

**Town of Chelsea
Minimum Lot Size Ordinance**

Part I. Statutory Authority:

This ordinance is adopted pursuant to the "Home Rule" provision of Title 30-A M.R.S.A. §3001.

Part II. Purpose:

The purpose of this ordinance is to promote the general welfare and safety of the citizens of the Town of Chelsea.

Part III. Applicability:

Notwithstanding Sections 1 & 2 below, this Ordinance shall apply to all lots sold, created, and subdivided, and to all seasonal or permanent dwellings erected, altered, relocated or placed upon land used for residential purposes, within the Town of Chelsea.

- 1. Adding Area to Non-Conforming Lots of Record:** A non-conforming lot of record existing as of December 8, 1987 may have its non-conforming lot area added to resulting in more conformance to present lot dimension requirements. Any increase in lot area or lot frontage, which still results in non-conformance with this Ordinance, is permitted and will not cause the non-conforming lot to lose its grandfathered status.
- 2. Reduction of lot size by eminent domain or other sacrifice for the public at large to benefit:** If a property owner is made to sacrifice a portion of their land for electrical lines, road widening, pipe lines, or other unforeseen event, the result may be that the modified lot becomes non-conforming. Such lots will also be considered grandfathered.

Part IV. Standards:

Except as otherwise provided herein, all new or existing lots of record used for single family residential dwelling purposes shall meet the following minimum requirements:

- 1. Minimum Lot Size:** The lot area shall be no less than two acres (87,120 square feet).
- 2. Minimum Road Frontage:** The lot shall have a road frontage of not less than 200 contiguous feet on a public road, private road or way. For corner lots all frontage must be on one road; it cannot be cumulative frontage from separate roads. For a residential dwelling unit, with the exception of an accessory apartment, each additional residential unit shall require an additional ½ acre.

These requirements shall apply to single lots of record and to lots within subdivisions. No dwelling shall be built or placed upon a lot that does not meet these minimum standards, unless the lot qualifies as a Non-conforming Lot of Record

3. Non-Conforming Lots of Record Any non-conforming lot which was a lot of record on December 8, 1987 may continue and be maintained and improved, provided that any structures placed or expanded shall conform to all other applicable Town Ordinances and the Maine State Plumbing Code. A structure which existed as of December 8, 1987 on a non-conforming lot of record, may be replaced within two years of destruction and removal provided all other applicable Town Ordinances and state laws and regulations are complied with.

If two or more contiguous non-conforming lots of record are owned by the same person or persons and are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards except where the lots were legally created as part of a recorded subdivision.

4. Backlots: Notwithstanding the above requirements, a building permit may be issued for a single family dwelling and accessory structures on a non-conforming lot which was not a lot of record on December 8, 1987, provided the lot contains the required 87,120 square feet (two acres) in area, has legal access to a street, way or right of way, either by ownership or easement, and that access way is a minimum of 20 feet in width, providing all other Town Ordinances and State Statutes are complied with.

5. Multi-Residential Units:

a. No Multi-Residential Unit, shall be either constructed or located in Town or created through the adaptation of an existing structure or existing structures, without prior approval of the Planning Board. Subdivision approval may also be necessary.

b. Lots for multi-residential units of two (2) or more dwelling units shall meet the minimum lot size requirement for the first unit, plus an additional ½ acre for each additional residential unit.

c. Proper ingress and egress shall be provided to each dwelling unit. Adequate off-street parking shall be provided. Adequate provisions shall be made for the disposal of sewage, waste, and drainage generated by the use.

6. Accessory Apartments:

Accessory Apartments may be permitted provided each of the following requirements is met:

- a. The owner of the principal structure must reside in either the principal structure or the accessory unit.
- b. The accessory unit shall be limited to 2 persons and one bedroom.

- c. Proper ingress and egress shall be provided to the accessory unit. Adequate off-street parking shall be provided, and adequate provisions shall be made for the disposal of sewage, waste, and drainage generated by the use.
- d. The septic system on the property shall be functioning and sufficient to support both the principal structure and the accessory unit.
- e. It shall be the responsibility of the property owner to demonstrate to the Planning Board or Code Enforcement Officer, as applicable, that these standards have been met.
- f. Upon approval of the addition of an accessory unit, there shall be a deed restriction on the property in question recorded at the Kennebec County Registry of Deeds. The deed restriction shall prevent use of the Accessory Apartment unit as a rental unit, for lots with less than 2 ½ acres and 200 feet of road frontage.-
- g. Should the owners of the principal structure be found in non-compliance with the standards contained in this section, the accessory unit shall be discontinued, and the structure shall revert to single family use.

7. Conversion of Commercial Lots: If a commercial lot is converted to residential use, it shall meet all lot size and frontage requirements of this ordinance.

8. Recreational Vehicles: In order to be considered as a vehicle and not as a dwelling unit for the purposes of this Ordinance, a recreational vehicle must remain with its tires and axels in place and must be registered with the State Division of Motor Vehicles. Recreational vehicles may only be used as dwelling units between April 30th and October 31.

9. Tiny Homes: Tiny homes on wheels shall be classified as a recreational vehicle and shall meet all standards applicable to recreational vehicles. If the tiny home is occupied for more than 6 months, it shall be classified as a permanent dwelling and shall comply with the lot and frontage requirements applicable to a residential dwelling unit.

Part V. Appeals and Variances:

Appeals and variances of this Ordinance shall be carried out in accordance with the provisions of the Shoreland Zoning Ordinance for the Town of Chelsea, Section 16, Paragraph H, which is hereby incorporated by Reference. Any person aggrieved by the decision of the Code Enforcement Officer or Planning Board to approve a permit as outlined under this ordinance, may appeal the decision to the Board of Appeals within thirty (30) days of receiving a written notice of denial. The notice of appeal shall clearly state the reason(s) for the appeal.

Part VI. Administration and Enforcement:

This ordinance shall be administered by the Chelsea Planning Board. The enforcement of this ordinance shall be by the Code Enforcement Officer of the Town of Chelsea.

Part VII. Amendments:

This ordinance may be amended at any properly called Town Meeting. The Planning Board shall hold a public hearing on the proposed amendment at least 30 days prior to the meeting and a notice of such hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

Part VIII. Penalties:

Any person or entity found to be in violation of this ordinance shall be notified by the Code Enforcement Officer, in writing, of such violation and provided sufficient time to correct said violation as determined by the Code Enforcement Officer. Any person or entity who is found to have violated this ordinance, after being properly notified, shall be subject to fines and penalties, including reasonable attorney's fees, in accordance with Title 30-A M.R.S.A. Section 4452. Each day of a violation shall constitute a separate violation.

Part IX. Validity and Severability:

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate the remaining portions of this ordinance.

Part X. Repeal and Effective Date:

The previous Minimum Lot Size Ordinance, previously amended June 13, 2013, is repealed when this ordinance becomes effective when enacted by the voters of the Town of Chelsea.

Part XI. Definitions

1. **Accessory Apartment:** A residential dwelling unit that is self-contained but is contained within, and is accessory to, an existing structure that was originally designed for single family use. The existence of separate cooking facilities within a unit shall subject it to classification as an Accessory Apartment pursuant to this Ordinance.
2. **Back Lot:** A parcel of land that does not have any frontage on a private or public road.
3. **Commercial Lot:** For the purpose of this ordinance a "Commercial Lot" means the use of real estate, building or structure, for commercial/business purposes only. The Town of Chelsea's Minimum Lot Size Ordinance standards apply to residential purposes. A commercial lot is not the same as a residential dwelling. Any lot that does not contain a residential dwelling is exempt from the Town of Chelsea's Minimum Lot Size Ordinance.
4. **Conforming Lot:** A parcel of land that is no less than 2 acres (87,120 square feet) and has a road frontage of 200 contiguous feet on a public road, private road or way. For corner lots all frontage must be on one road, it cannot be cumulative frontage from separate roads. For a residential dwelling unit, with the exception of an accessory apartment, each additional residential unit shall require an additional ½ acre.

5. **Dwelling Unit:** A room or group of rooms designed and equipped exclusively to use as permanent living quarters for only one family at a time which may contain cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented.
6. **Lot of record:** A parcel of land, a legal description of which, or dimensions of which are recorded on a document or map on file with the County Registry of Deeds.
7. **Mobile Home:** A manufactured home that is transportable in one or more sections and is built on a permanent chassis and designed to be used as a residential dwelling unit with or without a permanent foundation when connected to meet the requirements of the State Plumbing Code and Subsurface Wastewater Rules. A recreational vehicle is not a mobile home.
8. **Multi-Residential Unit:** A residential structure designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters containing two (2) or more residential dwelling units for habitation. This definition includes but is not limited to a duplex, condominium, cooperative building, apartment building, nursing home, boarding house, cluster housing or planned unit development or any other structure or group of structures containing two or more dwelling units.
9. **Non-Conforming Lot:** A lot of record which does not meet the minimum area or road frontage requirements.
- ~~9-10.~~ **Non-Residential Structure:** A structure not containing a residential dwelling unit, and not to be used for commercial purposes, is exempt from the Town of Chelsea's Minimum Lot Size Ordinance.
- ~~10-11.~~ **Recreational Vehicle:** A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home.
- ~~11-12.~~ **Tiny Home:** A dwelling unit of less than 400 square feet.