

ARTICLE 2: DEFINITIONS

Subdivision, Major: Any subdivision containing ~~five~~ six or more lots or dwelling units including an amendment to an approved subdivision that will result in the creation of a total of more than ~~five (5)~~ six (6) lots in the entire subdivision.

Subdivision, Minor: Any subdivision containing ~~four~~ five or fewer lots or dwelling units.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

1. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

a. Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence that has been the subdivider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or

b. The division of the tract or parcel is otherwise exempt under this Ordinance.

2. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

3. A lot of 40 or more acres shall be counted as a lot, per Title 30-A M.R.S.A. §4401 (4)(C).

4. The following division do not result in lots that must be counted:

g. If a new lot is created to meet open space requirements it does not count toward the number of lots in a subdivision unless the intent of the transferor is to avoid the objectives of this Ordinance.