

WEST GARDINER MINIMUM LOT SIZE ORDINANCE

Purpose. The purpose of this ordinance is to preserve the rural and residential character of the Town, to promote the maintenance of safe and healthful living conditions, to preserve and protect the natural environment and scenic beauty of the area, and to protect existing residential development.

Applicability, Conflict with Other Ordinances. This ordinance applies to all land within the Town of West Gardiner. All buildings and accessory structures hereafter erected, reconstructed, altered, enlarged, or moved shall be in conformance with the provisions of this ordinance. Where other ordinances impose a greater restriction on the use of land, buildings or structures, the greater restriction shall control. This ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, regulation, permit or provision of law.

Definitions:

Accessory dwelling unit.(ADU)

Dwelling. "Dwelling" means a structure, all or part of which is designed or used for human habitation, including a dwelling unit. (Title 22 Section 1315)

Dwelling unit. "Dwelling unit" means any room, group of rooms or other areas of a structure designed or used for human habitation. (Title 22 Section 1315)

Single family residential unit. "Single family residential unit" means any structure of any kind, including mobile homes, used or designed to house a single family, and shall include those structures used permanently and seasonally.

[PL 1973, c. 411, §1 (NEW).]

Restrictions:

An accessory dwelling unit may be constructed only:

A. Within an existing dwelling unit on the lot; [PL 2021, c. 672, §6 (NEW).]

B. Attached to or sharing a wall with a single-family dwelling unit; or [PL 2021, c. 672, §6 (NEW).]

C. As a new structure on the lot for the primary purpose of creating an accessory dwelling unit. [PL 2021, c. 672, §6 (NEW).]

D. A Small Lot, less than or equal to 30,000 square feet is restricted from having an ADU as there is not sufficient space to enlarge a leach field.

E. A Medium Lot, More than 30,000 square feet but less than 50,001 square feet is allowed an ADU of a minimum of 190 square feet and a maximum of 480 square feet.

F. A Large Lot, More than 50,000 square feet is allowed an ADU of a minimum of 190 square feet and a maximum of 600 square feet.

Residential Lots - Minimum Lot Size and Road Frontage — A single family dwelling unit may not be constructed on a lot of less than 60,000 square feet, of which 52,000 square footage shall exclude the area of any public and private roads and rights of way. If multi-family dwelling units or accessory dwelling units are constructed on a single parcel, the parcel shall contain at least 60,000 square feet for each dwelling unit constructed thereon. "Dwelling unit" for the purpose of this ordinance shall be defined as a room or group of rooms designed and equipped for use as living quarters for only one family.

A lot upon which a single-family dwelling unit is to be constructed must contain at least 200 lineal and contiguous feet of road frontage or a 200 x 200-foot square inserted inside of said lot boundaries. If a multi-family dwelling is constructed on a single parcel, the parcel shall contain at least 200 lineal and contiguous feet of road frontage for each single-family dwelling unit constructed thereon or a 200 x 200-foot square inserted inside of said lot boundary for each single family dwelling unit or a combination thereof. "Road frontage" for the purpose of this ordinance may be on a public road or a private road but must be lineal and contiguous.

Commercial Lots – Minimum Lot Size and Road Frontage — A "Commercial Lot" shall be used for business purposes only. A Commercial Lot must contain at least 10,000 square feet with at least 75 lineal and contiguous feet of road frontage. A Commercial Lot does not meet the minimum residential lot size and therefore cannot receive a permit for a residential septic system.

Pre-Existing Lots of Record — A single lot of record which, at the effective date of adoption of this Ordinance, does not meet the area and/or frontage requirement of this Ordinance may be built upon provided that such lot be in separate ownership. If two or more contiguous lots are in single ownership of record at the time of adoption of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet the dimensional requirements of this Ordinance. A "Lot of Record" is defined as a parcel of land, a legal description of which, or the dimensions of which, are recorded in a deed on file with the Kennebec County Registry of Deeds as of the date of this Ordinance.

Back Lot Provision -- Notwithstanding the road frontage requirements of this ordinance, rear lots may be built upon providing that all state, federal and the following requirements are met. The access to the rear lot may serve not more than two rear lots, or not more than two single family dwellings or one two-family dwelling. Access to a rear lot shall provide for a permanent easement for a right of way or fee simple ownership of a right of way, which is at least 25' feet in width, described in metes and bounds, or by a plan, either of which shall include language requiring the development and use of these lots and there access to be in compliance with all provisions of this ordinance that may apply specifically to rear lots, and recorded in the Kennebec County Registry of Deeds, and held by deed or other legal instrument by the owner of the rear lot.

This ordinance shall not apply to existing lots of record which do not meet the requirements of this ordinance at the date of its passage, provided that any such lot meets the requirements of any State Law or regulation and provided the lot has been improved with a single-family dwelling unit or multi-family dwelling.

Severability — If any portion of this ordinance shall be declared invalid it shall not affect the validity of any other portion of this ordinance.

Administration -- Any dwelling constructed, located or placed or work performed in violation of the provisions of this Ordinance shall be considered a nuisance. Any person found guilty of violating any provision of this Ordinance shall be subject to a fine of not less than \$100 for each offense. Each day on which a violation is proved to exist shall constitute a separate offense under this Section. The West Gardiner Selectboard and the Code Enforcement Officer are authorized and directed to institute any action or proceeding that may be required to enforce the provisions of this Ordinance.

Effective Date — This ordinance shall become effective when enacted by the legislative body of the Town of West Gardiner.

Article 49: To see if the Town will vote to accept the change to the "Minimum Lot Size Ordinance".

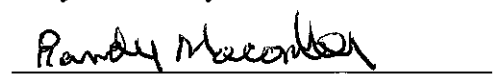
Adopted as written 04/06/2024

Certified By:


Angela J. Phillis


Gregory A. Couture


Gary M. Hickey II


Randall W. Macomber
Select Board
Town of West Gardiner

Enacted: October 15, 1987
Amended: March 21, 1992
Amended: March 24, 2007
Amended: March 17, 2018
Amended: October 5, 2023
Amended: April 6, 2024