownership of the property;
 - e. The deed restrictions shall lapse upon removal of the accessory unit.
- k. Units within an Accessory Structure shall not exceed 900 square feet. 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.

Deleted: accessory unit

Deleted: have been

Deleted: <#>One parking space shall be provided on-site for each a studio and or one bedroom accessory unit. Two parking spaces shall be provided on-site for each a two bedroom accessory unit. Parking of the accessory unit is in addition to the required parking for the primary residence. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other. No more than two cars in tandem may be counted towards meeting the parking requirement.¶

Deleted: Accessory dwelling units

Deleted: n entire single floor of

Deleted: <#>An ADU may have no more than two (2) bedrooms.¶
The water and sewage facilities shall meet all existing laws and codes.¶

Deleted: <#>accessory apartment

Deleted: Accessory Dwelling Units

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- 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 ADU subject to the requirements of Chapter 701 of the Yarmouth Code Article III for the expansion of other non-conforming single family dwellings.
- q. ADU's may be permitted on back lots.
- r. ADU's 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. ADU's 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.

Deleted: Accessory Apartment

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Deleted: accessory apartment

Chapter 703, Character Based Development Code

Amend Article 5.H.6, Habitable Area of Accessory Dwelling Unit

The habitable area of an Accessory Dwelling Unit within a Principal Building, Backbuilding or Outbuilding 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.

Amend Table 5.J.1, Building & Lot Principal Use

Permitted Districts	CD4	CD4-C	SD1
RESIDENTIAL			
Single Detached Dwelling	Y	Y	Y
Accessory Dwelling Unit	Y	Y	<u>Y</u>
Attached Dwelling – Duplex	Y	Y	Y
Attached Dwelling – Multiplex (3-8)	Y	Y	
Attached Dwelling – Multifamily (>8)	Y	Y	
Attached Dwelling – Mixed Use	Y	Y	
Artist Live/Work Space	Y	Y	

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Amend Table 5.K.1, Parking Requirements

PRINCIPAL USE	Parking maximum and minimum range:
Residential	1 per dwelling unit Min; 2 Max. ¹
Lodging	1 per 2 bedrooms Min; 1 per bedroom Max
Office	2 per 1,000 sf Min; 4 per 1,000 sf Max
Retail	2 per 1,000 sf Min; 4 per 1,000 sf Max
Restaurants	1 per 4 seats Min; 1 per 2.5 seats Max
Other	3 per 1,000 sf or as per use Parking Analysis

1. An Accessory Dwelling Unit does not require any additional parking beyond what is required for the single-family dwelling.

Amend Article 7, Definitions

Accessory Dwelling Unit (ADU): ~~an Accessory Dwelling Unit approved under the Site Plan Review Ordinance shall not be considered a secondary dwelling unit that has been added onto, or created within a single family home or an associated Accessory Structure. One ADU is permitted per lot, a self-contained dwelling unit within or attached to a single-family dwelling or detached from the single-family dwelling located on the same parcel of land.~~ An ADU approved under the Site Plan Review Ordinance does not require review under this Ordinance or under 30-A M.R.S.A., Chapter 187, subchapter 4, the municipal reviewing authority having determined that review under the Site Plan Review Ordinance is at least as stringent as that required under subchapter 4.