

# TOWN OF SMITHFIELD MINIMUM LOT SIZE ORDINANCE

ADOPTED: March 11, 1981

AMENDMENTS: November 3, 1981, March 9, 1996, March 8, 2008,  
March 13, 2010, March 12, 2016, **March 9, 2024**

## 1. Minimum Lot Standards

Unless otherwise permitted by this Ordinance, all lots must meet the minimum standards required below. If more than one dwelling unit or other principal structure or use, or combination thereof, is constructed or established on a single lot, all dimensional requirements for land area and frontage shall be met for each additional dwelling unit, principal structure, or use. As for how this pertains to areas within Shore Land Zoning, please reference the SLZ section 15A. (A hyperlink will be added to the new wording)

### A. Minimum lot size of 80,000 square feet

- (1) Within a Cluster Development (as defined by the Town of Smithfield Subdivision Ordinance), the minimum lot size may be reduced to no less than 40,000 square feet for detached single-family residences and duplexes. Multi-family structures (three or more dwelling units per structure) may be placed on lots containing a minimum of 20,000 square feet per unit. An overall density of no less than 80,000 square feet for each dwelling unit, exclusive of land for rights-of-way for streets and utilities, shall be maintained, with the balance of the land dedicated as common open space to be preserved and maintained for aesthetic value, recreational use, or conservation purposes.
- (2) The minimum size of a lot within a mobile home park shall be as provided by state law and the provisions of Section 12 of the Town of Smithfield Mobile Home Park Ordinance.

### B. Minimum road frontage of 200 feet

- (1) Within a Cluster Development (as defined by the Town of Smithfield Subdivision Ordinance), the minimum required road frontage shall be 150 feet on state roads or town ways, or 100 feet on private roads.
- (2) Within a mobile home park, minimum required frontage may be reduced to 100 feet (for lots with subsurface waste disposal systems) or 75 feet (for lots served by a central subsurface waste disposal system) on those roads owned and maintained by the mobile home park.
- (3) Where frontage on a road cannot be provided, a right-of-way shall be provided to the lot, and at least one lot line adjacent (the whole length) to the right-of-way shall measure no less than 200 feet. The right-of-way shall measure at least forty (40) feet in width and contain a graveled or paved driveway of sufficient width and construction to support emergency vehicles.

## 2. Grandfather Clause

A single lot of record at the effective date of adoption of this Ordinance may be built upon even though it does not meet the area and dimensional requirements stated above.

## 3. ACCESSORY DWELLING UNITS

Pursuant to State of Maine 19-100 Department of Economic & Community Development, Chapter 5, Housing Opportunity Program: Municipal Land use and Zoning Ordinance Rule, P. L. 2021, Ch. 672 In accordance with State of Maine LD 2003, affordable housing requirements will be allowed to legally existing lots of record as of the date of this ordinance.

### A. GENERAL

1. One accessory dwelling unit may be located on the same lot as a single-family dwelling unit in any area in which residential uses are permitted, including as a conditional use, subject to the requirements outlined below. Private, State, or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.
2. Accessory dwelling units in the shoreland zone that would otherwise meet the shoreland zoning requirements established by the Department of Environmental Protection, Title 28, Chapter 3, and municipal shoreland zoning ordinances may be allowed.

### B. REQUIREMENTS

#### 1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

- a) Within an existing dwelling unit on the lot;
- b) Attached to a single-family dwelling unit; or
- c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.
- d) An accessory dwelling unit may be constructed or established within an existing accessory structure, except the setback requirements of Section 4(B)(3)(b)(i) shall apply.

#### 2. Other

With respect to accessory dwelling units:

- a) An accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;

- b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements, excluding lot area requirements, and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;
- i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of the implementation date, the required setback requirements in local ordinance of the existing accessory or secondary building apply.
- c) An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this Section. After the fact permit violation fine of \$300.00 will be assessed to the property owner.

3. Size

- a) An accessory dwelling unit must be at least 190 square feet, but not to exceed 1200 square feet (footprint) in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
- b) Legally existing structures of record, prior to March 9, 2024, even if greater than 1200 square feet, shall be allowed provided conversions meet applicable building and sanitary septic standards, per State & Municipal Rules & Ordinances.

4. Water and Wastewater

An owner of an accessory dwelling unit is required to provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
- b) If an accessory dwelling unit is connected to a septic system, proof of

adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;

- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

#### **4. Multiple lots of Record**

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 individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structures, the lots shall be combined to the extent necessary to meet the dimensional requirements.

#### **5. Lot of Record**

Lots 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.

#### **6. Amendments**

This Ordinance may be amended by a majority vote of the governing body. The Board of Selectmen shall hold a public hearing on the proposed amendment at least 30 days prior to the meeting, and a notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

#### **7. Appeals, Variances, and Enforcement**

Appeals, variances, and enforcement shall be carried out in accordance with the provisions of the Shoreland Zoning Ordinance for the Town of Smithfield which is hereby incorporated by Reference; Section 16, paragraphs G & H.

#### **8. Repeal**

The previous minimum lot size ordinance amended March 13, 2016 is hereby repealed.

#### **8. Perpetuity**

This ordinance will be in effect until modified by a majority vote at an Annual Town Meeting.