

**9.3.1 ACCESSORY APARTMENTS DWELLING UNIT** (Amended June 14, 2017)

Accessory ~~apartments~~ Dwelling Units are a permitted use in the residential districts, subject to the review of the Code Enforcement Officer and adherence to the following standards:

- ~~1.~~ The owners of the property principal structure must reside in one of the dwelling units. ~~the principal structure, not the Accessory Apartment dwelling unit.~~
2. The number of occupants of the Accessory Apartment dwelling unit is limited to two (2).
3. The Accessory Apartment shall not be greater than 50% of the living area of the principal single-family dwelling unit to a maximum of 800 square feet.
4. The Accessory Apartment dwelling unit may be located either in the principal dwelling unit or as a separate structure.; ~~provided the Accessory Apartment accessory dwelling unit may share~~ the septic system with the principle dwelling unit or provide a sperate septic system that meets the requirements of the State Subsurface Waste Water rules Title 30-A Section 3428. and on-site well may be shared with the principal dwelling unit or provide a separate well for the Accessory Dwelling unit, where public water is not available. Said new septic system must only be used to service the proposed accessory dwelling unit and not for the purpose of serving any other independent dwelling.;
- ~~5.~~ 5. Subject to the terms above, the septic system on the property in question shall be functioning properly at the time of application for the permit approval by the Code Enforcement Officer. In addition, the applicant must submit a new  
\_\_\_\_\_HHE-200 form as documentation that suitable soil exists on the property to be used for septic system \_\_\_\_\_repair or replacement in the event of failure of the original system. If a combined system is proposed the main system must demonstrate that it is functioning properly prior to permitting the expansion for the ADU
- ~~6.~~ 5. The parking requirements of the Arundel Land Use Ordinance shall not be considered when adding an accessory dwelling unit adhered to.
- ~~7.6.~~ 7.6. Proper ingress and egress shall be provided to the accessory unit.
- ~~8.7.~~ 8.7. Should the owners of the principal structure be found in non-compliance of the standards contained in this section, the non-compliance shall be considered a violation of this ordinance and subject to fines and penalties and the accessory unit shall be discontinued and the Certificate of Occupancy revoked.
- ~~9.8.~~ 9.8. An accessory apartment dwelling unit which complies with the requirements of this subsection shall not be considered an additional dwelling unit when calculating lot area per family under the dimensional requirements of the ordinance.
- ~~10.9.~~ 10.9. Only one accessory apartment dwelling per unit per principal structure shall be permitted on a lot.
- ~~11.10.~~ 11.10. The HHE-200 form, after review and approval by the Code Enforcement Officer, shall be recorded at \_\_\_\_\_the York County Registry of Deeds when the system is designed but not established in case of failure to the current system occurs.
11. The Town shall require an applicant to place a deed restriction on the main parcel and enter into a consent agreement assuring that the lot will not be split in the future separating the dwelling unit and the ADU. Ownership of the ADU shall also remain in the same ownership as the principal structure.

Wherever Accessory Apartment is cited, change the wording to Accessory Dwelling Unit throughout the Land Use Ordinance

## **Definitions**

**ACCESSORY-~~APARTMENT~~DWELLING UNIT:** A separate dwelling unit that has been added on, or created within, a single-family house or a separate standalone structure for the purpose of providing ~~separate~~ living accommodations accessory to the primary residence