



**MUNICIPAL OFFICERS' CERTIFICATION OF THE OFFICIAL TEXT OF PROPOSED ORDINANCE(S)
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Ogunquit, Maine:

We hereby certify to you that the documents to which we have affixed this certificate are a true copy of the official text of an ordinance(s) entitled:

1. Chapter 225 – Zoning Ordinance §225-9.1 Accessory Dwelling Units

Which is to be presented to the voters for their consideration on June 13, 2023.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Approved on this 14th day of February 2023, by a majority of the Select Board



Robert M. Whitelaw, Chair



Carole J. Aaron, Vice-Chair



Richard A. Dolliver

Heath R. Ouellette



Scott A. Vogel

Chapter 225 – Zoning Ordinance
Article 9

Accessory Dwelling Units

§ 225-9.1 Accessory ~~affordable apartments~~ Dwelling Units

As an accessory use to a single-family dwelling, the creation and renting of a single apartment within the dwelling, ~~at an affordable rent,~~ attached to the dwelling or freestanding from the main dwelling shall be permitted, provided all of the following conditions are met:

~~A. There shall be no new external construction to increase the size of the structure to accommodate the accessory apartment, except as may be required by life safety codes. However, there may be construction within the home to accommodate the accessory apartment.~~

A. An accessory dwelling unit must meet a minimum size of 190 square feet and shall be no larger than 700 square feet.

~~B. The water and sewage facilities shall meet all existing laws and codes.~~

B. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate potable water and wastewater services before the municipality may issue a certificate of occupancy. Written verification under this subsection must include:

1. 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;

2. 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 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;

3. 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 accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the accessory dwelling unit; and

4. 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.

~~C. The building is owner-occupied.~~

C. The primary dwelling is owner occupied. If leased the accessory dwelling unit shall be occupied by the lessee for a duration of not less than twelve consecutive months. Accessory dwelling units shall not be leased or rented as short-term rentals.

- D. The building is located on a conforming lot for a single-family dwelling in the district in which it is located, or is located on a nonconforming lot as defined in Article 2 of this chapter.
- ~~E. One off-street parking space is provided for the accessory apartment, in accordance with the dimensional and design requirements of this chapter. This parking space shall be in addition to the parking required for the single-family dwelling.~~
- ~~F. E.~~ **E.** All required permits are obtained for construction of the accessory ~~apartment~~ **dwelling unit, including a Design Review approval in all zoning districts,** and a certificate of occupancy is obtained prior to the ~~apartment~~ **accessory dwelling unit** being ~~rented~~ **occupied.**
- ~~F.~~ The accessory apartment is no larger than 40% of the total area of the single-family dwelling or 800 square feet, whichever is smaller.
- F.** **Any accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply.**
- ~~G.~~ The rent for the accessory apartment is affordable, as defined by this chapter in the definition of affordable housing (renter-occupied units) in Article 2.
- G.** **Only one accessory dwelling unit shall be permitted per lot.**
- ~~I.~~ Any apartment created under this section need not meet any of the dimensional or area requirements for dwelling units or multifamily housing contained in the density requirements of Table 703.1 or other sections of this chapter. If any one or more provisions in Subsections **A** through **H** of this section cannot be met, an additional apartment may only be created if all applicable density or other requirements for an additional dwelling unit can be met.