

Planning for Accessory Dwelling Units A Guidebook

Bath, Maine

September 2022



A digital copy of this guidebook can be found at the City of Bath website or at
www.agefriendlylowerkennebec.org

Our Grant Partners

This guidebook and the broader campaign to generate awareness on the benefits of Accessory Dwelling Units in Bath could not have been done without the effective collaboration and assistance of our project partners: Age-Friendly Communities of the Lower Kennebec, the City of Bath, and Bath Housing. The generous funding from the AARP 2022 Community Challenge Grant supported this project to make our region livable across the lifespan through a variety of housing choices. It is our great pleasure to work together for housing options that will benefit the economy, infrastructure, and community.



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Accessory Dwelling Units (ADU) Overview

Accessory Dwelling Units (ADUs) are residential units built on properties already containing a primary residence. ADUs can exist as a stand-alone structure or as a modification to a basement, attic, garage, or interior of an existing structure, and constitute a separate dwelling space.

ADUs come in a variety of shapes and sizes, designed to best suit the need of each homeowner. ADUs are smaller than the primary structure, and are equipped with a bedroom/sleeping area, bathroom, kitchen, and living space to create a private and functional residence for inhabitants.

The ADU ordinance adopted by the City of Bath requires rentals of 90 days or more. It is designed to create more long-term housing rather than short-term rentals.



Accessory Dwelling Units come in many shapes and styles. Source: <https://commons.m.wikimedia.org>

Reasons to Build an ADU: Multigenerational Housing

ADUs provide flexible living arrangements for a property owner and their family. Oftentimes, ADUs provide space for young adults to have the privacy of a place of their own while staying close by and saving on rental costs. They also offer an opportunity for older family members to move in and have easy access to grandchildren, care, or simply to downsize and be closer to loved ones. ADUs allow multigenerational households while keeping the privacy and independence of different couples or persons, allowing a tightly knit family structure without sacrifices that sometimes can come with sharing a regular single-family home.

Reasons to Build an ADU: Community Benefits

There is a severe housing shortage throughout Bath and the Midcoast region. This shortage of housing exists for all income levels but is alarming for low to moderate income populations. Not only is there a lack of housing, but a lack of housing choice; the types of housing available do not fit community needs. The Age-Friendly Communities of the Lower Kennebec conducted a regional survey. It received over 500 responses from Bath residents. Many respondents worried that their housing situation did not fit their future needs. Three out of five expected to have to modify their homes to be able to stay; more than half anticipated having to move and many worried about not having enough money to sustain their home.

ADUs offer an opportunity for a homeowner to combat the housing shortage and make a direct and substantial impact on the lives of a person or family looking for housing. ADUs also allow older individuals to age-in-place. A homeowner can build an ADU with features that make it easier to age-in-place; including single floor living, a bathroom on the main floor, and kitchen modifications that make it safer to cook from a wheelchair or with a walker. Whether an older adult decides to build an ADU and move into it, or build an ADU for additional rental income, both options can help an older adult remain in their home.

An increase in available housing such as ADUs will help our community attract the employees needed in our businesses, restaurants, and stores. A recent Bath Housing survey estimated that Bath currently needs a minimum of 200 housing units. If just 5% of homeowners added an ADU, that could bring 132 workforce housing units into the market, a tremendous boon for our community.

Reasons to Build an ADU: Financial Incentives

In addition to the benefits of living with your family, the financial incentives to constructing an ADU on your property are numerous. After your ADU has been constructed, you have the option of renting it out just like any other dwelling unit for long term rentals, providing another source of income while helping to increase housing availability for residents in our city. Additionally, the creation of an ADU on your property can improve the property value of your home significantly. Modifications made to your home, such as a refinished basement, can increase the resale value of your house, as will the creation of detached units that are appealing to larger families or people seeking homes with an income-generating opportunity.

Note: Bath's ADU ordinance requires ADUs to be rented 90 days or longer. They may not be used for short term rentals.

A financial worksheet is provided on page 10 to help you assess the economic viability of an ADU for you. It is suggested that you speak to your financial advisor.



What Does the City of Bath ADU Ordinance Include?

The ADU ordinance adopted in 2022 by the City of Bath is on page 12 of this guide and on the City of Bath website. Here is a summary in layperson's language of what the ADU ordinance includes. Ordinances are subject to change over time, so please visit the City of Bath website (www.cityofbath.com) to update your understanding of this ordinance.

- One ADU is permitted per property that currently contains a primary dwelling unit.
- The ADU can be built attached to or within the preexisting primary dwelling or as its own freestanding structure.
- ADUs may only be built on properties in which the primary dwelling unit is either a single-family home or a duplex.
- The ADU must be clearly accessory to the primary dwelling.
- An ADU may be no larger than 850 square feet or 80% of the square footage of the primary residence, whichever value is lower.
- An ADU may have at maximum two bedrooms
- Each ADU requires at least one on-site parking space additional to the required parking for the primary residence. This requirement can be waived in the instance of an established off-site parking agreement.
- ADUs must consider the privacy of the ADU and neighboring residences in their design.
- ADUs may not exceed the height of the primary dwelling.
- ADUs may not be used as a rental property for leases less than 90 days.
- All ADUs must receive permits before construction from the Code Enforcement Office if attached to the primary dwelling, or the Planning Board if detached.
- All ADUs must meet the minimum requirements for a dwelling in relation to other ordinances not specific to ADUs, and must provide basic facilities for living, sleeping, cooking and sanitation.



Renting Your ADU

If you decide to rent out your ADU, you become a landlord, which comes with certain responsibilities. Most importantly, make sure that you have a written lease, and it is read and signed by all involved parties. Keep in mind any legal restrictions that are placed on rentals. ADU rental agreements in Bath will need to stipulate that rentals are for 90 days or more to maintain compliance with the ordinance.

It is important to remember that ADUs, as separate legal dwellings entitle tenants to certain protections and rights in their relationship to you as their landlord. Just as with other forms of rental properties, the rights, protections, and procedures remain the same even though the dwelling may be on the property of your primary residence.

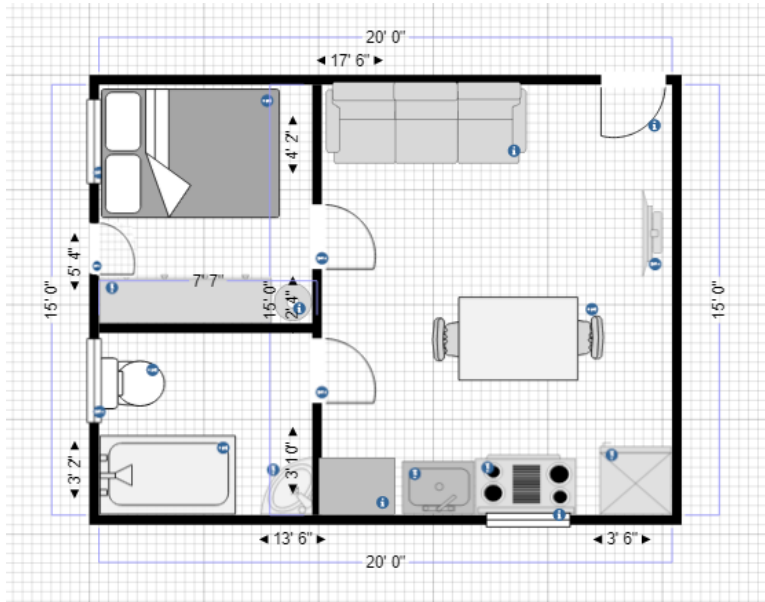
Before leasing an ADU, familiarize yourself with the responsibilities involved in a landlord-tenant relationship and consult a lawyer if you have any questions.



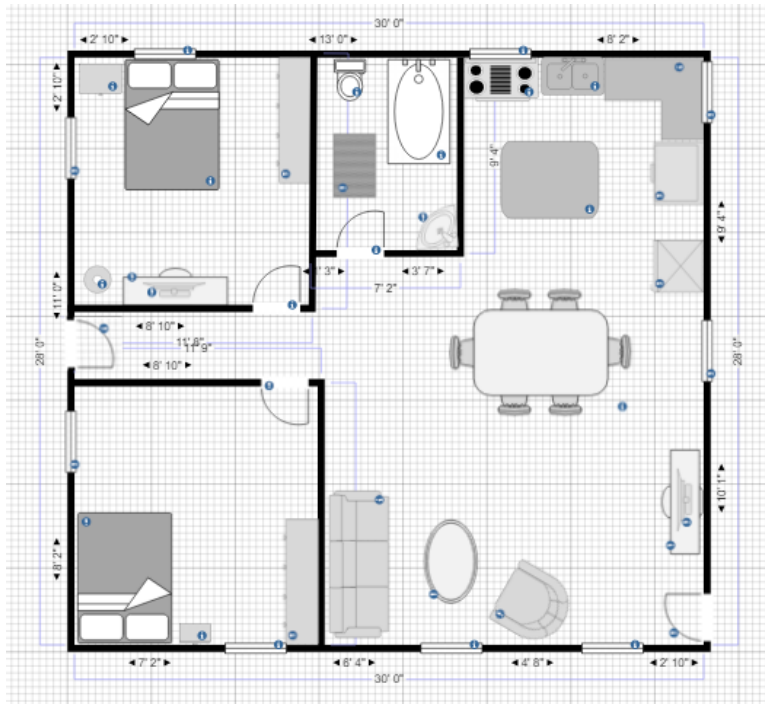
Sample Floor Plans

A variety of floorplans are available online. A few examples are shown below.

Example Converted Garage Floorplan, 300 Square Foot 1 Bedroom/1 Bath



Larger Detached Unit Example Floorplan, 840 Square Feet 2 Bedroom/1 Bath



Design and Construction Tips

There are many building professionals that can help advise on the design and construction of an ADU. An architect or design professional can aid in drafting plans. There are numerous local architects in the Midcoast region that can be found by searching online. Oftentimes construction companies have staff who can assist with ADU design. These professionals can also help guide you through the code or ordinance requirements for construction. Your ADU should be designed to fit your specific needs and wants, as well as the constraints of your property. In many cases, it is more cost- and space effective to modify an existing primary dwelling and convert areas such as garages, attics, or basements into a private dwelling, as opposed to the construction of an entirely separate unit on the property.

Tip: You may wish to also talk with neighbors before engaging in the construction of an ADU, especially if there will be significant construction. While this step is not required, it can aid in navigating future possible disagreements. If the construction of an ADU may result in new windows or landscaping changes between properties, issues may emerge that are better dealt with by taking into consideration how the changes may impact your neighbor before construction begins.



ADU Project Budget – Worksheet

Use this worksheet to get a sense of how the economics of building an ADU might work for you.

1) Potential Expenses	Projected Cost per Expense
• Design Cost	\$
• Permitting Cost	\$
• Construction Cost	\$
• Loan Closing Costs	\$
• Other Up-Front ADU Costs	\$
2) Total Development Cost	\$

3) Anticipated Monthly Rental Income	\$
Monthly Costs for ADU	Cost per Expense
• Monthly Loan Payment	\$
• Monthly Property Tax Prorated	\$
• Monthly Insurance Prorated	\$
• Monthly ADU Utility Cost if Owner Responsibility	\$
• Other Monthly Costs Attributed to ADU	\$
4) Total Monthly Cost	\$
5) Net Monthly Income – Subtract 4 from 3.	\$

Resources Available to Fund an ADU	Amount Available
• Cash	\$
• Home Equity Loan	\$
• Home Equity Line of Credit	\$
• Other Potential Resources	\$
6) Total ADU Funding Available	\$
7) Subtract 2 from 6 to assess costs against funding available to build.	\$

This page is loosely based on Appendix B of the New Hampshire Homeowner’s Guide to ADUs.

Required Permit – Checklist

Building permits are required for all ADUs. Additional permits, such as plumbing, electrical, and heating are required depending on each individual project. The contact to obtain construction permits is the Codes Enforcement Officer ([207-443-8334](tel:207-443-8334)). Plumbing, electrical, and heating work in an ADU can only be done by properly licensed professionals.

Detached ADUs also require site plan review and a sewer permit. During site plan review, the planning board reviews the project. The contact person for that process is the City Planner ([207-443-8363](tel:207-443-8363)). A sewer permit can be obtained through the Public Works Department ([207-443-8357](tel:207-443-8357)).

Applying for a Building Permit:

1. Complete the [building permit application](#). Fill in all applicable blanks.
2. Make sure to sign the permit.
3. If you have drawings, plans, etc. showing the work, provide two copies of them. One we keep and one we return to you with the permit.
4. Provide a site diagram showing the property lines, buildings, and the work you would like to complete. Drawings do not need to be professionally prepared, but it needs to be neat and accurate.
5. Submit the application, site plan, any other materials, and fee to the Codes Enforcement Office.

In addition to the required permits and approvals, there are required fees and deposits that must be paid before you begin construction. Information on these fees can be found on the City Website or by contacting city staff.

City of Bath ADU Ordinance

SECTION 11.40 ACCESSORY DWELLING UNIT [added March 23, 2022]

In addition to all other requirements of the Code, accessory dwelling units are subject to the following standards:

A. General Requirements for Accessory Dwelling Units

1. One accessory dwelling unit shall be permitted per parcel that has a single-family dwelling or two-family dwelling, in the primary building or as an accessory building. An accessory dwelling unit must be clearly accessory to the principal dwelling unit(s) on the parcel.
2. The size of an accessory dwelling unit must meet the minimum size for a dwelling unit as set by the City's adopted building code standards and be no larger than 850 square feet. For principal dwelling units 1,000 square feet or smaller, an accessory dwelling unit may be no greater than 80% of the size of the principal dwelling unit, as measured in square feet. An accessory dwelling unit may have no more than two bedrooms.
3. An accessory dwelling unit 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 zone.
4. When an ADU is significantly visible from one or more public ways, the building design shall:
 - a. Be clearly subordinate to the principal structure(s) in scale and position in relationship with the street and principal structure(s), including locating the entrance to the ADU in a primary structure in such a subordination position through locating it farther from the street, inside a common foyer, or on the side or rear of the primary building.
 - b. Not include outside stairways or fire escapes above the ground floor unless required by life and safety codes.
5. Accessory dwelling units shall comply with all dimensional requirements of the underlying zone except for lot coverage and lot area per dwelling unit requirements.
6. Each accessory dwelling unit shall have one on-site parking space in addition to the parking required for the principal dwelling. Tandem parking is permitted. The additional parking space can be located off-site if there is an approved shared parking agreement in accordance with Article 11.34.

7. 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 6 of this code. 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.
8. The height of a detached accessory dwelling unit shall not exceed the height of the primary structure.
9. An accessory dwelling unit shall not be used as rental property for less than 90 days.

B. Approval of Attached Accessory Dwelling Unit

An attached accessory dwelling unit is allowed, as per the Land Use Table in Section 9.1.8.1, only if it has received a permit from the Code Enforcement Office. An attached accessory dwelling unit must meet the requirements of Article 11.40 A in accordance with the requirements of this section.

C. Approval of Detached Accessory Dwelling Unit

A detached accessory dwelling unit is allowed as per the Land Use table in Section 9.1.8.2 only after site plan approval from the Planning Board, and it must meet the requirements contained in Section 11.40 A.

Additional Resources

City of Bath ADU Ordinance

www.cityofbath.com



City of Bath Permit

<https://www.cityofbath.com/permits-applications>



City of Bath Codes Office Contact Information

Codes Enforcement Officer Adam Jones
www.cityofbath.com/departments/CodesEnforcement
(207) 443-8334
ajones@cityofbath.com



Maine State ADU Legislation

<https://legislature.maine.gov/legis/bills/getPDF.asp?paper=HP0725&item=3&snum=129>



AARP All About Accessory Dwelling Units

<https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus.html>



Age-Friendly Communities of the Lower Kennebec

www.agefriendlylowerkennebec.org

