

CHAPTER V: ACCESSORY DWELLING UNIT(S)

A. Accessory Dwelling Units (ADUs) are permitted in the Town of Nobleboro in order to:

- Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
- Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
- Provide additional privacy to multi-generational households;
- Provide housing units for persons with disabilities;
- Protect stability, property values, and the residential character of a neighborhood.

In addition to all other requirements of Nobleboro's Land Use Ordinances, Accessory Dwelling Units are subject to the following standards:

A.) General Requirements for Accessory Dwelling Units

1. A self-contained, independent living space, dwelling unit, located within, attached to or detached from an existing single family unit located on the same parcel of land.
2. One accessory dwelling unit shall be permitted per parcel which has a single- family dwelling or two-family dwelling, in the primary building or as a detached accessory dwelling. An accessory dwelling unit must be clearly an accessory to the principle dwelling unit(s) on the parcel.
3. ADU's are year-round residences for residential housing. ADU's are not short-term rental units (properties) and must meet the same requirements as a single family residence.
4. ADU's are not allowed on a vacant lot.
5. ADUs shall not be intended for sale and shall remain in common ownership with the primary dwelling unit.

6. The size of an accessory dwelling unit must meet the minimum size for a dwelling unit as set by the Town's adopted building code standards. An accessory dwelling unit must be a minimum of 190 square feet (unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies).and limited to a maximum size of 450 square feet if attached or 750 square feet if detached.
7. The accessory dwelling unit cannot exceed the square footage of the principal dwelling unit. This restriction includes space within the walls of the building, porches and decks, and basement space used for living purposes. If a building features, such as a porch, serves more than one dwelling unit, the floor area is divided between/among the dwelling units it serves.
8. An accessory dwelling unit may have no more than two bedrooms.
9. The unit will be a complete, separate living space and housekeeping unit containing both a kitchen and bath.
10. Accessory dwelling units 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 location.
 - d. When an ADU is significantly visible from one or more public ways, the building design shall:
 - 1) Be clearly subordinate to the principal structure(s) in scale and position in relationship with the street/road and principal structure(s), including locating the entrance to the ADU in a primary structure in such a subordinate position through locating it farther from the street/road, inside a common foyer, or on the side or rear of the primary building.
 - 2) Not include outside stairways or fire escapes above the ground floor unless required by life and safety codes.

11. The primary exterior materials of an attached ADU shall be similar in appearance to the primary exterior materials of the principal structure to the extent reasonable.
12. Accessory dwelling units shall comply with all dimensional requirements of the underlying land use overlays and growth districts as defined in Nobleboro's Comprehensive Plan. ADU's located entirely outside of the Shoreland Zone are not required to meet minimum lot area per dwelling unit requirement.
13. A detached ADU shall share the existing access drive of the primary residential dwelling unit.
14. An accessory dwelling unit is not subject to any additional on-site parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.
15. An accessory dwelling unit may be located within a preexisting non-conforming primary or accessory structure provided that the structure meets the requirements in Article 11 of this code and all other dimensional requirements (set back, coverage) are met.
16. The design of an accessory dwelling unit located in a non-conforming primary or accessory structure shall take into consideration to the extent practicable the privacy of adjacent properties as determined by the physical characteristics surrounding the accessory dwelling unit, including landscape screening, fencing, and window and door placement.
17. The height of a detached accessory dwelling unit shall not exceed the height of the primary structure.
18. A detached ADU must be designed and constructed to be visually compatible with and complementary to the principal residence.
19. In order to encourage the development of housing units for disabled and handicapped individuals, persons with limited mobility and older adults, the Code Enforcement Office may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

20. An accessory dwelling unit must comply with Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and the shoreland zoning provisions of Nobleboro's Land Use Code.
21. Shoreland Zoning requirements apply to ADU's (Chapter IX)
22. Additionally the construction of any ADU must be in conformity with all applicable federal, state and local laws, ordinances and regulations.
23. With respect to accessory dwelling units, the following condition applies notwithstanding any other provision of the Town's Land Use Ordinances (other than Shoreland Zoning provisions):
 - a. Accessory dwelling units are exempted from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.

B.) Building, Health, Fire and Safety Requirements:

All ADU's must meet the minimum requirements for a dwelling in relation to other codes (building, fire, plumbing etc.) not specific to ADU's and must provide for basic facilities for living sleeping, cooking and sanitation.

1. Accessory dwelling units must comply with the Town of Nobleboro's Life Safety Ordinance (Chapter VI).
2. The owner of a housing accessory dwelling unit must provide written verification that the accessory dwelling unit is connected to adequate water and wastewater services before the accessory dwelling unit may be certified for occupancy. Written verification under this subsection must include:
 - a. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;
 - b. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate

by a local plumbing inspector under Title 30-A, section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42 and.

- c. If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use as verified as adequate by a local plumbing inspector.
3. Creating an ADU in, or by adding on to an existing single- family house requires the dwelling unit comply with the requirements of the State's Fire Marshall's office NFPA101.
4. The new ADU must have its own electrical panel.
5. The wiring in the ADU can only serve the electrical loads in the ADU. Common loads such as a heating plant that serves the whole building, or lighting in common areas such as halls, stairways, the basement, etc.) cannot be served from the ADU's panel.

C.) Procedural Requirements and ADU Review Procedures

1. An accessory dwelling unit requires a permit from the Town's Code Enforcement Officer. If the creation of an accessory dwelling unit creates a subdivision, the project will require subdivision approval by the planning board before a building permit can be issued.
2. Prior to obtaining a building permit from the Code Enforcement Office the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to an adequate water and wastewater supply or services.
3. Application: Prior to consideration of the project by Nobleboro's Code Enforcement Officer the ADU Application must be completed and submitted to the Town Office.
4. Application Fee Required: In addition to all applicable building, electrical, plumbing and other permit fees, ADU applications and amendments shall cost a nonrefundable fee set by the Select Board..

5. The Code Enforcement Office shall conduct the administrative review of all applications for an ADU. All findings and decisions of the Code Enforcement Office shall be final except where subject to appeal to the Board of Appeals as provided in Chapter 15, Section R of the Nobleboro Land Use Ordinances.
6. It shall be the duty of the Code Enforcement Office to administer and enforce the provisions of this ordinance.
7. No building shall be constructed or changed in use or configuration until the Code Enforcement Officer has approved the ADU as meeting occupancy requirements of the town.
8. Noncompliant ADUs built prior to LD 2003 implementation will need to be found compliant by the Town of Nobleboro's Code Enforcement Officer. Fees and fines as determined by the Nobleboro Select Board may apply.
9. An affordable housing development approved on or after July 1, 2024 shall conform to Section C of the ADU ordinance

B. Development Standards for Accessory Dwelling Units.

1. One (1) accessory dwelling unit may be located in any District on any lot where a single-family dwelling unit is the principal unit.
2. Accessory dwelling units shall comply with the setbacks described in Article II, Section 2.5
3. An accessory dwelling unit shall be exempt from density and minimum lot area requirements.
4. An accessory dwelling unit shall be constructed only:
 - a. Within an existing dwelling unit on the lot;
 - b. Attached to a single-family dwelling unit; or
 - c. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.
5. An accessory dwelling unit shall not be subject to any additional off street parking requirements beyond the off-street parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

6. An accessory dwelling unit shall be a minimum of 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
7. Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the accessory dwelling unit shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:
 - a. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to supply any additional flow created by the unit and proof of payment for the connection to the sewer system.
 - b. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S.
 - c. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules;
 - d. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
 - e. If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well shall indicate that the water supply is potable and acceptable for domestic use.
8. Accessory dwelling units must comply with shoreland zoning and subdivision ordinances..
9. This ordinance should also not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

10. A property owner may construct an accessory dwelling unit under this Section or utilize the dwelling unit allowance under Article VI, Section 10. They shall not be allowed to take advantage of the allowances of both Section 9 and Section 10.

C. Affordable Housing Development - Density Bonus

1. In accordance with 30-A MRSA §4364, an automatic density bonus for certain affordable housing developments approved on or after July 1, 2024, shall apply to lots in zoning districts that have adopted density requirements, as described herein. For purposes of this section, the Planning Board shall verify that the development:
 - a. Is an affordable housing development as defined in this ordinance and by 30-A M.R.S. §4364(1);
 - b. Is in a designated growth area pursuant to 30-A MRSA §4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;
 - c. Is located in an area in which multifamily dwellings are allowed per this ordinance;
 - d. Complies with minimum lot size requirements; and
 - e. Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - 1) If a housing unit is connected to public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
 - 2) If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

- 3) If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit.
 - 4) If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
2. Long-Term Affordability: Prior to granting a certificate of occupancy or other final approval of an affordable housing development, the owner of the affordable housing development shall execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction.
 3. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy.
 4. For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.
 5. Density Bonus: If the requirements of Sections 1 and 2 are met, the affordable housing development shall be granted:
 - a. A dwelling unit density of 2.5 times the base density that is otherwise allowed in that area. If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number.
 - b. A reduction in parking requirements to no more than two (2) off-street parking spaces for every three (3) dwelling units of the affordable housing development. If fractional results occur when calculating the density bonus in this subsection, the number of parking spaces is rounded up to the nearest whole number.

D. Standards for Dwelling Unit Allowances – Affordable Housing

Beginning July 1, 2024, multiple dwelling units may be constructed on lots where housing is allowed, subject to the following requirements.

1. If a lot does not contain an existing dwelling unit, up to four (4) units shall be allowed per lot if the lot is located in an area in which housing is allowed and is located within a designated growth area identified in the current Nobleboro Comprehensive Plan. The four (4) dwelling units must be contained within one structure.
2. If a lot does not contain an existing dwelling unit and does not meet 1 above, up to two (2) dwelling units per lot located in an area in which housing is allowed. The two (2) dwelling units must be within one structure.
3. If a lot contains an existing dwelling unit, up to two (2) additional dwelling units may be allowed in the following configurations:
 - a. One within the existing structure or attached to the existing structure;
 - b. One detached from the existing structure; or
 - c. One of each.
4. If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot.
5. If more than one dwelling unit has been constructed on a lot as a result of this Section, the lot is not eligible for any additional units or increases in density using this provision or the provisions established under Article VI, Section 9.
6. If a lot with a dwelling unit in existence prior to July 1, 2024 is torn down and an empty lot results, for the purposes of this Section, the lot shall still be considered developed and Section 10.3 would be applicable. Dimensional, lot area, and setback requirements established under Chapter 5 of this ordinance shall apply to each dwelling unit on the lot.
7. Prior to obtaining a building permit from the Code Enforcement Officer, the owner of the dwelling unit(s) shall provide written verification that the proposed unit is to be connected to adequate water and wastewater services. Written verification shall include the following:
 - a. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

- b. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R.Ch. 241, Subsurface Wastewater Disposal Rules;
 - c. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
 - d. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), Land Use Districts and Standards. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
8. Regulations established in Article VI, Section 10 shall not supersede private, state or local standards which may be more restrictive, including but not limited to, homeowners' association regulations, deed restrictions, septic requirements, Shoreland Zoning, and Subdivision law.
9. Housing structures developed under this Section 10 must comply with Shoreland Zoning and Subdivision Ordinances. This ordinance should also not be construed to interface with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction, or other agreement or instrument between private parties that imposes greater restrictions than those provided in this ordinance, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

Refer to Chapter V, Section D for Development Standards for Accessory Dwelling Units.

A property owner may construct an accessory dwelling unit under Chapter V, Section A or utilize the dwelling unit allowance under Chapter V, Section E They shall not be allowed to take advantage of the allowances of both Section A and Section E