

Update for the “Planning for Accessory Dwelling Units Guidebook: Bath, Maine.”

(Effective September 27, 2023)

Periodically updates to this guidebook are needed as Maine municipalities implement **LD 2003 “An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.”**

Additionally, LD 1706 extended the implementation date to January 1, 2024 *“for municipalities that enact ordinances by municipal officers without further action by the voters of the municipality and July 1, 2024 for all other municipalities.”*

(For more information, see page 2 and research [LD 2003 Guidance materials](#) at maine.gov/decd).

In September 2023, the City Council of Bath voted in changes to its ADU ordinance designed to conform to LD2003 and more may be necessitated as Bath undertakes an extensive re-write of its land use code in the coming months.

Bath ADU Ordinance changes effective September 27, 2023

(the original ordinance is on pages 13 & 14 of the guidebook).

- **Size** (11.40.A.2): The ordinance revision adds an additional dimensional standard of; **“minimum size of 190 square feet and no larger than 850 square feet”**.
- **Dimensional Requirements** (11.40.A.5): The new language reads **“All ADUs shall comply with all dimensional requirements of the underlying zone, except that ADUs located entirely outside of the shoreland zone are not required to meet dimensional requirements for lot coverage and lot area per dwelling unit.**
- **Parking** (11.40.A.6): **“For an accessory dwelling unit constructed on a lot with a single-family dwelling unit on it, no additional on-site parking is required for the accessory dwelling unit.”**
- **Permitting Process:** Section 11.4.A.14 (Deleted 11.4 B & C): Replace with **“Accessory Dwelling units require a permit from the Codes Enforcement Officer. If the creation of an accessory dwelling unit creates a subdivision, the project will require subdivision approval before a building permit can be issued.”**

According to the [Bath City Planner, Jenn Curtis](#), the ordinance has been revised so that permits for detached ADU’s may be handled through the Codes Enforcement Officer if it does not hit the threshold for being a subdivision. Hitting the subdivision threshold would trigger a subdivision plan review with the Planning Board. See below:

“Application review for proposed ADUs will primarily be done by Code Enforcement, consistent with how single-family homes are reviewed. The Planning Office would get involved if the addition of an accessory dwelling unit constitutes 3 or more lots or dwelling units on a parent lot within a five-year period (which is the threshold for being considered a subdivision by Maine law). In all cases, applicants should start by explaining their intended project to the Code Enforcement Office, who will direct them as to what approvals will be needed.”

Bath's Codes Officers, Scott Davis and Shane Kindlimann, explain:

"...ADU's are only allowed on a parcel that has an existing single-family or two-family dwelling unit, in the primary building or in an addition or as a detached building."

"ADU's are not allowed on a vacant lot. If someone wants to build a new single family or two family dwelling unit with an ADU, they can secure a permit for the single or two family dwelling unit, build the building including the space where the ADU will go, and once the building is up, amend the permit to include the ADU."

For all of the municipalities in the Age Friendly Communities of the Lower Kennebec, to get the latest ordinance information for LD 2003 for your community, go to your city or town's website:

Arrowsic: www.arrowsic.org

Bath: www.cityofbath.com

Georgetown: www.georgetownme.com

Phippsburg: www.phippsburg.com

West Bath: www.westbath.org

Woolwich: www.woolwich.us

More on LD 2003: The maine.gov website describes LD 2003 as follows:

"LD 2003 focuses on removing regulatory barriers to increase housing production in Maine, while preserving municipal ability to create land use plans and protect environmental resources. This legislation requires municipalities to create or amend local ordinances to allow for:

- *Additional density for affordable developments in certain areas;*
- *Multiple dwelling units on lots designated for residential use; and*
- *One accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where residential uses are permitted."*

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www.agefriendlylowerkennebec.org.