

An aerial photograph of a city, likely South Portland, featuring a large body of water, a bridge, and residential areas. The image is darkened to serve as a background for the text.

City of South Portland

Accessory Dwelling Units

April 25, 2023

Accessory Dwelling Units

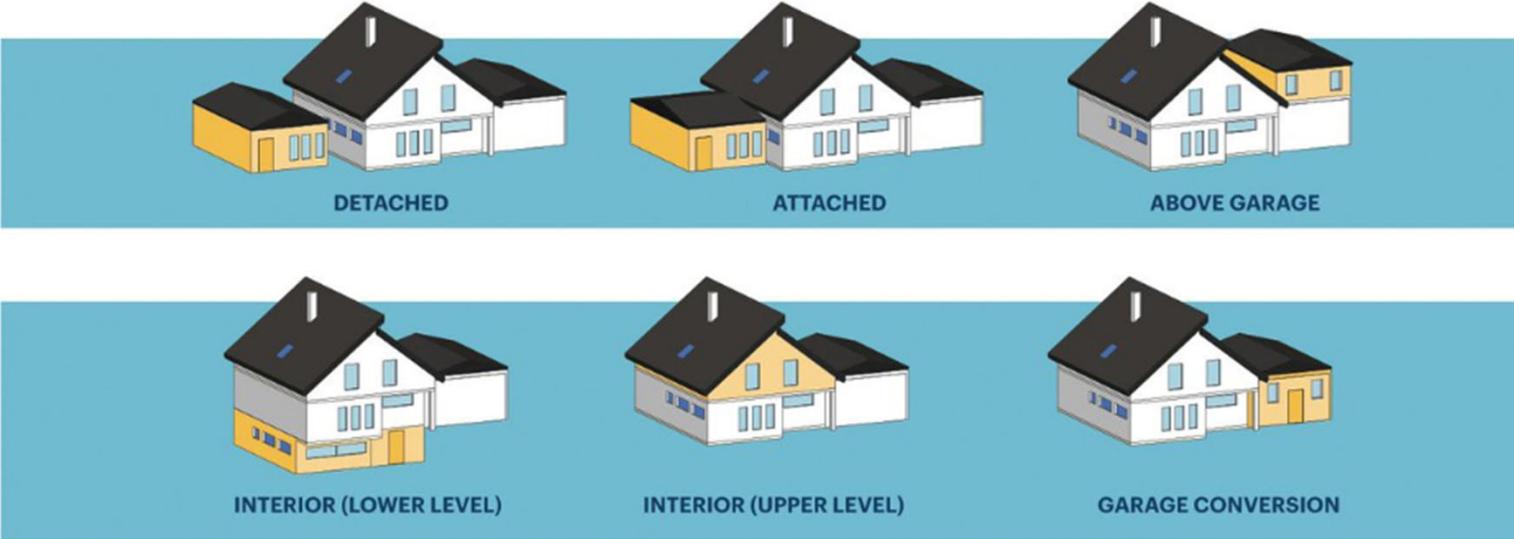
- What's an ADU?
- Ordinance Changes
- Application Process
- Application Guidance

Accessory Dwelling Units

Timeline

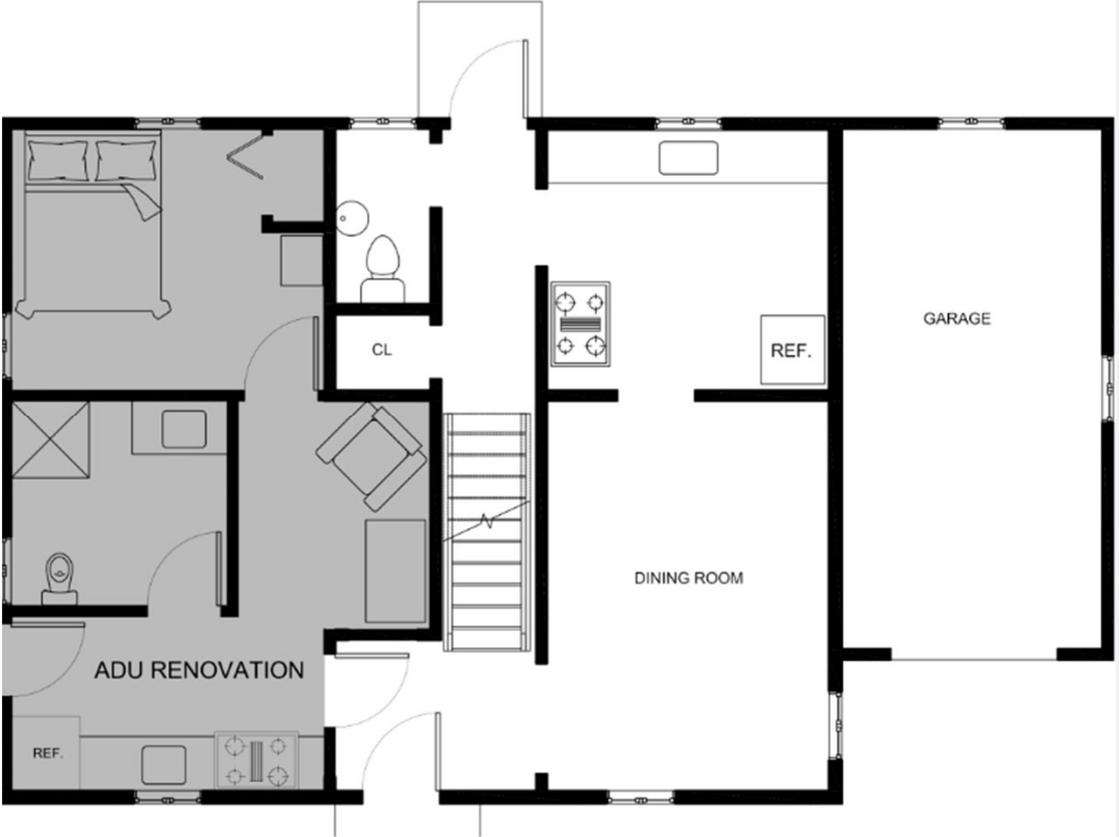
- Feb 2004: City adopts first ADU ordinance
- Nov 2022: City amends ADU ordinance
- April 2023: Amendment to remove the owner occupancy requirement is proposed but not adopted

Accessory Dwelling Units



Accessory Dwelling Units (ADUs) come in many shapes and styles. Illustrations by RPA, based on AARP's ABCs of ADU's Guide.

Accessory Dwelling Units



ORDINANCE CHANGES

New Regulation	Old Regulations
<ol style="list-style-type: none"> 1. Zoning Permit 2. Building Permit from the Code Enforcement Office. 	<ol style="list-style-type: none"> 1. Public Hearing 2. Mail abutters 3. Zoning Approval 4. Building Permit from the Code Enforcement Office.
<p>ADU potentially as large as 90% of the primary unit (up to 800 SF on 1/4-acre lots or smaller, and 1,200 SF on lots over 1/4-acre)</p>	<p>ADU as large 30% of the primary unit</p>
<p>No Required Parking</p>	<p>2 parking space required</p>
<p>ADU can be attached, detached, or built into existing structures.</p>	<p>ADUs can only be attached to existing dwelling unit</p>
<p>Short-term vacation rentals are prohibited in any unit on lots where ADUs have been constructed.</p>	<p>Short-term vacation rentals are permitted, subject to registration</p>

ORDINANCE CHANGES

Easier
Larger
Fewer
Requirements
More
Options
Greater
Opportunity

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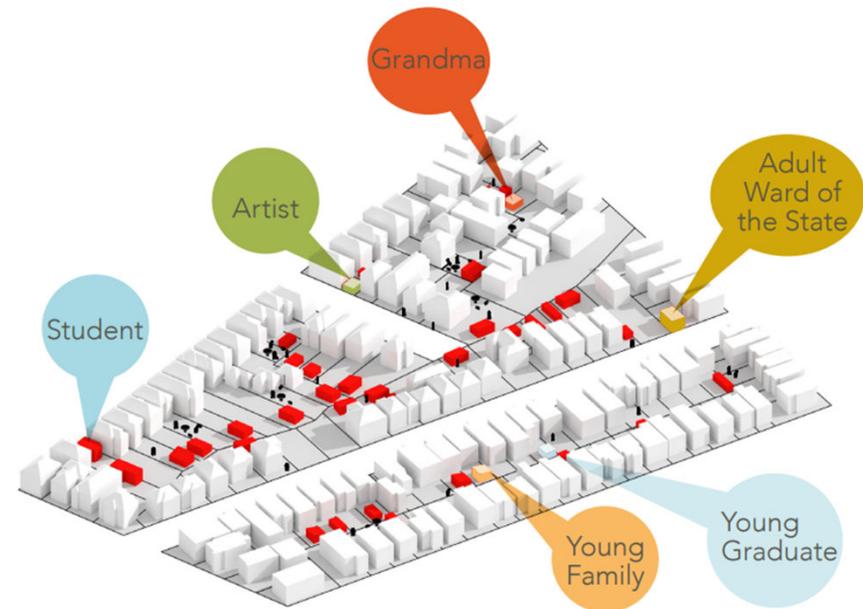
APPLICATION PROCESS

- Easy

- Paper and online application
- Staff assistance through the process
- Comprehensive

- Affordable

- \$0 - Pre-application meeting
- \$200 - Application meeting
- \$300 - Application submission
- Building permit fee dependent on scope of work



AARP ADU DESIGN & DEVELOPMENT

ADU Guidebook

CITY OF SOUTH PORTLAND ADU GUIDEBOOK

APRIL 2023

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CITY OF SOUTH PORTLAND ADU ORDINANCE	ATTACHMENT 1

ADU Application

This is an application for an ADU Zoning Permit. A building permit is also required and may be submitted simultaneously. An ADU may be constructed on lots with up to three existing dwelling units, however, the ADU must be associated with a specific dwelling unit on the same lot and held in the same ownership. It may not be sold separately. The property owner must occupy either the primary dwelling unit or the ADU. The establishment of a new ADU prohibits any dwelling unit on the property from being used as a Short-Term Vacation Rental (STVR) including existing STVR license holders. ADUs are exempt from additional parking requirements and density standards. One ADU per lot may be constructed within, attached, or detached to an existing dwelling unit provided the following standards have been met pursuant to Zoning Ordinances, Sec. 27-1576 et seq. and Chapter 27 Articles V-XIII, as amended.

Project Information:

Zone/Neighborhood:	Lot Area (sq. ft.):		
	Existing	Proposed ADU	Proposed Total
Lot Coverage* (sq. ft.)			
Building Coverage** (sq. ft.)			
Living Area*** (sq. ft.)			
ADU Living Area Divided by Primary Dwelling Unit Living Area (as %):			
	Allowed	Proposed	
Max. Building Height:			
Min. Front Yard:			
Min. Side Yard:			
Min. Rear Yard:			
Max Lot Coverage (25% Building Coverage when unspecified):			
Min. Landscape Area:			
Min. Water Setback			

***Lot coverage:** The portion of a site that is impervious (i.e., does not absorb water). This includes but is not limited to all areas covered by buildings and structures and, except for those areas with pervious paving, parking lots, driveways, and roads.

****Building coverage:** That percentage of the lot covered by the total first or ground floor area, whichever is greater, of all principal and accessory buildings on the lot. **Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels. Each portion of a building, separated from other portions by a fire wall, shall be considered as a separate building

*****Living area** is the interior living space. For ADUs on parcels under 10,890 sq. ft., the area shall not exceed 800 square feet or 90% of the primary dwelling living area, whichever is smaller. On parcels of 10,890 sq. ft. or larger, the ADU Living Area shall not exceed 10% of the parcel area, 1,200 sq. ft., or 90% of the primary dwelling unit living area, whichever is smaller. No ADU shall have less than 190 sq. ft. of living area.

ADU Application

To determine if a drainage plan may be required, please describe if the ADU:
(check one)

Does Not Expand Impervious Area	Expands Impervious Area (Drainage Plan May Be Required)
<input type="checkbox"/> ADU is entirely within existing primary dwelling	<input type="checkbox"/> ADU is attached to existing primary dwelling
<input type="checkbox"/> ADU is entirely within existing detached structure	<input type="checkbox"/> ADU is attached to existing detached structure
<input type="checkbox"/> ADU is replacing existing impervious surface	<input type="checkbox"/> ADU is new detached structure

To determine if sprinklers may be required, please describe if the ADU:
(check one)

Does Not Require Sprinklers (Firewall May Be Required)	Requires Sprinklers
<input type="checkbox"/> Entirely within or expansion of existing single family dwelling including connected by breezeway	<input type="checkbox"/> Entirely within or expansion of existing duplex or triplex including connected by breezeway (required in all units)
<input type="checkbox"/> Entirely within or expansion of new or existing garage attached to single family dwelling	<input type="checkbox"/> Entirely within or expansion of new or existing garage attached to duplex or triplex (required in all units)
<input type="checkbox"/> Entirely within or expansion of an existing detached structure (i.e. garage)	<input type="checkbox"/> Entirely within or expansion of a new detached structure (i.e. ADU, garage, etc)

General Standards

Please answer the follow sections. Unanswered questions can be discussed at the pre-application meeting.

- Has the property been subject to a Planning Board approval? _____
- How many dwelling units are currently on the property? _____
- What is the size of the ADU's basement (sq. ft.) _____ First floor _____ Second floor _____
- Will the owner occupy the primary dwelling unit or the ADU? _____
 - ❖ The owner of the property must occupy either the primary dwelling unit or the ADU
- Does new ADU building coverage exceed 800 sq. ft.? _____
 - ❖ New building coverage that is created to construct all or part of a ground-floor ADU shall not exceed 800 sq. ft.
- Does the ADU change the footprint of the structure in which the ADU is located? _____
 - ❖ If so, does the addition conform to the setback and lot coverage requirements for the zoning district in which it is located, except as provided in Zoning Ordinance Section 27-1578(a)? _____

ADU Application

7. Is a safe path of travel provided from the ADU to the nearest public sidewalk or right-of-way?
- ❖ Walkways must be a minimum of 3 feet wide and distinct from vehicular areas except as a shared drive/walk space along an exterior edge of a driving surface.

In addition, for a detached ADU:

8. Height of the detached structure:
- ❖ The maximum height of the detached structure shall not exceed 28 feet.
9. Shortest distance from the property line to above-ground, exterior equipment for the ADU:
- ❖ Such equipment cannot be in the setback area or within 10 feet of a property boundary.
10. Distance from the property line to transparent openings:
- ❖ Other than roof openings, no transparent openings shall be within 5 feet of the property boundary, or on the second story if the wall is within a setback area.
11. Distance from the nearest property line to the primary entrance:
12. Does the entrance that will be used to access the ADU already exist?
- ❖ The primary entrance shall not be located within 10 feet of a property boundary unless the entrance is an existing access on a structure existing as of September 1, 2022;

In addition, for an ADU in a legal, nonconforming structure:

13. Does the construction of the ADU increase the height of a non-conforming structure and how much?
- ❖ An ADU may increase the height of nonconforming structures to establish a new, code-compliant roof.
 - ❖ Dormers may be added to single-family, detached units within setbacks per Sec. 27-303(a)(4).
14. Distance from the property line to transparent openings:
- ❖ Other than roof openings, no transparent openings shall be within 5 feet of the property boundary, or on the second story if the wall is within a setback area.
15. Distance from the nearest property line to the primary entrance:
16. Does the entrance that will be used to access the ADU already exist?
- ❖ The primary entrance shall not be located within 10 feet of a property boundary unless the entrance is an existing access on a structure existing as of September 1, 2022;
17. Distance from the ADU to the closest inhabited structure on an adjacent property?
- ❖ An ADU must be greater than 12 feet from an inhabited structure.
18. Does the ADU increase the nonconformity of the structure in any way?
19. Is the building located in the Shoreland Zone?
- ❖ ADUs are prohibited in the Shoreland Zone, unless permitted under the Zoning Ordinance, Article XIII.
20. Is the building located in the Floodway or Flood Zone?

ADU Application

Additional Information:

Please confirm the following items are included in this application packet:

- 1) A mortgage loan inspection plan prepared by a Maine licensed land surveyor and drawn to scale showing:
 - The boundaries of the lot
 - Any existing improvements on the lot, including buildings, structures, and paving;
 - Any existing easements benefiting or burdening the lot.
 - This requirement may be waived by the Code Enforcement Officer if the proposed construction is entirely internal to the primary dwelling structure on the subject property
- 2) A mortgage loan inspection plan, either the same as above or separate, that is marked up to scale by either the applicant or the surveyor to include the following additional information:
 - The proposed improvements to the lot including:
 - Structures
 - Paving
 - Landscaping
 - Easements
 - Utilities
 - A title block with the property address and assessor's map and lot identification
 - The name of the record owner of the property
 - North arrow
 - Date
 - Total square footage of the principal dwelling
 - Total square footage of the ADU
 - Percentage of the ADU living area in relation to the principal dwelling living area
 - The number and location of parking spaces provided
- 3) For any ADU involving new construction (interior or exterior) please include
 - A set of building plans
 - Photographs or drawings that show the following:
 - Existing and proposed principal and accessory buildings
 - The floor plan of the principal building and the ADU
 - Elevations for all sides of the existing and proposed buildings
 - The architectural treatment of the principal building and the ADU.
- 4) A Drainage Plan meeting the requirements of Sec. 27-1536, as appropriate.
 - The Drainage Plan is attached
 - The Drainage Plan will be submitted with the Building Permit application.
 - This requirement may be waived by the Code Enforcement Officer if the proposed construction and site disturbance associated with the ADU do not create new impervious area.

ADU Application

- 5) A narrative describing how the design, orientation, and placement of the ADU satisfy the standards set forth in Sec. 27-1578: Please describe how:
- The ADU maintains or complements the prevailing architecture of the neighborhood.
 - The roof design has a clear relationship between the ADU and the primary structure or neighborhood by maintaining an equivalent pitch and utilizing equivalent materials and color.
 - The ADU's primary entrance is less visible from the street than the main entrance of the principal dwelling unit if the ADU's primary entrance is not the same as the principal dwelling unit
 - This can be achieved by 1. Exaggerating or architecturally accenting the primary entrance relative to the ADU entrance through features that include but are not limited to awnings, porticos, and pergolas; sidelights on doorways; decorative millwork such as corbels, louvers, moldings, columns, and trim; glass paneling; and entry steps, walkways, and landscaping; 2. Setting back the ADU entrance at least five (5) feet from the primary unit entrance relative to the front property line; 3. Screening the ADU entrance with landscaping or architectural features such as privacy screens; 4. Rotating or angling the ADU entrance to not be parallel to the property frontage; or 5. Locating the ADU entrance where it is not visible from the property frontage
 - The orientation of the ADU maintains the privacy of residents within the ADU and the rooms or spaces in adjoining dwellings through landscape screening, fencing, and the location of windows and door. If landscaping is used to maintain privacy, plantings must provide the necessary privacy screening within 2 years of installation.
- 6) Evidence of Right, Title, and Interest of the property.
- 7) Form # 17, acknowledgement that Short Term Vacation Rentals are prohibited in any dwelling on the same lot an ADU has been constructed or established as of November 1, 2022.

By signing below, I agree that the information provided is complete and correct and that my project will adhere to applicable State and City land use laws and regulations. I agree to future inspections by the Code Enforcement Officer at reasonable hours.

Applicant Signature

Printed name

Date

ADU Application

CERTIFICATION OF UNDERSTANDING SHORT TERM VACATION RENTAL PROHIBITION ON LOTS WITH ACCESSORY DWELLING UNITS (ADU) APPROVED AFTER 11/22/2022

I, the owner of the property located at

herby certify that I understand that any Building Permit for an ADU will include the following condition and require such to be recorded at the Cumberland county registry of deeds prior to issuance of Occupancy Certificate:

(Check one)

- In the case of a property comprised of a single family-dwelling unit and an ADU, neither the single-family dwelling unit nor the Accessory Dwelling Unit reviewed and approved pursuant to an application to the Code Enforcement Officer on or after November 22, 2022 shall be used, occupied or registered as a short-term rental for short-term rental guests, as those terms are defined in Chapter 14, Article XVII, Sec. 14-801 of the Code, as may be amended.
- In the case of a property comprised of a multi-unit structure with up to three dwelling units and an ADU, neither the dwelling units nor the ADU reviewed and approved pursuant to an application to the Code Enforcement Officer on or after November 22, 2022 shall be used, occupied or registered as a short-term rental for short-term rental guests, as those terms are defined in Chapter 14, Article XVII, Sec. 14-801 of the Code, as may be amended.

The Code Enforcement Officer shall have the right to inspect the ADU with reasonable advance notice to the occupant to ensure compliance with this condition. This restriction shall run with the property and be binding on and inure to the benefit of the property owner, their heirs, successors and assigns, as a condition of continued use. Any use of the ADU in violation of this restriction is in violation of the City's Zoning Ordinance absent an amended approval from the City. The failure to maintain the ADU in compliance with this restriction may result in the suspension or revocation of the certificate of occupancy for the ADU.

By signing below, I agree that the information provided is complete and correct and that my project will adhere to applicable State and City land use laws and regulations. I agree to future inspections by the Code Enforcement Officer at reasonable hours.

Property Owner Signature

Printed name

Date

Portland HUD Fair Market Rent Area (HMFA)

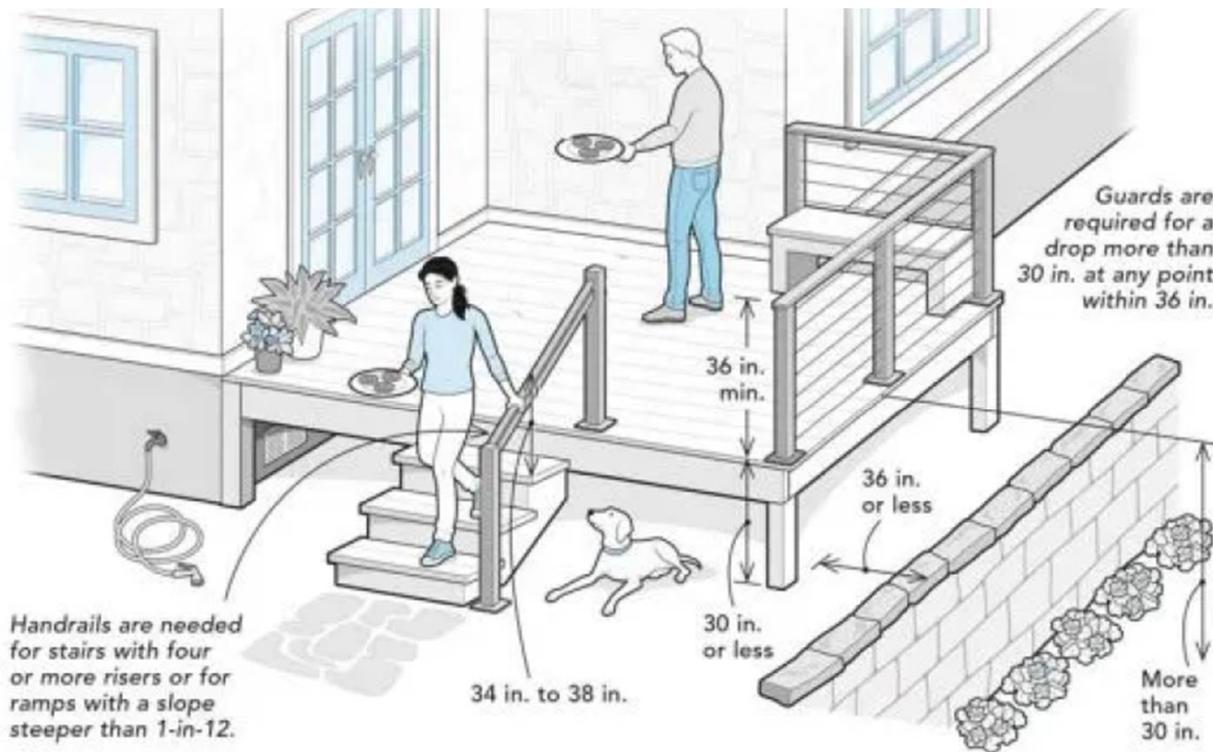
Median Family Income **\$112,700**

Area Median Income (AMI)				
	1	2	3	4
Extremely Low-Income (30 % AMI)	\$23,460	\$26,820	\$30,180	\$33,510
Very Low-Income (50% AMI)	\$39,100	\$44,700	\$50,300	\$55,850
Low-Income (80% AMI)	\$62,560	\$71,520	\$80,480	\$95,560

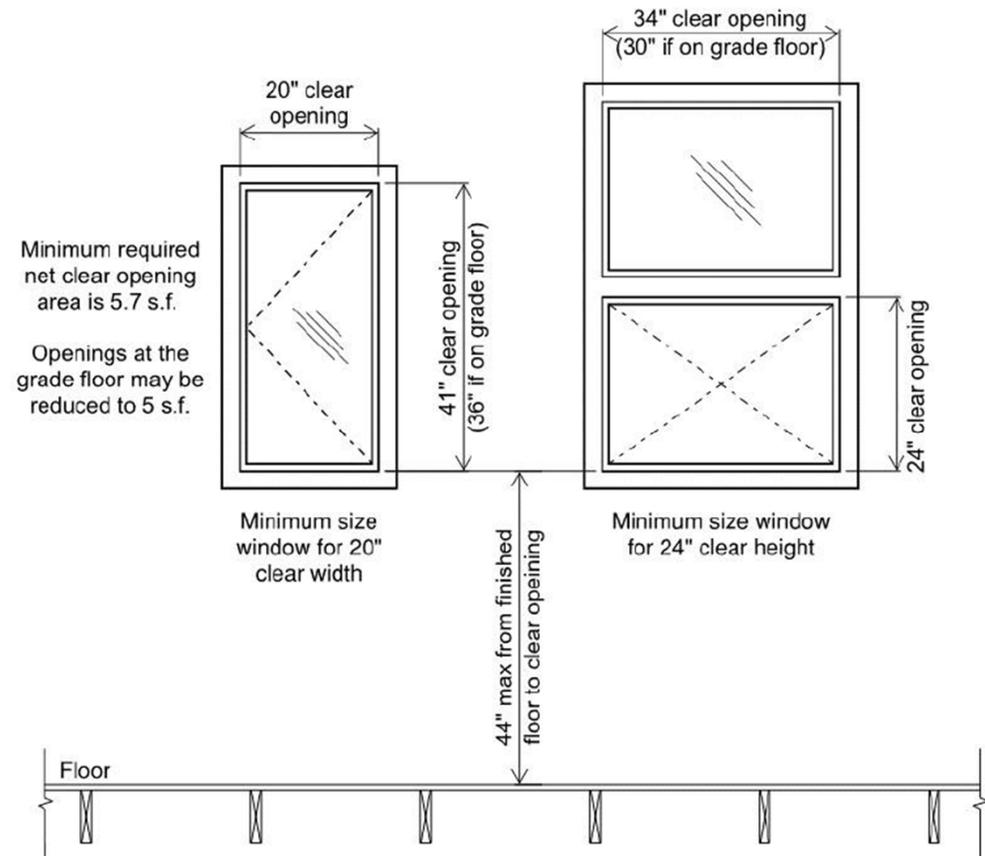
Fair Market Rent				
SRO	0	1	2	3
\$932	\$1,243	\$1,448	\$1,859	\$2,344

Source: U.S. Department of Housing and Urban Development

Building Standards

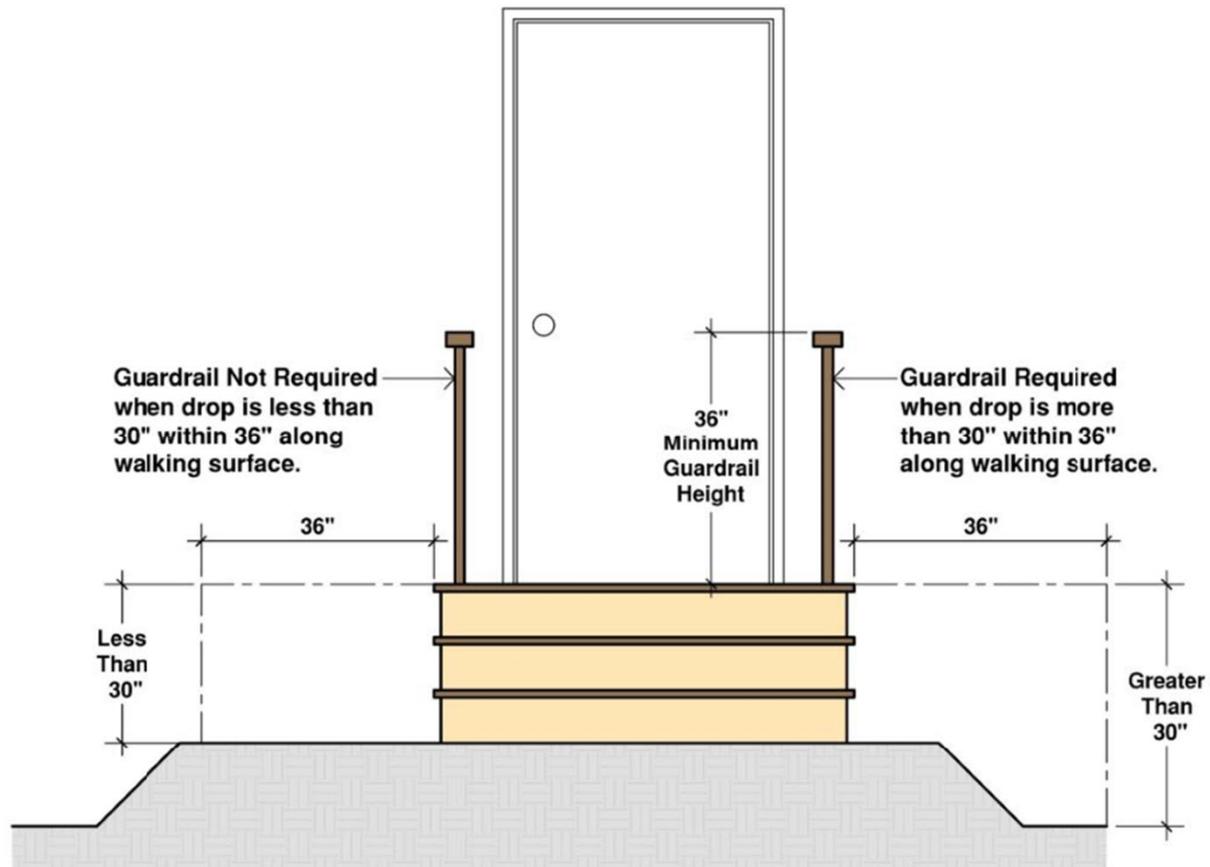


Building Standards

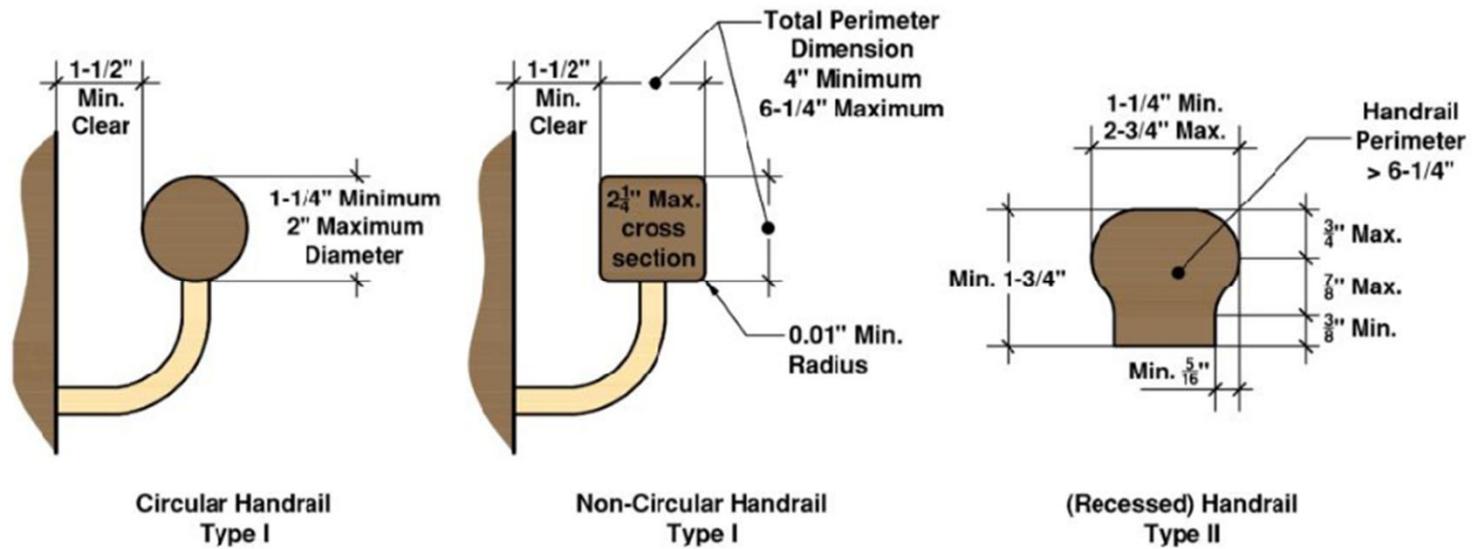


Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

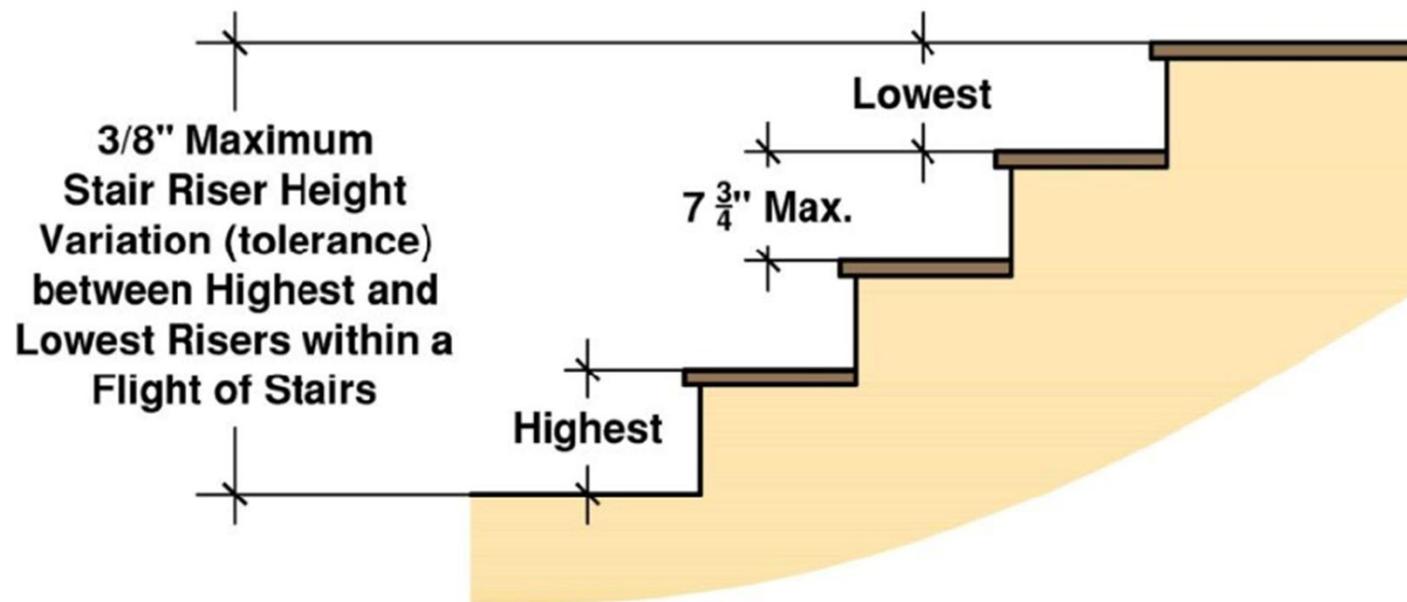
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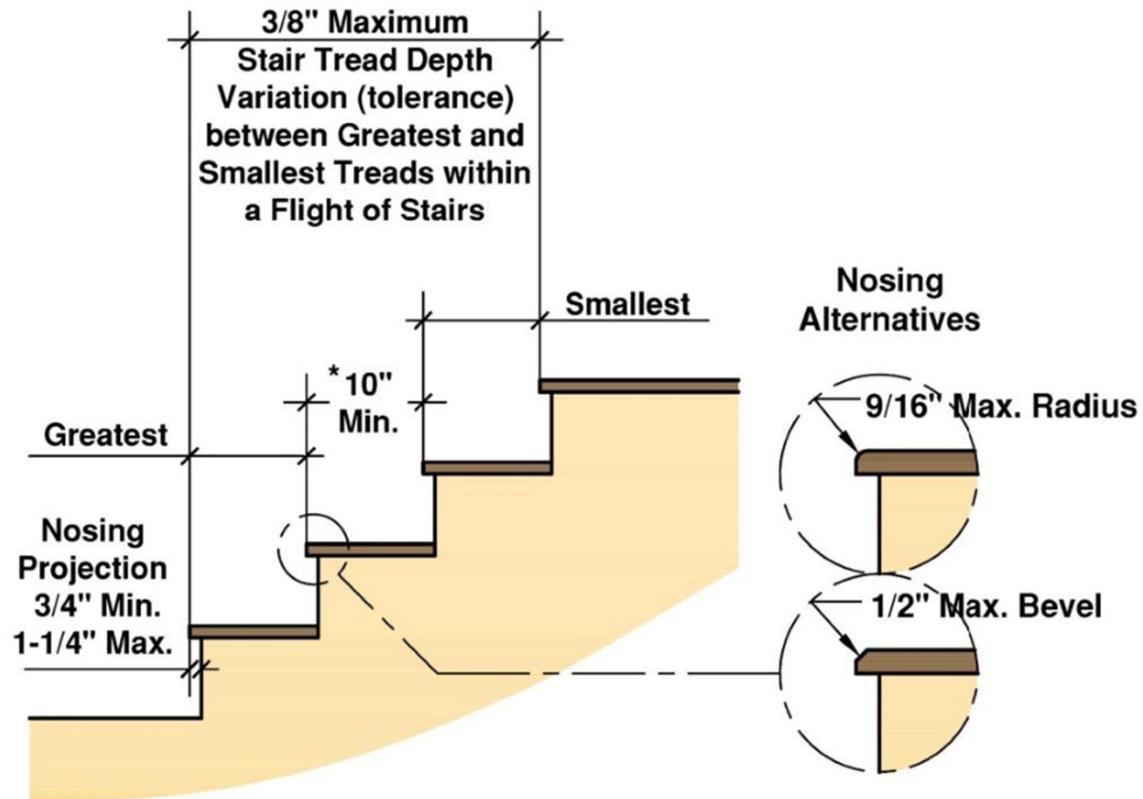
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Building Standards

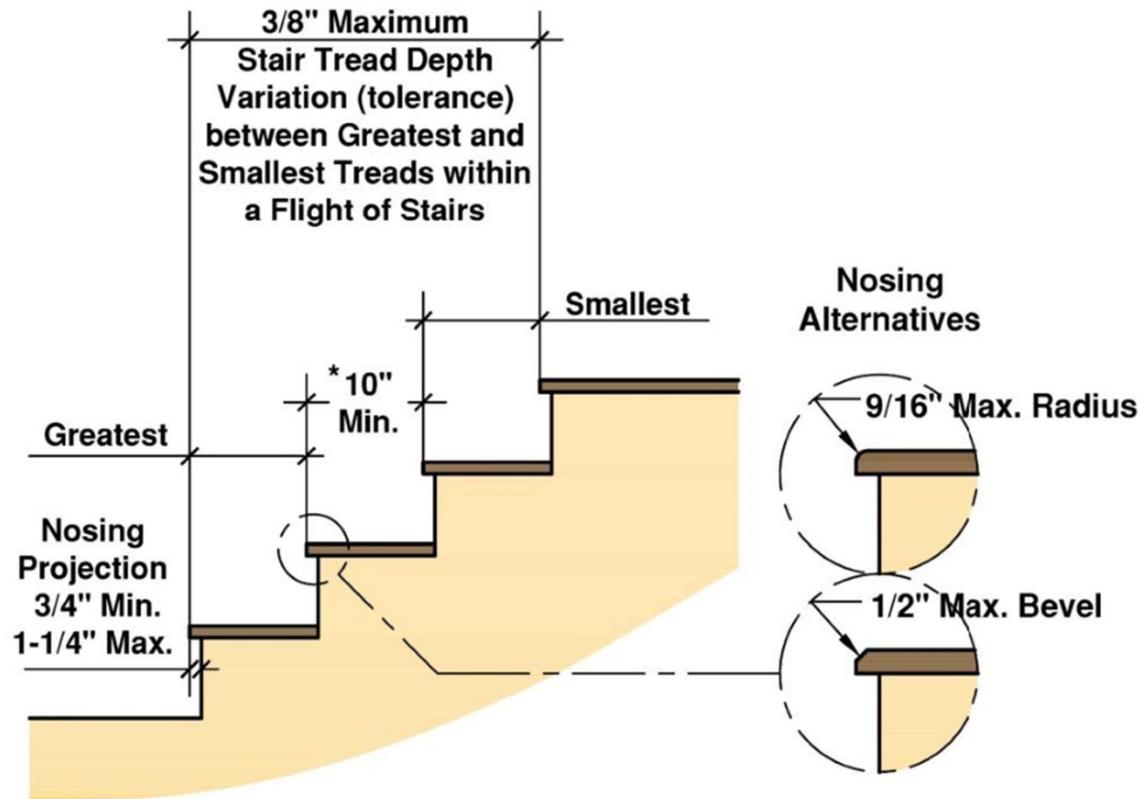


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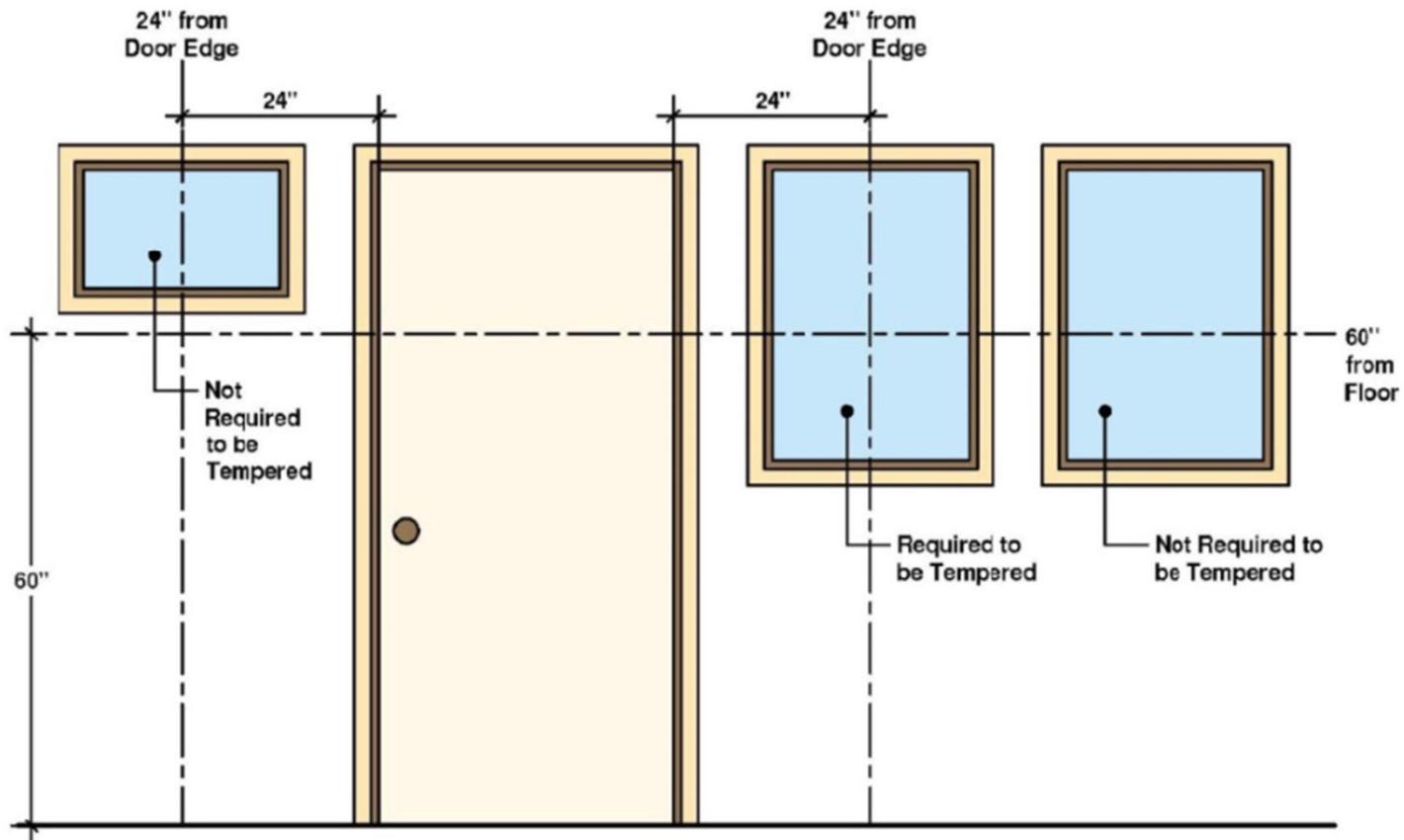
* Nosing is required where tread depth is minimum 10".
Exception: Nosing not required if tread depth is 11" minimum.

Building Standards

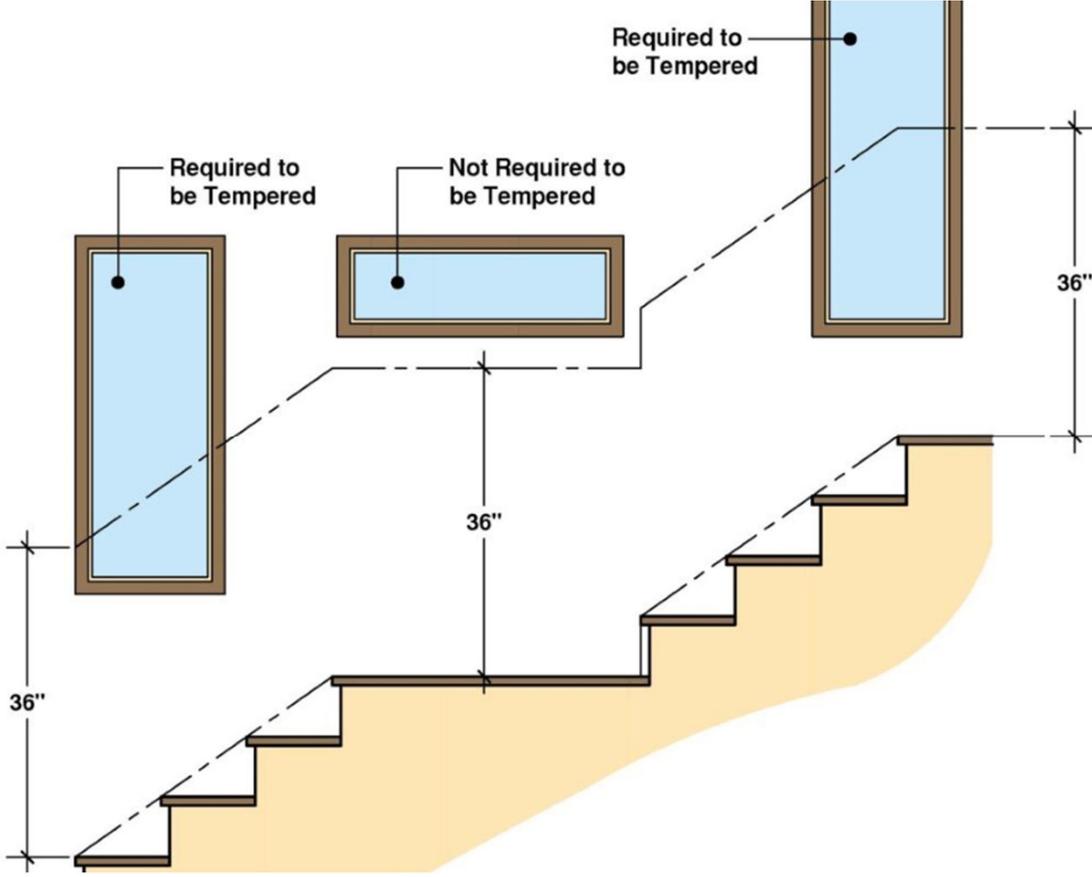


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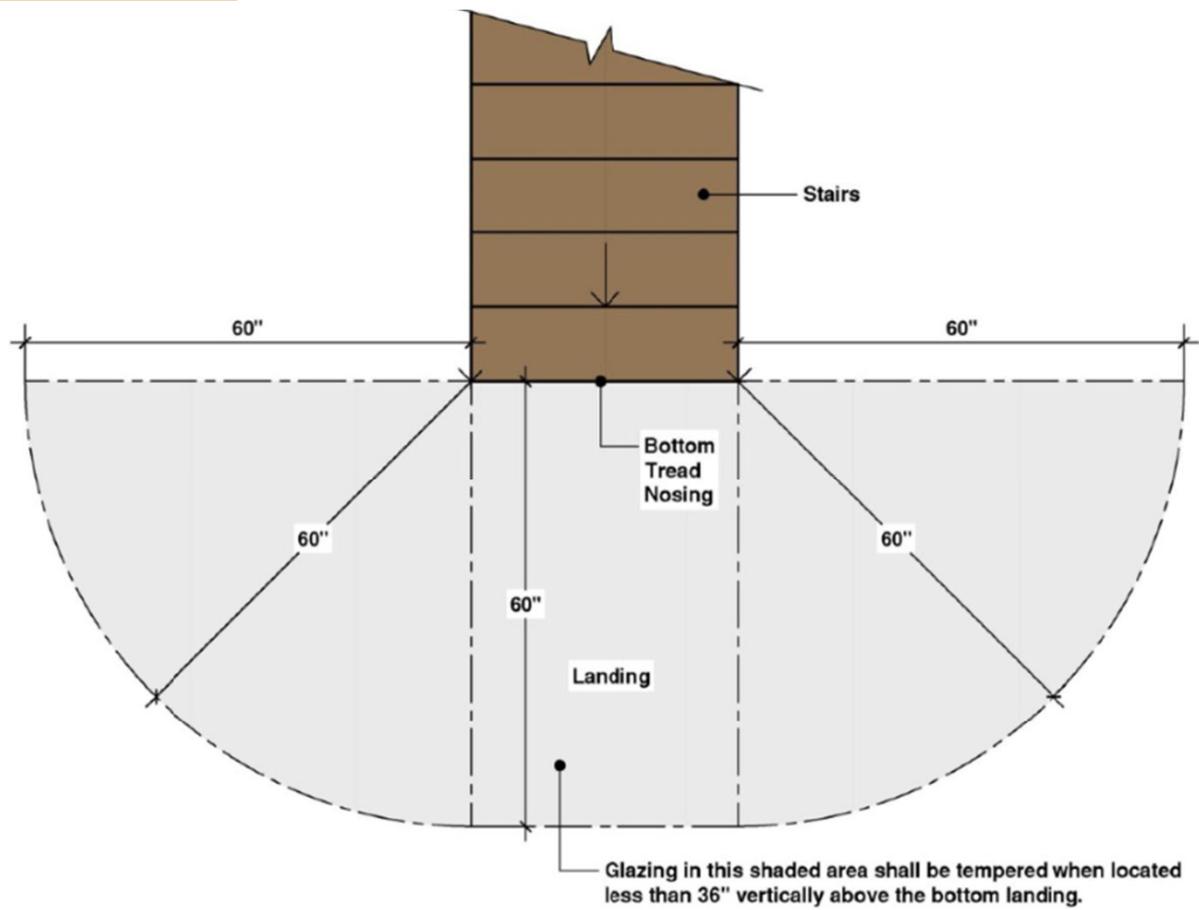
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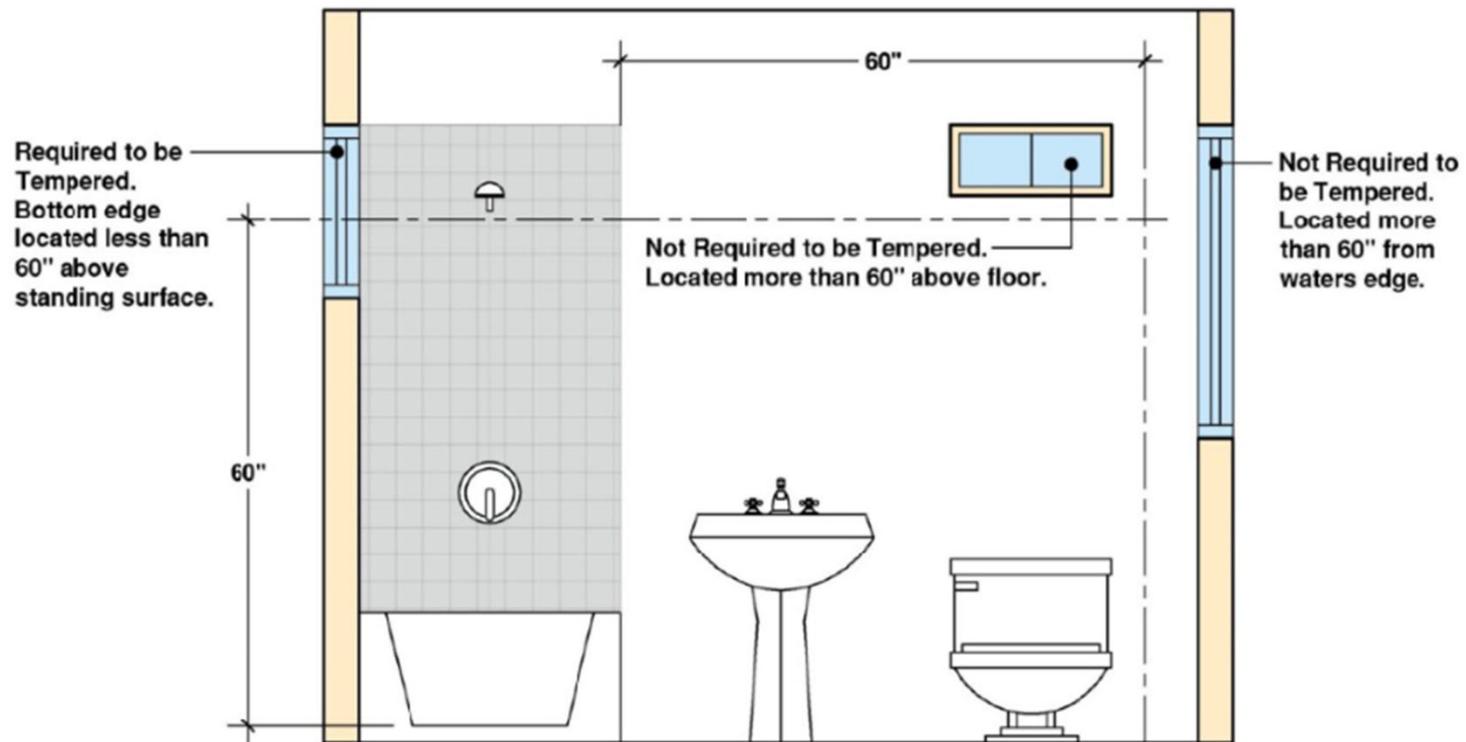
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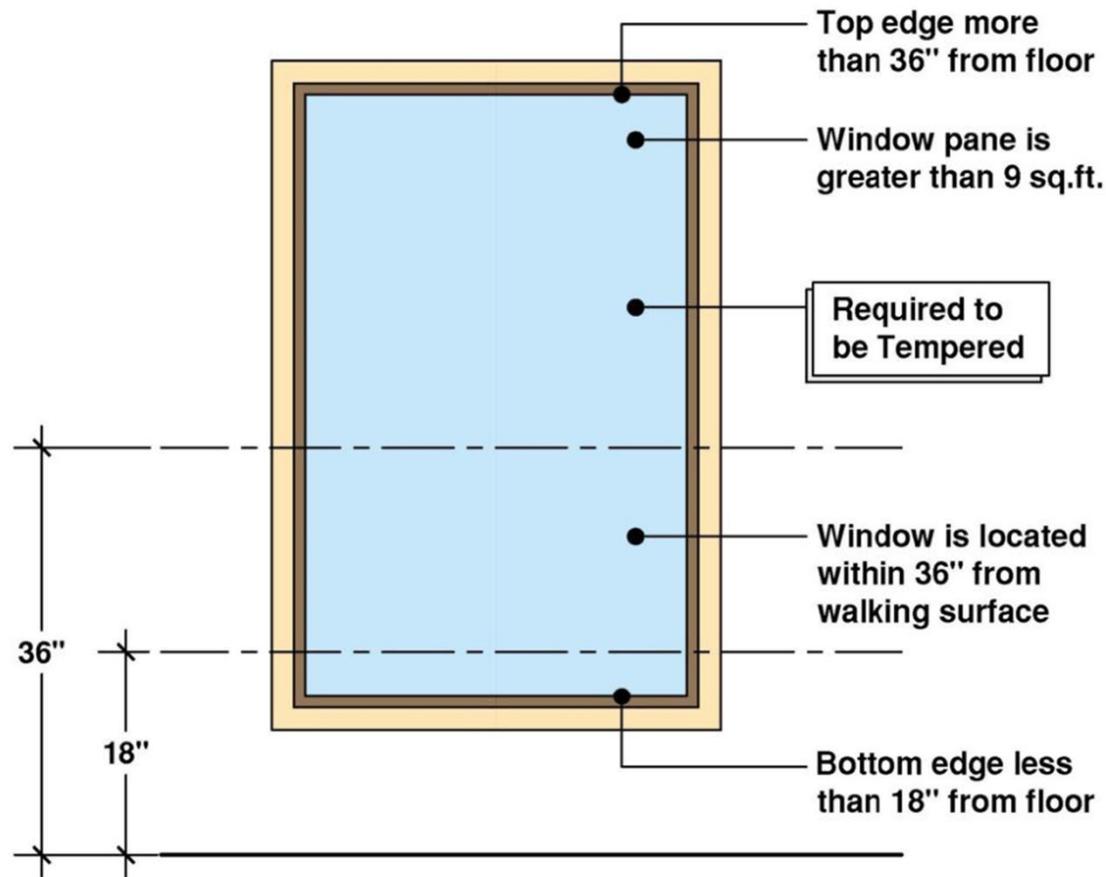
Building Standards



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