



Chapter 6

Minimum Lot Size Ordinance

MINIMUM LOT SIZE ORDINANCE FOR THE TOWN OF MILFORD, MAINE

Section 1. Title and Purpose

This ordinance shall be known and may be cited as the "Minimum Lot Size ordinance of the Town of Milford, Maine" and will be referred to herein as "this Ordinance". The purpose of this ordinance is to protect and promote the health, safety, welfare and property values of the inhabitants of the Town of Milford, and to insure adequate sewerage disposal.

Section 2. Authority and Administration:

- 2.1 This ordinance is enacted pursuant to the authority given the Town by 30A MRSA Section 3001 (Home Rule).
- 2.2 The effective date of this Ordinance shall be thirty (30) days after it is adopted by vote of the Legislative body of the Town of Milford.
- 2.3 The Code Enforcement Officer shall enforce this Ordinance, with the assistance of the Town Selectmen.

Section 3. Non Conforming Lots of Record

- 3.1 A single lot of record which, on the effective date of this Ordinance, does not meet the minimum lot size requirements may be built upon in accordance with State law.
- 3.2 After the effective date of this ordinance, no lot shall be created which does not meet the minimum lot size requirements.
- 3.3 Back lots which do not front on a public or private way and are accessed by a private driveway are exempt from the front lot line requirement. However, they must have at least one lot line equal to or greater than the required front lot line of the lot over which the driveway passes and the lot over which it passes must be able to meet the minimum front lot lines and net residential acreage requirements of the area after the subtraction of the area to be used by the right of way for said driveway which right of way shall be not less than thirty (30) feet wide. Said driveway shall serve as

access to only two back lots and may also serve as access to the front lot over which passes.

Section 4. Minimum Lot Size:

- 4.1 No individual dwelling, including mobile homes and manufactured housing, shall be constructed, located or relocated on a lot of less than one acre.
- 4.2 No more than one building with no more than two dwelling units shall be constructed or located on a single lot. The lot must be a minimum of 20,000 square feet per dwelling unit.
- 4.3 Any multifamily dwelling unit must have a minimum of 20,000 square feet per dwelling unit.

Section 5. Building Setback:

After the effective date of this ordinance, all dwellings including mobile homes and manufactured housing, shall be constructed, or located at a minimum of fifty feet from the highway right of way line at the property edge.

Section 6. Lot Length to Width:

Flag lots and other odd shaped lots in which narrow strips are pinned to other parcels in order to meet minimum lot size requirements are prohibited. The average ratio of lot length to width shall not be more than three to one.

Section 7. Violations and Enforcement:

The provisions of 30A MRSA 4452 shall apply.

Section 8. Variances:

A variance may be granted by the Milford Board of Appeals as provided in 30 MRSA 4963, subsection 3.

Section 9. Amendments:

This ordinance may be amended by a majority vote at the Annual Town Meeting. Amendments may be initiated by majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

Section 10. Validity, Severability and Conflict with Other Ordinances:

- 10.1 Should any section of this ordinance be declared to be invalid, such decision shall not invalidate any other section.
- 10.2 Whenever the requirements of this ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive shall apply.

Definitions:

Unless specifically defined, words and phrases used in this ordinance shall have the same meaning as they have at common law and are intended to give this ordinance its most reasonable application. The word "may" is permissive; "shall" is mandatory, and not discretionary.

Acre An acre is 43,560 square feet.

Dwelling Any building, structure, or portion thereof designed or used for residential purpose.

Single Family Dwelling A building containing only one (1) dwelling unit for occupation but not more than one (1) family.

Two Family Dwelling A building containing only two (2) dwelling units, for occupation by and not more than two (2) families.

Multi-Family Dwelling A building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit A room or suite of rooms designed and equipped exclusively for use by one family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured housing but not recreational vehicles or motel units.

Frontage The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the front lot line.

Lot A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, and having frontage upon a public street, right of way or private way.

Lot of Record A parcel of land, a legal description of which or the dimensions of which are recorded in a document or map on file in the Penobscot County Registry of Deeds.

Manufactured Housing Unit Structures, transportable in one or more sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park A plot of land designed and/or used to accommodate three (3) or more manufactured housing units.