



**Town of Falmouth BOARD OF ZONING APPEALS**  
**CONDITIONAL USE APPLICATION**  
**5.22.1 Accessory Dwelling Units**

Name of Applicant: \_\_\_\_\_ Phone # \_\_\_\_\_

Address of Property \_\_\_\_\_

Map/Lot \_\_\_\_\_ Tax Sheet \_\_\_\_\_ Zone \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_

Property Owner (if not applicant) \_\_\_\_\_

Email Address: \_\_\_\_\_

**This application and all documentation must be filed with the Code Enforcement Officer by the 4<sup>th</sup> Tuesday of the month. Public hearings on applications are held the following 4<sup>th</sup> Tuesday of the month at 6:30p.m. A one hundred dollar (\$100) fee and nine (9) complete copies of all information for this application are due at submission deadline.**

The undersigned requests that the Board of Appeals consider the following conditional use request:  
(Describe the general nature of the request.)

- Accessory Apartment (section 5.22.2)       Accessory Cottage (section 5.22.3)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**To the Applicant:**

- The *Conditional Use Criteria* form must be filled out explaining how your request will comply with each of the criteria listed.
- Provide a plot detailed plan (diagram) of the property in question showing elements required by 5.22.1b (see attached ordinance for details).
- A building plan must be provided showing elements required by 5.22.1c (see attached ordinance for details).
- Photos, surveys and other documents are often very helpful in explaining your request.
- Provide in writing the calculations of square footage for the main dwelling unit and the square footage for the proposed accessory dwelling unit. Square footage must meet requirements of 5.22.2b or 5.22.3.a (see attached ordinance for details).
- Failure to provide adequate documentation of your request may delay hearing your request until adequate information is provided.

In addition to the Conditional Use criteria set forth in Section 8.3, the applicant is directed to the **additional criteria outlined in Section 5.22.1, Accessory Dwelling Units**, a copy of which is attached. After fully reviewing each of these sections, the applicant should prepare a detailed written response demonstrating that the pertinent criteria of all applicable sections have been satisfied. Should the applicant fail to address the sections of the ordinance, which are pertinent, the application may be deemed incomplete.

**I certify that the information contained in this application and its supplement is true and correct.**

Date \_\_\_\_\_ Signed \_\_\_\_\_

**\*Please contact the Code office prior to submission of this application\***  
**(207) 781.5253**

**CONDITIONAL USE CRITERIA – as required under 8.3**

To the Applicant:

Please fully explain in the space provided or on a separate sheet how your request will meet the Ordinance criteria below.

a. Will meet the definition and specific requirements set forth in the Ordinance for such particular use. (See Sections 2 & 5 of the Zoning Ordinance.)

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b. Will be compatible with the general character of the neighborhood with regard to design, scale, and bulk of proposed structures.

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c. Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare.

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d. Will not have a significant adverse effect on adjacent or nearby property values

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e. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion.

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f. Will not result in significant fire danger

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g. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion.

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h. Will be served adequately by, but will not overburden existing public services and facilities, including fire protection services, sanitary sewers, roads, water and storm drainage systems.

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**2.2 Accessory Apartment:** A separate and subordinate dwelling unit located within a single family detached dwelling. [Amended 5/24/04]

**2.4 Accessory Cottage:** A separate and subordinate dwelling unit that is located on the same lot as a single family detached dwelling but is contained in a detached garage or other out building, or is its own structure. [Adopted 5/24/04]

**2.5 Accessory Dwelling Unit:** An Accessory Apartment or Accessory Cottage. [Adopted 5/24/04]

**5.22.1 Accessory Dwelling Units** [Adopted 5/24/04]

The purpose of the provisions concerning Accessory Dwelling Units, which include accessory apartments and accessory cottages, is to provide a diversity of housing for town residents while protecting the single family character of residential neighborhoods. Accessory Dwelling Units may be utilized for rental purposes as well as in-law accommodations.

a. Accessory Dwelling Units are allowed as conditional uses in the RA, RB, RC, F and VMU Districts.

b. Any request for an Accessory Dwelling Unit shall include a plot/site plan showing the following:

- (1) lot boundaries and dimensions at scale
- (2) zoning district
- (3) date of plan
- (4) property owner with deed reference
- (5) lot area

- (6) location and setback of all buildings
- (7) rights of way, public and private
- (8) all easements
- (9) street names
- (10) sewerage facilities
- (11) off-street parking spaces

c. Any request for an Accessory Dwelling Unit shall include a building plan showing the following:

- (1) separate floor layout of all finished levels
- (2) all plumbing facilities, kind and location
- (3) use of all rooms
- (4) all entrances/exits
- (5) all partitions, temporary or permanent
- (6) location and type of all appliances

d. Any request for an Accessory Dwelling Unit shall conform to all provisions of the Maine State Plumbing Code and no dwelling that is served by an on-site wastewater disposal system shall be modified to create an Accessory Dwelling Unit until a site evaluation has been conducted by a licensed soil evaluator which demonstrates that a new system can be installed to meet the disposal needs of both dwelling units.

e. Outside stairways (either open or enclosed) that service Accessory Dwelling Units on upper stories are permitted, provided that they are integrated into and consistent with the architecture of the building, as opposed to having a tacked on, obtrusive appearance. [Adopted 5/24/04]

f. Only one Accessory Dwelling Unit shall be permitted per lot.

**5.22.2 Accessory Apartments** [Adopted 5/24/04]

a. The single family dwelling unit shall have only one main entrance and all other entrances shall appear subordinate to the main entrance. An entrance leading to a foyer with entrances leading from the foyer to the two dwelling units is permitted.

b. After completion, the main dwelling unit shall have at least 1,260 square feet. The Accessory Apartment shall have at least three hundred sixty (360) square feet. These floor areas shall be exclusive of garages, porches, or unfinished basements. The floor area of an accessory apartment shall not exceed the following percentage of floor area of the single family dwelling unit to which it is accessory, or the following fixed amounts, whichever are applicable:

| If the floor area of the single family dwelling unit is: | The floor area of the accessory apartment shall not exceed: |
|--|---|
| Under 2,000 square feet                                  | 40%   |
| 2,000 sq. ft. or more, but less than 3,000 sq. ft.       | 35% or 800 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                  |

*Example of the above formula:*

*For a 600 square foot Accessory Apartment, the finished floor area of the dwelling unit must be not less than 2,100 square feet:*

*600 sq.ft. Accessory Apartment/40% = 1,500 sq ft principal dwelling unit.*

*1,500 sq.ft. principal dwelling + 600 sq.ft. Accessory Apartment = 2,100 sq.ft.*

c. Any exterior modifications to the single family dwelling associated with construction or installation of an accessory apartment shall be consistent with the architectural style of the single family dwelling in terms of exterior materials, roof form, and window spacing.

d. An existing single family dwelling that is nonconforming solely due to lot size, lot width, lot frontage, lot coverage, height or setback requirements may be expanded to incorporate an Accessory Apartment subject to the requirements of Section 6.2 for the expansion of other non-conforming single family dwellings.

**5.22.3 Accessory Cottages** [Adopted 5/24/04] [See sunset provision in Section 5.36.d. (2)] [Amended 3/27/06]

- a. An Accessory Cottage shall contain at least three hundred and sixty (360) square feet of floor area. The floor area of an Accessory Cottage shall not exceed forty (40%) percent of the floor area of the single family dwelling to which it is accessory or eight hundred fifty (850) square feet, whichever is less.
- b. For an Accessory Cottage which will be located within a new structure, the exterior materials, roof form, and window spacing and proportions of the Accessory Cottage shall approximate those of the existing or proposed single family dwelling unless the new structure is designed in a traditional New England form such as a barn.
- c. For an Accessory Cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single family dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirement for new structures.
- d. Accessory Cottages are permitted on nonconforming lots, but the buildings in which they are located, whether existing or proposed, shall meet the minimum property line setbacks and the lot coverage requirements for the district in which they are located.

