2024 Proposed Amendments to the Rome Minimum Lot Size Ordinance

Title:
This Ordinance shall be known and referred to as the "Minimum Lot Size Ordinance of the Town of Rome, Maine", and will be referred to herein as "This Ordinance".

Effective Date of Ordinance and Ordinance Amendments:

This Ordinance was adopted **6/21/87**

Amended **3/7/03**
3/10/12
3/9/13
3/13/21
5/18/24

Section I. Minimum Lot Standards
No Dwelling unit, including a mobile home in or not in a mobile home park, may be constructed, located or placed on any lot that does not conform to the following minimum area and dimensional requirements, after the effective date of This Ordinance:

- Minimum lot size of one acre
- Minimum road frontage of 200 linear feet on either a public or private ~~way~~ road
- Minimum shore frontage, if any, of 200 feet.
- The ratio of lot depth to lot width shall not be more than three to one (3 to 1)
- There shall not be more than one single family dwelling per lot. Multiple family dwellings shall have a minimum lot size of one acre per dwelling unit.
- Structure Setback Requirements: The minimum structure setback from front, side, and rear property boundary lines is 15 feet.
  Structure shall mean anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, utility poles, signs, parking lots, landscaping, mailboxes and similar items.

- No building permit shall be issued for a structure located on slopes greater than 20% unless the following conditions are met.
  - The structure is located outside the Shoreland Zone
  - A septic system capable of serving the structure can be installed on the lot
  - The applicant will take steps to minimize erosion and sediment runoff from the site through grading and construction methods.
  - The structure is setback an additional 15' from the down-slope property line for each 5% of grade above 20%

Section II. Pre-Existing Single Lots of Record
A single lot of record which at the effective date of adoption of This Ordinance does not meet the area and/or frontage requirement of This Ordinance may be built upon provided that such lot be in separate ownership.

Section III. Pre-Existing Multiple Lots of Record

If two or more contiguous lots are in single ownership of record at the time of adoption of This Ordinance, and if all or part of the lots do not meet the dimensional requirements of This Ordinance, the lands involved shall be considered to be a single parcel for the purpose of This Ordinance and no portion of said parcel shall be built upon or sold which does not meet the dimensional requirements of This Ordinance.

Section IV. Lots of Record

Lot of record is defined as a parcel of land, a legal description of which, or the dimensions of which, are recorded on a document of maps on file with the County Registry of Deeds as of the date of This Ordinance.

Section V. Back Lot Provision

Notwithstanding the road frontage requirements of this ordinance, rear lots may be built upon providing that all state, federal and the following requirements are met

1. The area of the rear lot shall be at least the minimum required in the district in which the lot is located
2. The total road frontage of the front lot, less the width of the access, shall continue to equal or exceed the minimum required in the district. Where the access bisects the front lot line, the lot frontage on either side of the access may be combined to meet this requirement, and the front lot shall continue to be treated as a single, undivided lot.
3. The Access to the rear lot may serve not more than two rear lots, or not more than two single family dwellings or one two-family dwelling
4. No more than one access for rear lot development may be created out of any single lot fronting on a public or privately owned road unless each subsequent access is created out of at least an additional road frontage required to that district, as measured from the centerline of the accesses.
5. No structure shall be constructed or placed within the limits of the access.
6. A copy of the recorded access shall be attached to the building application.
7. The provisions of this section may not create an exempt lot or otherwise excuse or exempt a parcel or tract of land from any review of a subdivision otherwise required by the subdivision ordinance.
8. Rear lots, together with any right of way serving those rear lots, created and legally recorded on or before the date of adoption of this provision shall be considered legally non-conforming lots and rights of ways of record and may be used in accordance with all other provisions of this ordinance.
9. Access to a rear lot shall provide for a permanent easement for a right of way or fee simple ownership of a right of way, which is at least 30' feet in width, described in metes and bounds, or by a plan, either of which shall include language requiring the development and use of these lots and there access to be in compliance with all provisions of this ordinance that may apply specifically to rear lots, and recorded in the Kennebec County Registry of Deeds, and held by deed or other legal instrument by the owner of the rear lot.

Section VI. Accessory Dwelling Units

Notwithstanding the road frontage and lot size requirements listed under Section I of this ordinance, an Accessory Dwelling Unit (ADU) as described under Title 30-A §4364-B may be permitted outside the shoreland zone provided the following requirements are met:

1. The ADU shall be served by a legal subsurface wastewater disposal system and shall have access to a potable water supply.
2. All requirements listed under Title 12 Chapter 423-A (State Minimum Lot Size Law) shall be met
3. The total footprint of the ADU shall not exceed 1,000 ft^2
4. The peak height of the ADU shall not exceed 25 feet.
5. Off street parking shall be provided for all occupants of the ADU
    a. A minimum of 162 ft^2 of parking area shall be provided for each bedroom within the ADU. This parking shall be in addition to any parking necessary for the primary dwelling

Section VII. Road and Driveway Standards

All new roads and driveways constructed after the effective date of this ordinance must meet the following standards:

a) All new private roads and driveways entering onto a town-maintained road must be approved by the Town of Rome Road Commissioner.

i) The Road Commissioner will determine the diameter of culverts within the Town Road right of way depending upon local conditions

b) Private roads and driveways that access onto a State Road (Route 27 or Route 225) shall comply with the applicable Maine Department of Transportation (MDOT) design requirements. The applicant shall submit a permit from MDOT for the road access.

c) The intersection of all private roads and driveways entering onto a town-maintained road must be as near to 90 degrees as site conditions permit, but in no case shall be less than 60 degrees.

d) All new private roads and driveways entering onto a town-maintained road shall have no more than a 3% grade within 50ft of the intersection

e) All new private roads and driveways entering onto a town-maintained road shall be so constructed as to prevent high volumes and velocities of storm water from entering the town road ditches.

f) Newly created roads shall be built to the same standards specified in Appendix's (A) and (B) of the Rome Subdivision Ordinance, which are hereby incorporated by reference.

Section VIII. Amendments
This ordinance may be amended by majority vote of the governing body. The planning board shall hold a public hearing on the proposed Amendment at least thirty (30) days prior to the meeting and notice of the public hearing shall be posted at least ten (10) days in advance in a newspaper of general circulation in the area.

Section IX. Administration
Administering agents, permit application procedures, fees, appeals, variances, and enforcement shall be carried out in accordance with Section 16 of the Shoreland Zoning Ordinance for the Town of Rome, which is hereby incorporated by reference.

Any dwelling constructed, located or placed or work performed in violation of the provisions of This Ordinance shall be considered a nuisance. Any person found guilty of violating any provision of This Ordinance shall be subject to a fine of not less than $100 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this Section.

The Municipal Officers are authorized and directed to institute any action or proceeding that may be required to enforce the provisions of This Ordinance.