### Town of Winter Harbor

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### Winter Harbor, Maine

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ACCESSORY DWELLING UNIT ORDINANCE

Definition

Accessory Dwelling Unit (ADU): A separate residential dwelling unit, which is located within or attached to a single-family dwelling unit or in a detached building and is subordinate to the primary structure or use located on the same lot.

 Purpose.

To provide the community with expanded and more diverse year-round housing options and to provide an opportunity for owners of single family detached dwellings to develop an accessory dwelling unit without having to meet the minimum lot area or density requirements of the applicable zone.

Ordinance

In addition to all other requirements of the Code, accessory dwelling units are subject to the following standards:

101. General Requirements for Accessory Dwelling units

A. One Accessory Dwelling Unit shall be permitted per lot (a tax defined unit of land) that has a single-family dwelling or two-family dwelling, in the primary building or as an accessory building. An accessory dwelling unit must be clearly accessory to the principle dwelling unit(s) on the parcel.

B. The size of an accessory dwelling unit must meet the minimum size for a dwelling unit as set by the Town of Winter Harbor’s adopted building code standards and be no larger than 1,000 square feet. For principal dwelling units 1,000 square feet or smaller, an accessory dwelling unit may be no greater than 75% of the size of the principal dwelling unit, as measured in square feet. An accessory dwelling unit may have no more than two bedrooms

C. An accessory dwelling unit must meet one or more of the following conditions:

a. Be fully constructed within the existing footprint of any legal primary residence or accessory building; or b. Share a common wall with the principal residence, providing yard setbacks; or

c. Be constructed as a new accessory building (detached) containing an accessory dwelling unit, providing yard area and lot setback requirements can be met for the zone.

D. When an ADU is visible from one or more public ways, the building design shall:

a. A detached ADU must be designed and constructed to be visually compatible with the principal residence. Building proportions, exterior finish materials, fenestration and trim, roof pitch, and other architectural details shall be similar or complementary to those aspects of the principal residence.

E. Accessory Dwelling Units shall comply with all dimensional requirements of the underlying zone except for lot coverage and lot area per dwelling unit requirements.

F. Each Accessory Dwelling Unit is encouraged to provide at least one on-site parking space in addition to the parking required for the principal dwelling.

G. The height of a detached accessory dwelling unit shall not exceed the height of the primary structure.

H. An Accessory Dwelling Unit shall not be used as rental property for less than ninety (90) days.

Approval of ADU

An ADU is allowed where residential use is permitted in the town and only if it has received a permit from the Code Enforcement Officer. An attached accessory dwelling unit must meet the requirements of this section.

102. If the lot is served by public sewer, both the single-family home and the ADU must be connected to public sewer. Applicant must receive assurance of capacity from the public sewer utility.

103. If the lot is served by public water, both the single-family home and the ADU must be connected to public water. Applicant must receive assurance of capacity from the public water utility.

104. Permit required: A building permit or Certificate of Compliance with Town of Winter Harbor Land Use Ordinances is required for construction or formation of a legal ADU.

105. Authority: The Town of Winter Harbor Code Enforcement Office is responsible for enforcing this section.

106. An ADU cannot be sold separately from the primary structure.

**Board of Selectmen Date: July 3, 2024**

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**Terry D. Bickford**

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**Gordon W. Harrington**

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**Robert Hemenway**