

## TOWN OF WESTPORT ISLAND

# MINIMUM LOT SIZE ORDINANCE

(Originally adopted March 21, 1987)

(Amended March 27, 2004)

### Single Family Dwellings:

No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than a one and one-half (1½) acre lot area outside the shoreland zone. Within the shoreland zone, a two (2) acre lot area shall be maintained.

### I. Two family or Multiple Residential Dwellings:

No two family or multiple residential dwellings shall be erected or buildings altered to accommodate two family or multiple residential dwellings unless there is maintained a ratio of two acre lot area to each family living unit.

### III. Commercial, Industrial, Institutional, and Governmental Structures

No Commercial, Industrial, Institutional, or Governmental Structures shall be erected, or building altered to accommodate a Commercial, Industrial, Institutional, or Governmental Use on less than a three (3) acre lot area. Commercial or Industrial structures or uses are prohibited in some districts in the shoreland zone.

### IV. Exemptions:

1. Non-conforming Lots: A non-conforming lot of record on the effective date of this Ordinance or amendment thereto may be built upon for single family structures and uses only, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this ordinance except lot size can be met. Variances relating to requirements not involving lot size shall be obtained by action of the Board of Appeals.
2. Contiguous built lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this ordinance, if all or part of the lots do not meet the dimensional requirements of this ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the state minimum lot size law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this ordinance.

3. Contiguous lots - vacant or partially built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this ordinance, if any of these lots do not meet the dimensional requirements of this ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this ordinance and recorded in the registry of deeds if the lot can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules:

- a. Each lot contains at least 100 feet of frontage and at least 1½ acres of lot area; or
  - b. Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 100 feet of frontage and at least 1½ acres of lot area.
- V. No lot shall be created except in conformity with all the regulations specified for the district in which it is located, unless a variance is granted.