

SECTION IX. PERFORMANCE STANDARDS.

11. Fees

1. An application fee shall be paid at the time of submission to the Planning Department. The fee is listed in Chapter 311, Schedule of Fees, of the Town Ordinances. The applicant is responsible for the cost incurred by the Town for assistance provided to the Town for review of the application by consultants.

J. PERFORMANCE STANDARDS – ACCESSORY UNITS [11/05/03][Amended 02/15/12]

The following standards are intended to allow the addition and use of one accessory unit to a single family dwelling in a manner that will preserve the single family residential character of the property and neighborhood. The Code Enforcement Officer may issue a permit for the construction on an accessory unit only if the Accessory Unit adheres to the following standards:

- A. The owner(s) of the lot on which the principal structure is located must reside in the principal structure or the accessory unit, either of which residence may be seasonal. An accessory unit may be located on a lot which the owner occupies as a seasonal residence; however, neither the accessory unit nor the single-family dwelling shall be rented for less than 28 continuous days. For this purpose, “season” means any three consecutive months during a twelve (12) month period.
- B. The number of occupants of the accessory unit is limited to two.
- C. The living space of an accessory unit shall not exceed the following percentage of living space of the single family dwelling to which the unit is accessory or the following maximum amounts, whichever are applicable:

If the living space of the single family dwelling is:	The living space of the accessory unit shall not exceed:
Under 2,000 sq. ft.	40% or 750 sq. ft., whichever is greater
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 750 sq. ft., whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft., whichever is greater
Over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

- D. Accessory units are permitted on nonconforming lots, but the structures in which they are located (attached or detached), shall meet the lot coverage requirements for the district in which they are located.
- E. In order for an accessory unit to be added to an unsewered lot, the lot must comply with the requirements of the state minimum lot size law, 12 M.R.S.A. §§ 4807 – 4807-G for multiple unit housing as well as all the provisions of the Maine State Plumbing Code and the Town of Scarborough Plumbing Ordinance. The applicant shall have the burden to establish the lot area, which burden may include a survey signed and sealed by a Professional Land Surveyor, at the discretion of the Code Enforcement Officer. The septic system on the property in question shall be functioning properly at the time of application for accessory unit approval.
- F. A minimum of 1 off-street parking space shall be provided for an accessory unit in accordance with Section XI. Off-Street Parking Regulations of this Ordinance.

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- G. Proper ingress and egress shall be provided to the accessory unit.
- H. Only one accessory unit per principal structure shall be permitted on a lot.
- I. The accessory unit and the principal structure must be serviced by common utility meters, unless the utility company providing the service refuses to do so. Should a utility company be unwilling to service the accessory unit with a common meter, the applicant must provide the Code Enforcement Officer with a letter signed by the utility company so stating, with specific reasons for the refusal.
- J. Accessory units shall retain and respect the existing streetscape, character of the neighborhood, and preserve the single-family appearance, architectural style, and character of the original dwelling and property. Outside stairways (either open or closed) that service accessory units on upper stories are permitted, provided that they are integrated into and consistent with the architecture of the building. Outside stairways serving upper stories shall not be located on the side of the building that faces the street, except in the case of a building on a corner lot that fronts two or more streets, a stairway may be allowed on one of the sides of the building that faces a street if no reasonable alternative exists.
- K. All municipal and state buildings codes in effect at the time of application must be followed.
- L. An applicant for a permit for an accessory unit may also apply to the Zoning Board of Appeals for a limited reduction of yard size under Section V.B.5 of this Ordinance where such reduction is reasonably necessary to allow construction of the accessory unit.
- M. Should the owner(s) of the principal structure be found in non-compliance with the standards contained in this section, the non-compliance shall be considered a violation of this Ordinance, and the structure shall revert to a single family dwelling or the previous use.
- N. In order for an accessory unit to be located in a detached accessory structure, the following requirements must be met: [09/05/07]
  - i. The detached accessory structure must be located no further than 100 feet from the nearest point of the principal structure;
  - ii. The detached accessory structure must be designed and constructed in the style of a garage, barn, storage building, carriage house, accessory cottage, or similar structure customarily located on the same lot with a single-family residence.

### K. PERFORMANCE STANDARDS – HOSPICE (Amended 08/17/05)

In the RF, RFM, R2, R3, R4, VR2, and VR4 zoning districts, the Board of Appeals may issue a special exception for the establishment of a hospice facility. In addition to meeting the standards for special exceptions in Section IV(I)4, the following standards shall also apply to any hospice facility.

1. The minimum lot area shall be four times the required minimum lot area for the zoning district in which it is proposed, except in the Rural Residence and Farming District in which the required minimum lot area shall be 5 acres.