

TOWN OF CHELSEA

MINIMUM LOT SIZE ORDINANCE

PART 1. TITLE:

This ordinance shall be known and cited as the Chelsea Minimum Lot Size.

PART 2. PURPOSE:

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

PART 3. DEFINITIONS:

Section A. Lots of Record: a parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on the files of the County Register of Deeds or in common use by the Town or County Officials.

Section B. Lots of Non-Conforming: a parcel of land, which does not meet the minimum areas and frontage requirements of this ordinance.

Section C. Conforming Lots: a parcel of land which shall not be less than 87,120 square feet (two acres) and also having at least 200 feet frontage on a public road and/or private road or way.

Section D. Multiple Residential Units: if more than one residential unit is constructed or located on a single lot, the minimum lot size must contain two acres for each additional unit beyond the first.

PART 4. STATUTORY AUTHORITY:

This ordinance is adopted pursuant to the “home rule” provision of Title 30-A, of Title 30-A, M.R.S.A., Section 3001. and the police power provisions of Title 30-A, M.R.S.A., Section 2151(4).

PART 5. APPLICABILITY:

Notwithstanding Sections A & B below, the provision of this ordinance shall apply to all new, altered, relocation of lots of record, and shall include the placement of mobile homes.

Section A. Non-Conforming Lots of Record: a non-conforming lot of record 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 will not cause the non-conforming lot to lose its grand fathered status.

Section B. 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 grand fathered.

PART 6. SCOPE:

Hereafter, all lots of record, except where as provided, shall be of conforming lots as defined in Part 3, Section C.

This requirement shall apply to single lots of record and also newly created subdivisions.

Any lots of non-conforming which were lots 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 Maine State Plumbing Code. Non-conforming structures which existed as of December 8, 1987, may be replaced within two years of destruction and removal.

Notwithstanding the above requirements, should a building permit for a single family dwelling be submitted for a lot of “Non Conforming” which was not a lot of record on December 8, 1987, but which contains the required 87,120 square feet (two acres) in area and has legal access to a street, way or right of way, either by ownership or easement, provided that access is a minimum of 20 feet in width, shall be found to meet the minimum requirement for the issue of the required building permit for a single family dwelling and accessory structures only, providing all other Town Ordinances and State Statutes are complied with.

If two or more contiguous lots of record are owned by the same person or persons at the time of revision of these or subsequent revisions of this ordinance, if either or any of these lots do not individually meet the dimensional requirements of this ordinance or subsequent revisions and if two or more of the lots 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 are legally created as part of a recorded subdivision.

PART 7. ADMINISTRATION/ENFORCEMENT:

This ordinance shall be administered by the Chelsea Board of Selectmen and or the Chelsea Planning Board. The enforcement of this ordinance shall be by the Code Enforcement Officer of the Town of Chelsea under the direction of the Town Manager. The manager shall report all known violations to the proper administrative Board within a reasonable time.

PART 8. APPEALS:

Any person aggrieved by the decision of the CEO to approve a permit as outlined under this ordinance, may appeal the decision to the Board of Appeals within thirty (30) days of the CEO's decision. The notice of appeal shall clearly state the reason(s) for the appeal.

PART 9. PENALTIES:

Any person or entity found to be in violation of this ordinance shall be notified by the CEO, in writing, of such violation and provided sufficient time to correct said violation, as determined by the CEO. Any person or entity who continues to violate this ordinance after being properly notified shall be fined in accordance with Title 30-A M.R.S.A. sec. 4452. In addition, each day such violation(s) continues after proper notification shall constitute a separate offense.

PART 10. 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 11. EFFECTIVE:

This ordinance shall become effective when enacted by the voters of the Town of Chelsea, Maine.

Approved at: Special Town Meeting
Date: June 28, 1994

Amended at: Special Town Meeting
Date: June 10, 1996

Amended at: Special Town Meeting
Date: September 29, 1998

Amended at: Annual Town Meeting
Date: June 14, 2007

Amended last at: Annual Town Meeting
Effective Date: June 13, 2013