

Article 2. Shall an ordinance entitled “2024 Amendments to the Islesboro Land Use Ordinance Regarding Accessory Dwelling Units” be enacted?

(The proposed ordinance is available for review and inspection at the Town Clerk’s Office and will be available at the Town Meeting.)

2024 AMENDMENTS TO THE ISLESBORO LAND USE ORDINANCE REGARDING ACCESSORY DWELLING UNITS

The Land Use Ordinance of the Town of Islesboro shall be amended as follows (additions are underlined and deletions are ~~struck out~~):

1. Amend Article IIIA. Accessory Dwelling Units as set forth below:

§ 125-35.1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

~~AN~~ ACCESSORY DWELLING UNIT (ADU)

- A. A small, self-contained residential unit located on the same lot as an existing single-family home. An ADU has all the basic facilities needed for day-to-day living independent of the primary residence, including ~~such as~~ a kitchen, sleeping area, and a bathroom.
- B. The installation of an ADU may be as a separate unit within an existing home, an addition to the home, or a separate structure on the lot.
- ~~C. For the avoidance of doubt, a tiny home, as defined in this Chapter, may be permitted as an ADU, provided the tiny home meets all other performance standards and requirements of all applicable codes, regulations, and ordinances.~~
- C. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure.

• • •

§ 125-35.3 Standards and criteria.

ADUs shall meet the following standards and criteria, (MRS Title 30-A, §4364-B as amended):

- A. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.
- B. Except as otherwise provided in this Section, at least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal

structure. In order for an ADU to be added to a lot, the following minimum lot standards must be met:

(1) For lots located within the Rural Protection District, an ADU must comply with the requirements of § 125-33, minimum lot size in all districts. An ADU located within the Rural Protection District and that complies with the requirements of this article shall not be considered a second dwelling unit on the lot.

(2) Notwithstanding any other ordinance provision to the contrary, for lots outside the Rural Protection District, an ADU must comply with the following minimum lot size and frontage requirements:

Minimum Lot Size and Frontage Requirements

	Minimum Lot Area (SF)	Minimum Shore Frontage (Feet)
Outside the Rural Protection District and adjacent to tidal areas	60,000	300
Outside the Rural Protection District and adjacent to nontidal areas	80,000	400

C. An accessory dwelling unit that is located in the Rural Protection District is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed with the exception that a second ADU must meet the dimensional, area and setback requirements applicable to a principal dwelling unit.

D. An accessory dwelling unit is allowed on a lot outside of the Shoreland Zone that does not conform to the dimensional standards contained in Article III of this chapter if the accessory dwelling unit does not further increase the nonconformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area.

E. For an accessory dwelling unit located within the same structure as the principal dwelling unit or attached to the principal dwelling unit, the dimensional requirements and setback requirements shall be the same as the dimensional requirements and setback requirements of the principal dwelling unit.

F. Within the Shoreland Zone each dwelling unit and ADU must meet the minimum lot size, setbacks and frontage requirements.

~~EG.~~ ADUs must be at least 190 square feet in total floor area and may not exceed 800 square feet in total floor area. The maximum size of an ADU shall not exceed 800 square feet.

~~DH.~~ All unattached ADUs shall meet current plumbing codes, as well as have their own septic tank, which may be linked to the subsurface sewage disposal system of the primary residence as determined by a licensed site evaluator. Those homeowners served by the Dark Harbor Waste Water Treatment Facility need prior written permission from the Town Manager before approval of the ADU permit.

1. Prior to issuance of a building permit, the property owner must submit written verification that the proposed ADU is connected to adequate water and wastewater facilities. Proof of adequacy must be consistent with the requirements of 30-A M.R.S. § 4364-B(7), as may be amended.

2. 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.

~~****~~

~~G.~~ The owner is required to occupy either the primary residence or the ADU as his primary legal residence.

~~HI.~~ Only one ADU is permitted per ~~residential~~ dwelling unit lot, except as otherwise provided in this section.

~~IJ.~~ An ADU shall not have more than two bedrooms.

~~JK.~~ One off-street parking space shall be provided or as many spaces deemed necessary by the CEO to accommodate the actual number of vehicles used by occupants of both the primary residence and the ADU. An ADU may not be leased or rented to a tenant for periods of less than sixty (60) days.

~~L.~~ The applicant shall provide a covenant in a form acceptable to the Town Attorney and suitable for recording with the Registry of Deeds providing notice to future owners of the subject lot the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the primary residence by the property owner. The covenant shall require any owner of the property to notify a prospective owner of the limitations of this section. An ADU must comply with all shoreland zoning requirements imposed by the Town of Islesboro and by the Maine Department of Environmental Protection. Specifically, ADUs located within shoreland zoning areas of the Town must comply with the following dimensional requirements:

M. ~~Transfer of ownership requires a new ADU permit to be issued prior to occupancy if the new property owner wishes to continue the ADU use.~~