

Topic:	Accessory Uses, Healthy Communities
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Municipality:	City of Biddeford
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Title	Accessory Dwelling Units
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Allows ADUs to provide additional housing choice for its residents. This code focuses on moderate income housing and requires the owner of the primary dwelling and ADU reside in one of the units, but does not specify the requisite time period. The ADU may not exceed 900 square feet or 35% of the primary dwelling unit size. Biddeford sets moderately strict requirements for stairways, balconies, parking, entrances, exterior materials, lot orientation, and number of occupants.

Accessory Dwelling Units (ADUs)

Accessory Dwelling Units (ADUs) are permitted in Biddeford 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 housing units for persons with disabilities;
- Protect stability, property values, and the residential character of a neighborhood.

Procedural Requirements

Review Procedure

One ADU is permitted per residentially zoned parcel, except within the Coastal Residential (CR) Zone, including the RP and LR overlay districts within the CR Zone, where ADUs are not permitted. ADUs are also permitted on non-residentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of January 1, 2017. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.

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 Zoning Board of Appeals as provided in Article IX of the Biddeford Land Development Regulations.

Application Fee Required

In addition to all applicable building, electrical, plumbing, etc., permit fees, ADU applications shall cost a nonrefundable fee of \$200.

Use and Dimensional Regulations

The Code Enforcement Office may issue a building permit authorizing the installation and use of an ADU within an existing or new owner-occupied, single-family dwelling, attached to an existing or new owner-occupied, single-family dwelling, or in a detached structure on a single-family home lot only when the following conditions are met:

- The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
- Only one ADU may be created within a single-family house or house lot.
- ADUs may be created on lots meeting the minimum lot size for a single-family dwelling in the zoning district or on legally nonconforming lots as of January 1, 2017.
- ADUs shall not be intended for sale and shall remain in common ownership with the principal dwelling unit.
- All ADUs shall have a gross floor area of at least 300 square feet.
- The gross floor area of an ADU (including any additions) shall not be greater than 35% of the gross floor area of the principal dwelling unit or 900 square feet, whichever is greater.
- Once an ADU has been added to a single-family residence or lot, the ADU shall never be enlarged beyond the 35% of the gross floor area of the principal dwelling unit or the 900 square feet allowed by this ordinance.
- Rooftop decks are not permitted.
- Balconies shall not face interior side lot lines.
- An ADU may not have more than two bedrooms.
- The construction of any ADU must be in conformity with all applicable federal, state and local laws, ordinances and regulations.
- One off-street parking space is required for an ADU unless legal on-street parking or publicly supplied off-street parking is located within 1,000 feet. Tandem parking is permitted.
- Internal ADUs shall also comply with the following:
 - Internal ADUs shall not result in additional entrances facing a public street on the primary structure.
 - Any stairways leading to the internal ADU shall be enclosed.
- Attached ADUs shall also comply with the following:
 - Attached ADUs shall not result in additional entrances facing a public street on the primary structure.
 - Any stairways associated with an attached ADU shall be enclosed.
 - The primary exterior materials of an attached ADU shall match the primary exterior materials of the principal structure.
- Detached ADUs shall also comply with the following:
 - Not less than 10% of the total area of the facade of a detached accessory dwelling unit facing an alley or public street shall be windows.
 - Exterior stairways shall be allowed, provided that the finish of the railing matches the finish or trim of the detached accessory dwelling unit. Raw or unfinished lumber shall not be permitted on an exterior stairway.

In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, 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.

Occupancy Requirements

The owner(s) of the residence in which the ADU is created must continue to occupy either the ADU or the principal dwelling unit.

If an owner is unable or unwilling to fulfill the requirement to occupy either the ADU or the principal dwelling unit, the owner shall remove those features of the ADU that make it a dwelling unit.

An ADU may not be occupied by more than three people.

Administration and Enforcement

It shall be the duty of the Code Enforcement Office to administer and enforce the provisions of this ordinance.

No building shall be constructed or changed in use or configuration until the Code Enforcement Officer has issued a permit. ADUs shall not be occupied until a certificate of occupancy has been issued by the Code Enforcement Office.