

1 § 140-46.1. Accessory ~~apartments.~~Dwelling Units

2 ~~The Planning Board may approve, after a minor site plan review, The Code Enforcement Officer shall~~
3 ~~approve~~ the addition of one dwelling unit to an

4 existing single-family dwelling. ~~The additional unit if proposed to be attached or stand alone on the~~
5 ~~property shall, which is unable to~~ comply with the dimensional standards of this chapter.

6 The use must comply with the following standards:

7 A. ~~The existing dwelling unit must have a minimum of 2,000 gross square footage of living area (cellars~~
8 ~~are not to be included in such calculation) to be considered for an accessory apartment.~~The
9 accessory ~~Dwelling Units~~apartment shall not exceed ~~750 Square Feet~~30% of the total living area of the
10 building ~~and can be located within the existing building, attached to the existing building or stand alone~~
11 ~~provided all dimensional standards of the zone in which it is located can be met.~~

12 B. Either the principal or accessory unit shall be owner-occupied. Under this section, "owner-occupied"
13 means that either the principal dwelling unit or the accessory apartment is occupied by a person who
14 has a possessor interest in the real estate, who bears all or part of the economic risk of decline in the
15 value of the real estate and who receives all or part of the remuneration, if any, derived from the
16 lease or rental of the other dwelling unit.

17 C. ~~A "single family dwelling," as contained in this section, means the building proposed for conversion~~
18 ~~and any accessory building attached as of the effective date of this chapter. Only one accessory~~
19 ~~apartment shall be permitted per lot.~~

20 D. ~~There will be no external expansion of the structure, except for stairwells and elevators.~~

21 ~~CE.~~ The dimensional standards found in Table B1 must be adhered to.
22 ~~are waived with the exception of the standards for lot~~
23 ~~coverage, residential, which cannot be increased above set standards or that which exists at the time~~
24 ~~of the proposed conversion, whichever is greater.~~

25 ~~DF.~~ The development must meet the shoreline frontage requirements outlined in Subsection A(2) of
26 § 140-46.

27 ~~EG.~~ Any request for an accessory dwelling unit~~apartment~~ shall conform to all provisions of the Maine
28 State Plumbing

29 Code and show proof of adequate water supply to serve the proposed unit, and no dwelling that is
30 served by an on-site wastewater disposal system shall be modified to

31 create an accessory ~~dwelling unit~~apartment until a site evaluation has been conducted by a licensed ~~site~~
32 ~~soil~~-evaluator

33 which demonstrates that a new system can be installed to meet the disposal needs of the dwelling
34 units or the existing system has adequate capacity for the proposed use.

35 ~~F. The proposed accessory dwelling unit is not required to provide additional parking spaces for the unit.~~

36 ~~G. An accessory dwelling unit is allowed on a lot that does not conform to the zoning ordinance provided~~
37 ~~it does not further increase the nonconformity.~~

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38 ~~H. If the unit was built without approval from the town, it must still be allowed provided it meets the~~
39 ~~requirements for an accessory dwelling unit under the code.~~

40 ~~I. When doing an ADU in the Shoreland zone areas, Shoreland zoning standards shall apply.~~

41 ~~H. This provision shall not prohibit the conversion of a single family dwelling to a multiplex dwelling~~
42 ~~or the conversion of a duplex dwelling to a multiplex dwelling so long as said conversion complies~~
43 ~~with all district and zoning standards, including but not limited to dimensional requirements.~~

44 ~~I. When a dwelling which contains an approved accessory apartment is vacated by the owner, the~~
45 ~~owner shall notify the Code Enforcement Officer within 60 days. The Code Enforcement Officer~~
46 ~~shall then, in writing, either reconfirm or void the site plan permit for the accessory apartment. A~~
47 ~~reconfirmation shall determine that the apartment conforms to the area specifications of the original~~
48 ~~approval that all standards of this section are being met and that currently prevailing health and~~
49 ~~safety requirements for apartments are also being met. In the absence of a reconfirmation the site~~
50 ~~plan approval is void.~~

51 ~~J. Whenever the Planning Board approves an accessory apartment pursuant to this § 140-46.1, the~~
52 ~~Board shall prepare a certificate indicating the name of the current property owner, identifying the~~
53 ~~property by reference to the last recorded deed in its chain of title, indicating that the Board has~~
54 ~~approved the addition of one accessory apartment to a single family dwelling and the date of such~~
55 ~~1. Editor's Note: Table B is included as an attachment to this chapter.~~

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57 ~~approval, setting forth the requirements of § 140-46.1 of this chapter and containing a notice that the~~
58 ~~approval will become void if the property ceases to comply with those requirements. The property~~
59 ~~owner shall cause the certificate to be recorded in the York County Registry of Deeds within 90 days~~

60 ~~of the date of Planning Board approval, or the approval shall be invalid.~~
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