

## **TOWN OF LIBERTY MINIMUM LOT SIZE ORDINANCE**

### **Section 1. Title and Purpose**

This ordinance shall be known and may be cited as the Minimum Lot Size Ordinance of the Town of Liberty, 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 Liberty, and to insure adequate and safe subsurface waste disposal.

### **Section 2. Authority and Administration**

- 2.1 This Ordinance is enacted pursuant to the authority given the Town by 30-A M.R.S.A. 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 Liberty.
- 2.3 The Code Enforcement Officer shall enforce this Ordinance, with the assistance of the Town Selectmen.

### **Section 3. Minimum Lot Size and Setbacks**

- 3.1 Except as otherwise provided herein, no dwelling, including mobile homes and manufactured housing, shall be constructed, enlarged, located or relocated on a lot of less than one acre.
- 3.2 Lots in a mobile home park, or in a development which qualifies for state or federal low-income or elderly housing project subsidies, shall meet the following lot size, width, and density requirements:
  - a. Lots served by individual subsurface sewage disposal systems:
    - minimum lot area: 20,000 sq. ft.
    - minimum lot width: 100 feet
  - b. Lots served by a central subsurface sewage disposal system:
    - minimum lot area: 12,000 sq. ft.
    - minimum lot width: 75 feet
  - c. Where lots front on a curved right-of-way or are served by a driveway, the lot width requirement shall be measured by a straight line between between the two side lot lines.
  - d. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 sq. ft. of total park area. Total park area shall be the combined area of the individual mobile home lots, plus the area required for road rights-of-way, plus the area within the shoreland setback or located in a shoreland zone.
  - e. Lots within a shoreland zoning district shall meet the lot area, lot width, setback, and shore frontage requirements for the district.
- 3.3 If more than one dwelling unit is constructed or located on a single lot, the lot shall be a minimum of one acre per dwelling unit; except that in a development which qualifies for state or federal low-income or elderly housing project subsidies, the lot shall have a minimum of 20,000 square feet per dwelling unit.

#### **3.4 Setbacks**

Subject to other provisions in this ordinance, no portion of any building or freestanding sign may be located on any lot closer to any lot line or to the road centerline than is authorized herein. Any non-conforming property in lawful existence on the date of adoption of this ordinance as amended that cannot meet the following standards is excepted from these provisions with the approval of the Planning Board.

##### **3.4.1 Buildings**

As used herein, the term "building" includes any substantial structure which by nature of its size, scale, dimension, bulk or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

- a) Gas pumps and overhead canopies or roofs.
- b) Fences running along lot boundaries adjacent to public streets if such fences exceed six feet in height and are substantially opaque.

### **3.4.2 Setback Standards**

	<b><u>Minimum distance from Lot Boundary Lin</u></b>			<b><u>Minimum Distance from Road Center Line</u></b>
	<b><u>Front</u></b>	<b><u>Rear</u></b>	<b><u>Side</u></b>	<b><u>All</u></b>
<b><u>Buildings and Mobile Homes</u></b>	<b><u>25'</u></b>	<b><u>15'</u></b>	<b><u>10'</u></b>	<b><u>40'</u></b>

With the approval of the Planning Board, all accessory buildings or structures on lots where the minimum lot coverage of principal plus accessory buildings or structures does not exceed 40 percent of the lot must comply with the road centerline and side lot boundary setbacks but shall be required to observe only a four-foot setback from rear lot boundary lines, plus where the high point of the roof of the accessory building or structure exceeds 12 feet in height, the accessory building or structure shall be setback from the rear lot boundary line an additional two feet for every foot of height exceeding twelve feet.

#### **Section 4. Non-Conforming Lots of Record**

- 4.1 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 provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership. Two or more contiguous lots in single ownership at the date of adoption of this Ordinance which do not individually meet the minimum lot size requirements shall be considered a single parcel for the purposes of this Ordinance.
- 4.2 After the effective date of this Ordinance, no lot shall be created which does not meet the minimum lot size requirements.
- 4.3. The provisions of Section 12 Nonconformance of the Town of Liberty Shoreland Zoning Ordinance shall apply.

#### **Section 5. Violations and Enforcement**

The provisions of 30-A M.R.S.A. Section 4452 shall apply.

#### **Section 6. Variances**

A variance may be granted by the Liberty Board of Appeals as provided in 30-A M.R.S.A. Section 4353.

#### **Section 7. Amendments**

This Ordinance may be amended by a majority vote of the Town Meeting.

#### **Section 8. Validity, Severability, and Conflict with Other Ordinances**

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