

§ 315-4. Word Use and Definitions.

ACCESSORY DWELLING UNIT (ADU)

A secondary dwelling unit used as a single family dwelling unit on a non-intermittent basis that is established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. [Added 11-26-2012]

§ 315-45. Conversions.

A. **Accessory dwelling units.** One Accessory Dwelling Unit may be constructed as an attached or detached structure that is accessory to a primary ~~Any single-family dwelling unit on any lot in any zoning district. or a~~ Accessory Dwelling Unit may be part of the same structure which is either attached to or detached from ~~as~~ the primary dwelling unit; ~~however, basement, attic or other existing living spaces, such as a room over a garage, within the primary dwelling unit that are occupied by family members shall not be considered Accessory Dwelling Units. An Accessory Dwelling Unit may also be a detached dwelling unit on the same lot as th primary dwelling unit provided that it is constructed as a permanent structure that is located within 100 feet of the primary dwelling unit~~ constructed, altered or expanded to include one additional dwelling unit, in accordance with site plan review requirements and the following standards. [Amended 11-26-2012]

(1) **Occupancy.** Either the primary dwelling unit or the Accessory Dwelling Unit must be occupied by the owner of the property.

(2) **Review and Approval.** All Accessory Dwelling Units must satisfy the standards set forth in this Section and must be approved by the Code Enforcement Officer pursuant to an Accessory Dwelling Unit Permit.

(3) **Performance Standards.**

(a) The Accessory Dwelling Unit ~~to be added~~ shall include no more than ~~one~~ **two** bedrooms and shall not exceed 40% of the total living area of the primary dwelling unit. Unfinished space within the primary dwelling unit shall not be counted toward the total square footage of the primary dwelling unit for purposes of calculating the 40% limit under this subsection.

(b) One off-street parking space per bedroom of the ADU shall be required.

~~-(42)~~ **Lot Standards.**

(a) An Accessory Dwelling Unit shall not be required to independently meet the minimum lot size requirements of the zoning district within which it is located ~~The district lot size requirements may be waived by the Planning Board, Staff Review Committee or the Town Planner in accordance with the Site Plan Ordinance;~~ provided that the local Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code for the

Accessory Dwelling Unit in addition to the primary dwelling unit. , but i
In no case shall ~~such conversion~~ an Accessory Dwelling Unit be allowed on a lot smaller than 20,000 square feet unless connected to public sewer.

(b) An Accessory Dwelling Unit shall not be required to independently meet the lot frontage requirements of the zoning district within which it is located, but shall be required to meet all setbacks of the zoning district within which it is located.

(c) An existing primary dwelling that is a nonconforming structure or building may be expanded to incorporate an Accessory Dwelling Unit subject to the requirements of 315-74 for the expansion of nonconforming buildings or structures, or 226-14 if located within a Shoreland Zoning District. An Accessory Dwelling Unit shall not be permitted on a lot with a nonconforming use.

(d) Notwithstanding the provisions of Section 315-77, no variances may be granted with respect to the dimensional requirements related to size and height of structures, setback distances, lot coverage, or lot frontage required for Accessory Dwelling Units.

(e) An ADU must be located within the approved building envelope for any lot located within a subdivision.

- (35) This ~~provision~~ Section shall not prohibit the conversion of a single-family dwelling to a duplex or multiplex dwelling or the conversion of a duplex dwelling to a single family or multiplex dwelling, so long as said conversion complies with all district and other zoning standards, including but not limited to, the minimum lot size per dwelling unit.