

Town of Baldwin

ADU Ordinance Update Draft

Drafted by: Mikala Jordan, SMPDC
1/23/2024

2.2 Definitions

Accessory Dwelling or Accessory Dwelling Unit: A self-contained dwelling unit located within an existing single-family dwelling unit, attached to a single-family dwelling unit, or a new structure created for the purpose of being an accessory dwelling located on the same parcel of land as the existing single-family dwelling unit, and that has a gross floor area between one hundred ninety (190) and seven hundred and fifty (750) square feet.

10.9 Temporary Dwellings *(Currently in Your Ordinance)*

A. In those districts in which temporary dwellings are allowed as a conditional use, the Planning Board may permit the placement of a temporary dwelling on a lot, without an increase in lot area, under the following conditions:

1. It is documented to the satisfaction of the Board that the temporary dwelling will house a relative of the resident of the principal dwelling on the lot, and that the relative, due to medical necessity, must be near the resident of the principal dwelling.
2. It is certified in writing by the applicant that the temporary dwelling will be removed from the lot when it is no longer needed by said relative.
3. It is certified in writing by the local plumbing inspector that the wastewater disposal system serving the lot is sufficient to accept additional wastewater flows from the temporary dwelling, and that the temporary dwelling meets all requirements of the local and state plumbing and building codes.
4. The temporary dwelling contains at least 400 square feet of living area, and all space and bulk standards other than minimum lot area per dwelling unit are met.

B. Approval by the Planning Board of a conditional use permit for a temporary dwelling shall not also require a variance or a demonstration of undue hardship.

C. In the event a primary residence is rendered uninhabitable due to fire or other catastrophic event. The Code Enforcement Officer may immediately issue a permit for a temporary dwelling. Such dwelling shall conform to safety standards and shall be connected to on-site water and subservice waste disposal.

The duration of this temporary permit shall be no longer than 12 months and may be renewed for no more than one 12-month period. Within 30 days of issuance of an occupancy permit for the primary dwelling, the temporary dwelling shall be removed from the plat and the permit extinguished. There will be no charge for the temporary permit.

10.12 Accessory Dwelling Units *(Draft Section to be Added)*

A. Accessory Dwelling Units (ADUs) shall be permitted on all lawfully conforming and nonconforming lots with legal single-family dwelling units as the principal structure. The addition of an ADU may in no way increase the degree of nonconformity of any structure. An ADU is different from a two-family or multi-family dwelling as defined in Section 2.2.

B. ADUs may be constructed (1) internally within the existing principal single-family dwelling unit, including an existing accessory structure such as a garage; (2) attached to an existing principal single-family dwelling unit; and (3) as a new structure created for the purpose of being an ADU on a lot with an existing single-family dwelling unit.

C. One ADU shall be permitted per qualifying lot.

D. The owner(s) of the principal single-family dwelling unit that shares the lot on which the ADU is created shall occupy at least one of the dwelling units for a minimum of 6 months per year, which need not be a continuous time period.

E. Neither the ADU nor the principal unit shall be used for short-term rentals as defined under Article 2.2 of the Town of Baldwin Land Use Ordinance. The unit must have a minimum of a 6-month formal agreement associated with it.

F. All required permits must be obtained for construction of the ADU and a separate Certificate of Occupancy must be obtained for the ADU prior to occupation of the ADU. All ADUs must comply with the applicable restrictions set forth in 30-A MRA 4364B, as may be amended, including, but not limited to, restrictions regarding shoreland zoning, water and wastewater, and any applicable restrictive covenants. Should the owners of the principal single-family dwelling unit and the ADU be found in non-compliance of the standards contained in this section, the non-compliance shall be considered a violation of this ordinance and shall subject the owner(s) subject to fines and penalties and shall result in the Code Enforcement Officer issuing an order requiring the discontinuance of the ADU use and the automatic revocation of the Certificate of Occupancy for the ADU.

G. An ADU shall be at least 190 square feet and limited to a gross floor area of 750 square feet. The height of an ADU cannot:

- 1) exceed the height of the principal single-family dwelling unit, if the ADU is detached from all existing structures; or
- 2) exceed the height of the existing principal single-family dwelling unit or accessory structure to which the ADU will be attached, excepting an ADU constructed on the second story of an attached or detached one-story garage.

H. The ADU shall be clearly subordinate to the principal single-family dwelling unit in scale and position in relationship with the street and principal dwelling unit. The ADU building design and character will match that of the principal single-family dwelling unit.

I. The parking requirements of the Baldwin Land Use Ordinance shall not be considered when adding an ADU.

J. Proper ingress and egress shall be provided to the ADU.

K. An ADU shall have its own private entrance/exit, which is separate from the entrance/exit of the principal single-family dwelling unit.

L. One nonilluminated sign, no larger than three square feet in area, may be erected on the premises when a vacancy exists.

M. Any ADU created under Section 10.2 need not meet any of the requirements for minimum lot size for dwelling units or multifamily housing contained elsewhere in the Baldwin Land Use Ordinance.

10.13 Short-term Rental Units *(If desired, this Section to be Added here)*