



Planning & Code Enforcement
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ACCESSORY DWELLING UNIT ORDINANCE ACKNOWLEDGEMENT & REGISTRATION

Property Address: _____ Map: _____ Lot: _____

Property Owner Name, Phone # and E-Mail: _____

City of Westbrook Code of Ordinance §335-2.2

The following general regulations in this article apply to this chapter.

A. Owner/lessee. The regulations pertaining to an owner of property also pertain to a lessee.

B. Person. The regulations pertaining to a person apply also to a partnership, corporation, or any other legal entity.

§ 335-2.2

Accessory dwelling unit.

[Amended 11-17-2014; 4-23-2018 by Ord. No. 2018-44; 12-4-2023 by Ord. No. 2023-127]

A. Purpose. The City of Westbrook provides these accessory dwelling unit (ADU) regulations to increase the supply of affordable housing, encourage provision of housing that meets the needs of a variety of household types, encourage infill development that is compatible in scale and character with existing residential uses, and to encourage infill development that makes better use of existing public investment in streets and utilities.

B. Applicability. An accessory dwelling unit (ADU) is permitted as an accessory use to a new or existing single-family dwelling unit.

C. Authority. Permitting and enforcement is conducted through the Code Enforcement Office.

D. Permit required. A building permit and a certificate of occupancy are required for the construction or formation of an ADU.

E. Standards.

(1) An ADU can be constructed:

(a) Within a principal structure on the lot; or

(b) Attached to or sharing a wall with principal structure; or

[1] For the purpose of ADUs, "attached" means either connected by a shared wall to the principal structure or an enclosed habitable (as defined by the building codes) space.

(c) As a new detached structure on the lot for the primary purpose of creating an ADU; or in an existing accessory structure, that is compliant with all building codes for human habitation and meets the district setback standards.

(2) For an ADU within or attached to the principal structure, the ADU and the principal structure may be served by a common utility meter.

(3) A detached ADU shall share the access drive of the principal structure.

(4) No more than one ADU is permitted on a lot.

(5) The owner of the principal structure must reside in either the principal dwelling unit or the ADU. This restriction shall be included in the certificate of occupancy. The ADU shall not be intended for sale and shall remain in common ownership with the principal dwelling unit (single-family dwelling).

(6) No additional off-street parking is required for the ADU beyond the requirement of the single-family dwelling unit.

(a) Prior to the issuance of a building permit or certificate of occupancy for the ADU, the lot must demonstrate adequate off-street parking is provided for the single-family dwelling unit as required in § 335-13.6B.

(7) The ADU shall contain a maximum of 800 square feet of habitable (as defined by the building codes) floor area. The floor-to-ceiling height of all habitable floor area shall be a minimum of seven feet. Minimum size of an ADU is 190 square feet.

(8) Any new construction for an ADU must meet all applicable setbacks, lot coverage, and building height requirements.

(9) All ADUs shall be constructed on permanent foundations that meet applicable building codes.

(10) Utility connections. ADUs must be connected to adequate water and wastewater services.

(a) Owner of the ADU must provide written verification that the unit can be connected to adequate potable water and wastewater services.

(b) For potable water: The owner of the ADU must provide proof of access to potable water for a well or approval to connect to a public water source must be provided. For wells, testing may be required to demonstrate water supply is potable and acceptable for domestic use. If the lot is served by public water, both the single-family home and the ADU must be connected to public water.

(c) For wastewater:

[1] If on septic, the septic system on the property in question shall be functioning properly at the time of application for building permit approval.

[2] If on public sewer, the owner must provide proof of access into the public system, additional flow approved and fees paid, as required, by the Wastewater Department. If the lot is served by public sewer, both the single-family home and the ADU must be connected to public sewer.

(11) If a short-term rental ordinance is adopted by the City, ADUs will be subject to that ordinance.

I, the undersigned, acknowledge receipt of this ordinance and agree to abide by its content or be subject to the removal of the Accessory Dwelling Unit.

Printed Name(s): _____

Signature(s): _____ **Date:** _____