

# CITY OF SOUTH PORTLAND ADU GUIDEBOOK

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# ACKNOWLEDGEMENTS

This guidebook has been adapted for South Portland, with permission, from the “Planning for Accessory Dwelling Units A Guidebook,” a collaboration between the City of Bath, Age Friendly of the Lower Kennebec, AARP, and Bath Housing. Much of the original text has been retained and was written by 2022 City of Bath intern Jackson Hansen, along with contributions by the City of Bath (Ben Averill, City Councilor Phyllis Bailey, Emily Ruger) and The Age-Friendly Communities of the Lower Kennebec (Katie Luce, Deirdra Murphy, Karin Sadtler).

This guidebook and the broader campaign to generate awareness on the benefits of Accessory Dwelling Units in South Portland could not have been done without the effective collaboration and assistance of our project partners: Age-Friendly South Portland and AARP. It is our great pleasure to work together for housing options that will benefit the economy, infrastructure, and community.

## ABOUT THIS GUIDE

This guide was developed by the South Portland Planning Division, Library Services, and Communications Office.

A digital copy can be found at <https://www.southportland.org/departments/planning-and-development/accessorydwellingunits/> or by scanning the QR code.

Hard copies can be obtained at the South Portland Library.



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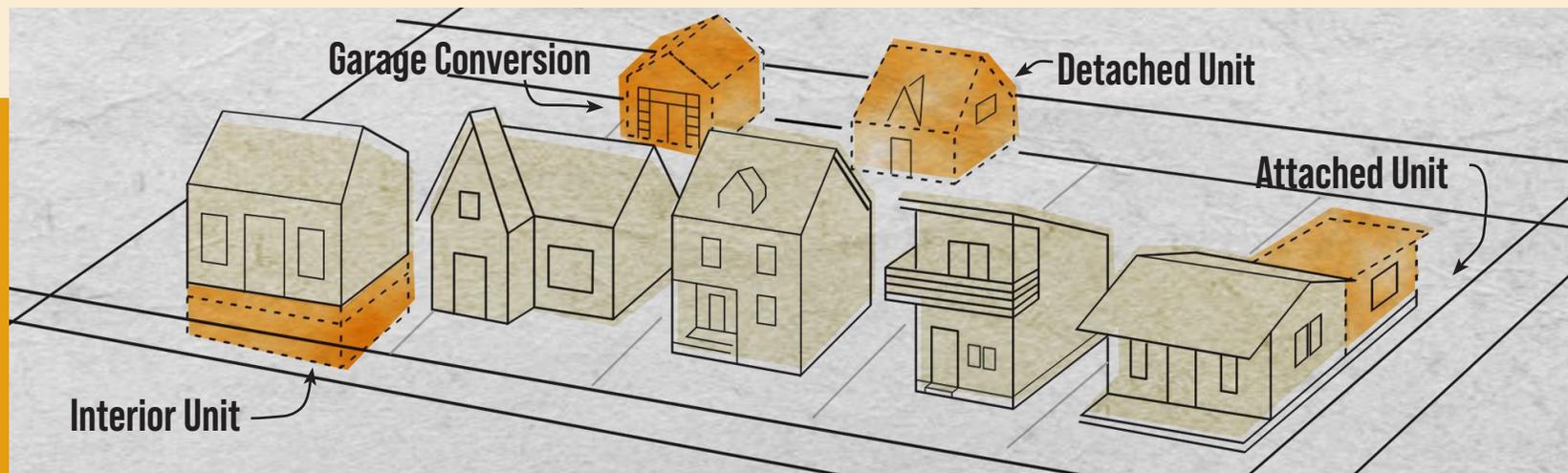
# WHAT IS AN ADU

Accessory Dwelling Units (ADUs) are separate residential units built on properties already containing a primary residence. ADUs can exist as stand-alone structures, modifications to garages or sheds, or created in basements, attics, or other interior areas of existing structures. ADUs can be created on any lot with a single-family home, duplex or triplex provided the City's standards are met.

ADUs come in a variety of shapes and sizes, designed to best suit the needs of each homeowner. ADUs are smaller than the primary structure, and are equipped with a bedroom/sleeping area, bathroom, kitchen, and living space to create a private and functional residence for inhabitants.

The ADU ordinance adopted by the City of South Portland prohibits rentals of less than 30 days (short-term rentals) in either the ADU or any other dwelling unit on the property. They are designed to create more long-term housing rather than short-term rentals.

Accessory Dwelling Units come in many shapes and styles! Here are some examples.



# REASONS TO BUILD AN ADU

## COMMUNITY BENEFIT

There is a severe housing shortage throughout South Portland and the Southern Maine region. This shortage of housing exists for all income levels but is alarming for low to moderate income populations. Not only is there a lack of housing, but a lack of housing choice; the types of housing available do not fit community needs. The current housing situation of many residents may not fit their future needs.

ADUs offer an opportunity for a homeowner to combat the housing shortage and make a direct and substantial impact on the lives of a person or family looking for housing. ADUs also allow older individuals to age-in-place. A homeowner can build an ADU with features that make it easier to age-in-place; including single floor living, a bathroom on the main floor, and kitchen modifications that make it safer to cook from a wheelchair or with a walker. Whether an older adult decides to build an ADU and move into it, or build an ADU for additional rental income, both options can help an older adult remain in their home. And an increase in available housing such as ADUs will help our community attract the employees needed in our businesses, restaurants, and stores.

## FLEXIBLE LIVING ARRANGEMENTS

ADUs provide flexible living arrangements for a property owner and their family. Oftentimes, ADUs provide space for young adults to have the privacy of a place of their own while staying close by and saving on rental costs. They also offer an opportunity for older family members to move in and have easy access to grandchildren, care, or simply to downsize and be closer to loved ones. ADUs allow multigenerational households while keeping the privacy and independence of different couples or persons, allowing a tightly knit family structure without sacrifices that sometimes can come with sharing a regular single-family home.

## INCOME GENERATION

In addition to the benefits of living with your family, the financial incentives to constructing an ADU on your property are numerous. After your ADU has been constructed, you have the option of renting it out just like any other dwelling unit for long term rentals, providing another source of income while helping to increase housing availability for residents in our city. Additionally, the creation of an ADU on your property can improve the property value of your home significantly. Modifications made to your home, such as a refinished basement, can increase the resale value of your house, as will the creation of detached units that are appealing to larger families or people seeking homes with an income-generating opportunity.

**Note:** City of South Portland prohibits rentals of less than 30 days (short-term rentals) in either the ADU or any other dwelling unit on the property.

It is suggested that you speak to your financial advisor prior to undertaking an ADU project.

# WHAT DOES SOUTH PORTLAND'S ORDINANCE INCLUDE?

The ADU ordinance adopted in 2022 by the City of South Portland is on the City's website. Here is a general summary in layperson's language of what the ADU ordinance includes. However, please see the Ordinance for details and specifics. Ordinances are subject to change over time, so please visit the City's website to update your understanding of this ordinance.

- One ADU is permitted per property that contains a single-family dwelling unit, duplex or triplex.
- The ADU can be built attached to or within the preexisting primary dwelling or as its own freestanding structure.
- The ADU must be clearly accessory to the primary dwelling.
- The living area for ADUs on parcels under 10,890 sq. ft. shall not exceed 800 square feet or 90% of the primary dwelling living area, whichever is smaller
- The living area of ADUs on parcels of 10,890 sq. ft. or larger shall not exceed 10% of the parcel area, 1,200 sq. ft., or 90% of the primary dwelling unit living area, whichever is smaller. However, the ADU shall not have a footprint larger than 800 square feet.
- Each ADU does not require any additional parking spaces.

- ADUs must consider the privacy of the ADU and neighboring residences in their design.
- ADUs must maintain or complement the prevailing architecture of the neighborhood.
- Detached ADUs may not exceed 28 feet in height.
- Rentals of less than 30 days (short-term rentals) in either the ADU or any other dwelling unit on the property are prohibited.
- The property owner must occupy either the ADU or other dwelling unit on the property.
- All ADUs must receive permits before construction from the Code Enforcement Office.
- All ADUs must meet the minimum requirements for a dwelling in relation to other codes (building, fire, plumbing, etc) not specific to ADUs, and must provide basic facilities for living, sleeping, cooking, and sanitation.
- A drainage plan meeting City standards is required if the ADU creates new impervious area.



# RENTING YOUR ADU OR HOUSE

If you decide to rent out your ADU, you become a landlord, which comes with certain responsibilities. Most importantly, make sure that you have a written lease, and it is read and signed by all involved parties.

It is important to remember that ADUs, as separate legal dwellings entitle tenants to certain protections and rights in their relationship to you as their landlord. Most of the rights, protections, and procedures remain the same as with other forms of rental properties, however, some differences do exist because the dwelling is on the property of your primary residence.

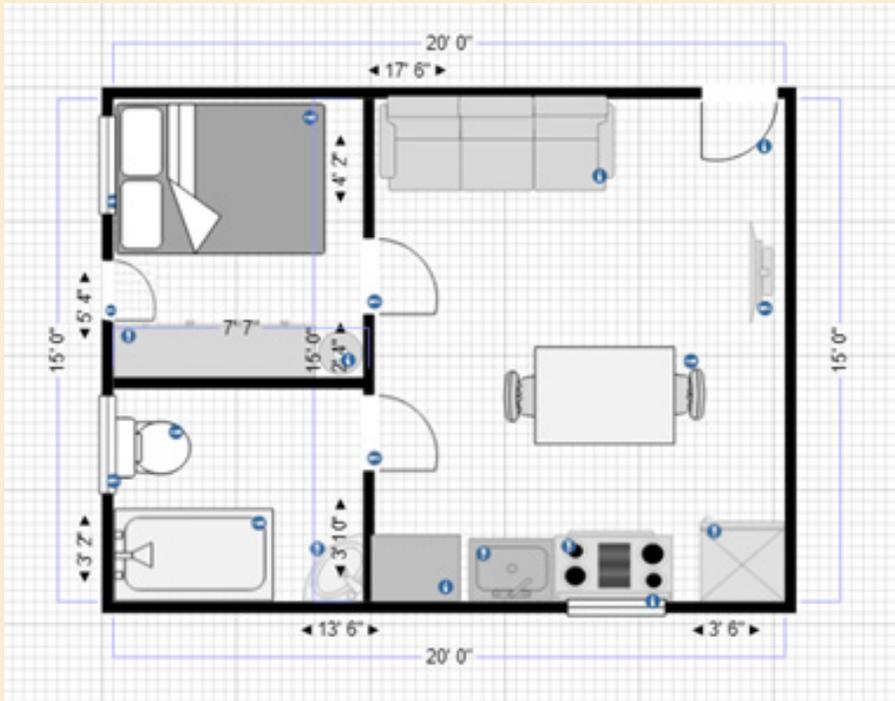
Before leasing an ADU, familiarize yourself with the responsibilities involved in a landlord-tenant relationship. It is recommended that you consult an attorney to assist you in developing a lease and to answer any questions.

More information can be found at the following resources:

- **Maine Homeworks.** The Landlord Education seminar, designed for those owning and managing residential properties, covers a variety of topics ranging from tenant application to eviction. MaineHousing and Fair Housing topics are included. <https://www.mainehomeworks.org/>
- **Rental Housing Alliance of Southern Maine.** Member organization providing resources and education. <https://www.smlamaine.com/>
- **Pine Tree Legal.** Information about eviction law, heat and utility responsibilities, and other tenant/landlord concerns. <https://www.ptla.org/self-help/2652>
- **Chapter 16: Attorney General's Model Landlord-Tenant Lease.** Provides landlords and tenants with a model lease. It also provides a guide to each section of the model lease. [https://www.maine.gov/ag/consumer/law\\_guide\\_article.shtml?id=27935](https://www.maine.gov/ag/consumer/law_guide_article.shtml?id=27935)

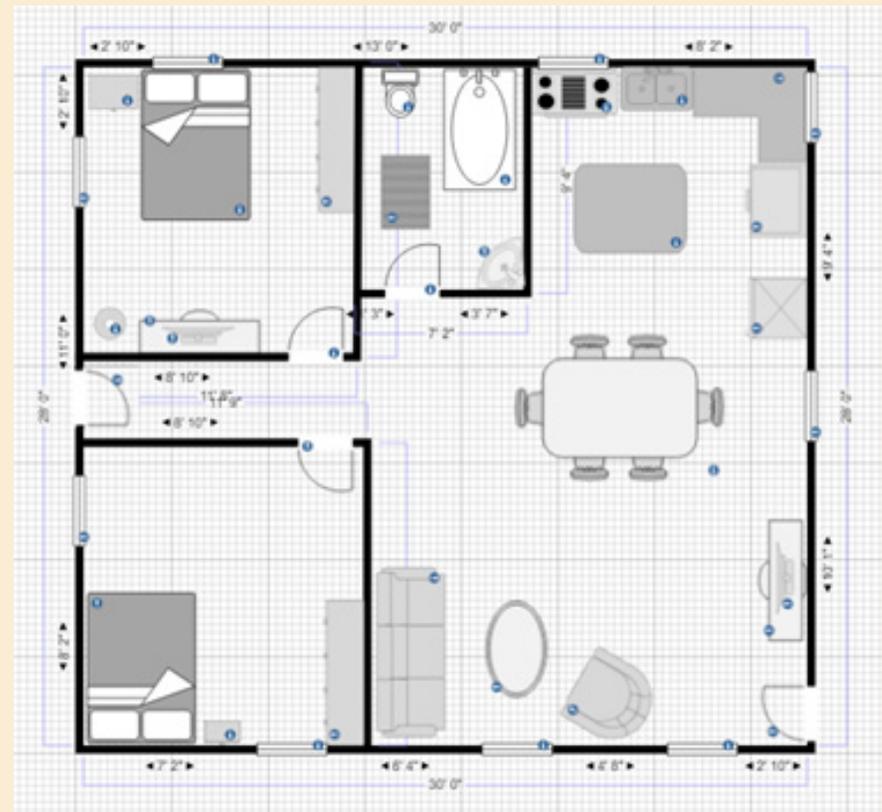
# SAMPLE FLOOR PLANS

A variety of floorplans are available online. A few examples are shown below.



**Example** Converted Garage Floorplan  
300 Square Feet; 1 Bedroom/1 Bath

**Example** Larger Detached Unit Floorplan  
840 Square Feet; 2 Bedroom/1 Bath



# DESIGN & CONSTRUCTION TIPS

There are many building professionals that can help advise on the design and construction of an ADU. A builder, architect, or design professional can aid in drafting plans. These professionals can also help guide you through the code or ordinance requirements for construction. Your ADU should be designed to fit your specific needs and wants, as well as the constraints of your property. In many cases, it is more cost- and space effective to modify an existing primary dwelling and convert areas such as garages, attics, or basements into a private dwelling, as opposed to the construction of an entirely separate unit on the property.

An ADU may be a studio or have multiple bedrooms. It must have living facilities that are completely separate from the primary dwelling unit which include permanent provisions for living, sleeping, cooking, eating, and sanitation. A cooking facility must include at a minimum two or more of any of the following: oven, convection oven, toaster oven, stove, stove top, hotplate, built-in grill or griddle, microwave oven, or similar appliances, 240 volt electrical outlet to serve any cooking appliance, gas line(s) to serve any cooking appliance, kitchen sink greater than 2 square feet in size, refrigerator greater than 5 cubic feet, or dishwasher.

**Tip:** You may wish to also talk with neighbors before engaging in the construction of an ADU, especially if there will be significant construction. While this step is not required, it can aid in navigating future possible disagreements.



# PERMIT APPLICATION REQUIREMENTS

## ZONING PERMIT APPLICATION

The cost to submit a Zoning Permit application is \$500, this does not include the Building Permit application and fee [see next page].

1. Once you have completed the Zoning Permit application to the best of your ability, call the Code Enforcement Office at (207) 767-7603 to schedule your 30 minute pre-application meeting. Bring your application and any questions to this meeting. If you have them, also bring your building plans and property survey if applicable. The purpose of this meeting is to help develop your concept and answer any questions you have about ADU requirements.
2. After the pre-application meeting, you will be able to complete the rest of the application on your own and gather any remaining documents or plans that are required. When you are ready and the application is complete, call the Code Enforcement Office to schedule your 1 hour application meeting and pay the \$200 application meeting fee. Bring your complete application and associated documented for review.
3. During the application meeting, we will review your documents and deem the application complete and ready for submittal, or, incomplete and will explain any remaining items required prior to submittal. Once the application is deemed completed, you may pay the \$300 fee and submit the application for final review.

## BUILDING PERMIT APPLICATION

The total cost to submit a Building Permit application is dependent on the scope of work. Commonly required permit applications include:

- Building: min fee \$25, or \$15 per \$1000
- Electrical: min \$40, see fees on electrical application for additional \$
- Plumbing: min \$50, see fees on plumbing application for additional \$
- Demo: Principal, \$50, Accessory, \$25
- Sprinkler: \$15 per \$1000 or Min \$25 flat fee
- Sewer Impact Fee: \$630 per bedroom

Building permit applications can be found on the City Website here or at the QR code:



Zoning Permit application review takes approximately 3-4 weeks. Building Permit application review takes approximately 4-6 weeks. You may submit your Building Permit subsequently to or simultaneously with your Zoning Permit.

All payment may be made with cash, check, or credit card (credit card fees will apply). Payments may be made in person at 829 Sawyer St (formerly 496 Ocean St). All application meetings will take place at the same address or over zoom.

If you have any questions about the application process, call the Code Enforcement Office at (207) 767-7603.

- **City of South Portland ADU Ordinance.** <https://www.southportland.org/departments/planning-and-development/accessorydwellingunits/adu-standards/>
- **City of South Portland Code Enforcement Office.** <https://www.southportland.org/departments/code-enforcement/>
- **City of South Portland Building Permit.** <https://www.southportland.org/residents/building-permits/>
- **Maine Homeworks.** The Landlord Education seminar, designed for those owning and managing residential properties, covers a variety of topics ranging from tenant application to eviction. MaineHousing and Fair Housing topics are included. <https://www.mainehomeworks.org/>
- **Rental Housing Alliance of Southern Maine.** Member organization providing resources and education. <https://www.smlamaine.com/>
- **Chapter 16: Attorney General's Model Landlord-Tenant Lease.** Provides landlords and tenants with a model lease. It also provides a guide to each section of the model lease. [https://www.maine.gov/ag/consumer/law\\_guide\\_article.shtml?id=27935](https://www.maine.gov/ag/consumer/law_guide_article.shtml?id=27935)
- **Pine Tree Legal.** Information about eviction law, heat and utility responsibilities, and other tenant/landlord concerns. <https://www.ptla.org/self-help/2652>
- **AARP ADU Resource Page.** Design examples, financing templates, and other helpful tools. <https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus.html?CMP=RDRCT-CSN-OTHER-LIVABLE-ADU-012819>

## ADDITIONAL RESOURCES