



## Accessory Dwelling Units

An accessory dwelling unit (ADU) in Bath is a dwelling unit that's created on a property that has a single family or two-family dwelling unit on it. The property can also have other uses on it. The ADU can be created within the walls of the existing building, by adding on to the building, or by putting it in a detached building on the property. Unlike a conventional dwelling unit, ADUs are exempt from the "lot area per dwelling unit" requirements of the Land Use Code (zoning ordinance). In most zoning districts, new dwelling units require a certain amount of lot size to be allowed. ADUs do not. The Land Use Code requirements for ADUS are in section 11.40 of the Code, available on the Codes Enforcement page of our website.

An ADU cannot be larger than 850 square feet in total floor area, or 80% of the floor area of the principal dwelling unit(s) in the building if it or they are smaller than 1000 square feet. This includes space within the walls of the building, porches and decks, and basement space used for living purposes. If a building feature, such as a porch, serves more than one dwelling unit, the floor area is divided between/among the dwelling units it serves. An ADU cannot be rented for a period of less than 90 days.

### **Creation of an accessory dwelling unit creates new sewerage.**

ADUs on City sewer that tie into a building's existing sewer piping do not require a new sewer line to the City main, or a sewer permit, but do require payment of a sewer impact fee, which is a one time payment at the time of the building permit application, based on the number of bedrooms in the ADU (up to two are allowed) that helps fund the operation and upgrading of the City's sewer system (\$1980 for one bedroom, \$2970 for two bedrooms). An ADU in a detached building requires its own sewer line that connects the building to the City sewer main, a sewer permit, and payment of the sewer impact fee. If an ADU is served by a septic system, the system must be properly sized to accommodate the ADU. ADUs not on the City sewer system require no City sewer permit or sewer impact fee. Enlarging a septic system requires a septic system permit.

### **ADUs have to meet applicable building and fire codes.**

Creating an ADU in, or by adding on to an existing single- family house requires the dwelling units to be separated from each other with one hour fire rated walls and ceilings. This is typically accomplished by adding sheetrock to existing walls and ceilings to add fire resistance, depending on how the existing walls and ceilings are constructed.

Adding an ADU to a two-family dwelling requires one of the following:

1. The whole building has to be sprinklered with a residential type system (NFPA 13 R), and the dwelling units have to be separated from each other by one hour rated construction.

2. The whole building has to be sprinklered with a commercial type system (NFPA 13), and the dwelling units have to be separated from each other with ½ hour rated construction.
3. If the ADU is in an addition, and the addition is separated from the rest of the building with a two hour rated fire wall, neither the ADU nor the rest of the building has to be sprinklered, and the dwelling units in the original building do not need to be fire separated. The design of the fire wall has to be stamped by a Maine licensed architect.

The project plans to add an ADU to a two family building will have to be stamped by a Maine licensed architect regardless of which option above is chosen if the project costs over 15% of the assessed value of the building, or \$50,000, whichever is less.

If the project of adding an ADU to a two-family dwelling costs over 15% of the assessed value of the two-family dwelling, or \$50,000, whichever is less, the plans for the project have to be stamped by a Maine licensed architect.

**The new ADU has to have its own electrical panel.**

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. Comingled loads in a two-family dwelling that is having an ADU added to it do not have to be separated due to the addition of the ADU.

**Parking**

An ADU constructed on a lot with a single-family house on it does not require any on-site parking for the ADU. An ADU constructed on a lot with a two-family house on it requires two parking spaces on site for the ADU, in addition to the parking for the two-family house.

The Codes Officer can advise you on your project, and we're glad to answer any questions.

4-8-24