

NOTE: WARRANT SIGNED, BUT NOT POSTED. AMENDED WARRANT SIGNED BY BOS AT 2-27-2007 MEETING. BOS DELETED ARTICLES 17 & 18 (Exhibits M & N) UPON REQUEST OF PLANNING BOARD AT ITS 2-26-2007 MEETING AT CLOSE OF PUBLIC HEARING ON PROPOSED ZONING ORDINANCE AMENDMENTS. JSK

**WARRANT  
FOR THE  
2007 ANNUAL TOWN MEETING  
OF THE  
TOWN OF OGUNQUIT**

TO: **PATRICIA L. ARNAUDIN**, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

**GREETINGS:** In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center in said Town on **Saturday, the seventh (7<sup>th</sup>) day of April, 2007**, A.D. at nine o'clock in the morning (9:00 a.m.) until six o'clock in the evening (6:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

- Article 1:** To elect a Moderator to preside at said meeting. [Note: this question is not intended to be acted upon as part of the official secret ballot at the Annual Town Meeting.]
- Article 2:** To elect one (1) Selectmen for a three (3) year term to commence at the conclusion of the 2007 Annual Town Meeting; term ending ATM 2010.
- Article 3:** To elect a Wells-Ogunquit Community School District Trustee for a three (3) year term to commence on July 1, 2007; term ending June 30, 2010.
- Article 4:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Provide Affordable Housing**,” and dated 23 January, 2007, be adopted? [Note: **Exhibit A** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 5:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Promote Cluster Developments and Preserve Open Space**,” and dated 23 January, 2007, be adopted? [Note: **Exhibit B** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 6:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Encourage and Clarify Standards for Home Occupations**,” and dated 23 January, 2007, be adopted? [Note: **Exhibit C** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 7:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Increase the Tidal Resource Protection Districts to Accommodate Sea Level Rise**,” and dated 23 January, 2007, be adopted? [Note: **Exhibit D** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 8:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Protect Vernal Pools and Significant Wildlife Habitats**,” and dated 23 January, 2007, be adopted? [Note: **Exhibit E** - Copies of these amendments are

on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]

- Article 9:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Require Better Stormwater Management,**” and dated 23 January, 2007, be adopted? [Note: **Exhibit F** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 10:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Control Timber Harvesting Outside the Shoreland Overlay District,**” and dated 23 January, 2007, be adopted? [Note: **Exhibit G** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 11:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Require Visual Impact Assessments for Large Projects,**” and dated 23 January 2007, be adopted? [Note: **Exhibit H** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 12:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Protect Potential Archaeological Resources,**” and dated 23 January, 2007, be adopted? [Note: **Exhibit I** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 13:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Encourage Alternative Energy Use,**” and dated 23 January, 2007, be adopted? [Note: **Exhibit J** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 14:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Completely Remove Campground Standards to Correct a Technical Error,**” and dated 23 January, 2007, be adopted? [Note: **Exhibit K** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 15:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Modify Special Standards for Transient Accommodations (Lodging) to Correct Grammar and Technical Issues with No Relaxing of Requirements,**” and dated 23 January, 2007, be adopted? [Note: **Exhibit L** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]
- Article 16:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court,**” and dated 23 January, 2007, be adopted? [Note: **Exhibit M** - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]

**Article 17:** Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance to Change the Posting Requirements for Hearings on Amendments to the Zoning Ordinance, to be Consistent with State Law,**” and dated 12 February, 2007, be adopted? [Note: Exhibit N - Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]

**Article 18:** Do you want the town manager, Board of Selectman and Planning Board to instruct the town planner and consultant to amend the Ogunquit Zoning and Comprehensive Plan to ensure that there shall be no additional expansion or development of habitable transient accommodations by Hotels or Motels allowed in the Town of Ogunquit? [Note: **Petitioned Article**].

**Article 19:** Shall an Ordinance entitled “**An Ordinance to Amend Title VII of the Ogunquit Municipal Code (Animal Control Ordinance)** be enacted? [Note: Copies of these amendments are on file with the Town Clerk and are available for inspection, use and examination by the public in the Town Clerk’s Office].

**Article 20:** Shall an Ordinance entitled “**An Ordinance to Amend Title XI, Chapter 3, Section 302.4 of the Ogunquit Municipal Code (Historic Preservation Ordinance)** be enacted?

302.4 Public Hearing

- a. A public hearing shall be held within sixty (60) days of receipt of a completed application for designation. Written notice of the application shall be given by ~~certified mail, return receipt requested,~~ **regular U.S. mail, first class, postage prepaid**, thirty (30) days prior to the hearing date to the applicant(s), the owner of the property that is subject to the proposed designation, owners of the property within one hundred feet (100’) of the boundaries of the proposed historic site, landmark or structure, and all other persons found by the Historic Preservation Commission to have special interest in the application, including any historical organizations in the Town.

**Article 21:** Shall the Town vote to accept the following designated sites to be placed upon the Ogunquit Historic Preservation Register?

- Mile Marker – Old King’s Highway
- Dolphin Post – In the Ogunquit River
- Woodbury Studio – 38 Woodbury Lane
- Ciampa Summer Boarding House – 140 Shore Road
- Ogunquit Memorial Library – 166 Shore Road
- Ogunquit Playhouse – 10 Main Street
- Locust Grove Cemetery – Shore Road

**Article 22:** Shall the Town vote to redefine the **Perpetual Care Bench Account** to include expenditures on the areas surrounding and supporting the benches within the boundaries of the Town of Ogunquit? [Note: If this Article is passed, it will permit expenditures from the Perpetual Bench Account for the maintenance of the grounds surrounding and supporting the benches. There is approximately \$182,000 currently available in this Account].

**Article 23:** Shall the Town vote to transfer **\$9,557.74** from the Designated Fund Balance Account for the purpose of establishing a ~~Village-Town~~ **Beautification Reserve Account**? [Note: This is the remaining balance of an original \$20,000 appropriation for ~~Village~~ Town Beautification

passed in 2003. If this Article is passed, it will enable the Town to create an ongoing reserve account for the purpose of completing ~~village~~ town projects. If this money is not re-appropriated, it will lapse into the Surplus Fund Balance at the end of the fiscal year].

**Article 24:** Shall the Town vote to accept Ocean Heights Road, in accordance with 23 M.R.S.A,§3025, as a Town owned road, which is part of an offer of dedication from Ocean Heights Subdivision, Walter W. Woods, who is the owner of this private road on a plan entitled “Subdivision Plan of Ocean Heights”, prepared by Anderson Livingston Engineers, Inc., dated August 23, 2001, recorded in the York County Registry of Deeds as Book 10903, Page 251?

**Article 25:** Shall the Town vote to raise and appropriate the sum of **\$599,695** for **General Government** expenditures? (Note: If this article is defeated, the appropriation for General Government will default to \$556,600 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends **\$596,195** (4-0).

**Article 26:** Shall the Town vote to raise and appropriate the sum of **\$384,818** for **Land Use Department** expenditures? (Note: If this article is defeated, the appropriation for the Land Use Department will default to \$349,828 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends **\$366,568** (4-0).

**Article 27:** Shall the Town vote to raise and appropriate the sum of **\$1,377,589** for **Police Department** expenditures? (Note: If this article is defeated, the appropriation for the Police Department will default to \$1,465,810 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a “YES” vote (3-2).  
Budget Review Committee recommends **\$1,332,094** (4-0).

**Article 28:** Shall the Town vote to raise and appropriate the sum of **\$1,059,855** for **Fire-Rescue Department** expenditures? (Note: If this article is defeated, the appropriation for the Fire-Rescue Department will default to \$1,101,162 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a “YES” vote (4-1).  
Budget Review Committee recommends a “YES” vote (4-0).

**Article 29:** Shall the Town vote to raise and appropriate the sum of **\$640,100** for **Public Works Department** expenditures? (Note: If this article is defeated, the appropriation for the Public Works Department will default to \$831,280 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “YES” vote (4-0).

**Article 30:** Shall the Town vote to raise and appropriate the sum of **\$417,983** for **Transfer Station** expenditures? (Note: If this article is defeated, the appropriation for the Transfer Station will default to \$449,688 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “YES” vote (4-0).

**Article 31:** Shall the Town vote to raise and appropriate the sum of **\$65,929** for **Harbormaster** expenditures? (Note: If this article is defeated, the appropriation for the Harbormaster will default to \$63,577 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 32:** Shall the Town vote to raise and appropriate the sum of **\$4,000** for **General Assistance** expenditures? (Note: If this article is defeated, the appropriation for General Assistance will default to \$5,100 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YE" vote (4-0).

**Article 33:** Shall the Town vote to raise and appropriate the sum of **\$156,167** for **Insurance** expenditures? (Note: If this article is defeated, the appropriation for Insurances will default to \$69,243 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 34:** Shall the Town vote to raise and appropriate the sum of **\$252,583** for **Administrative Services Department** expenditures? (Note: If this article is defeated, the appropriation for the Administrative Services Department will default to \$252,114 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 35:** Shall the Town vote to raise and appropriate the sum of **\$17,589** for **Conservation** expenditures? (Note: If this article is defeated, the appropriation for Conservation will default to \$18,050 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 36:** Shall the Town vote to raise and appropriate the sum of **\$45,629** for **Information Services** expenditures? (Note: If this article is defeated, the appropriation for the Information Services Department will default to \$45,828 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 37:** Shall the Town vote to raise and appropriate the sum of **\$10,200** for **Civic Organizations/Human Services** expenditures? (Note: If this article is defeated, the appropriation for Civic Organizations will default to \$20,145 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (3-2).  
Budget Review Committee recommends **\$14,400** (4-0).

**Article 38:** Shall the Town vote to raise and appropriate the sum of **\$618,927** for **Debt Management** expenditures? (Note: If this article is defeated, the appropriation for Debt Management will default to \$438,389 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

- Article 39:** Shall the Town vote to transfer up to **\$566,000** from Undesignated Fund Balance to fund the Debt Service Management Account?
- Board of Selectmen recommends a “Yes” vote (4-1).  
Budget Review Committee recommends **\$400,000** (4-0)
- Article 40:** Shall the Town vote to raise and appropriate the sum of **\$30,000** for the Computer Reserve Account (established STM 11/8/05)? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)
- Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “YES” vote (4-0).
- Article 41:** Shall the Town vote to raise and appropriate the sum of **\$30,000** for a new **Police Vehicle**. [Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.]
- Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “YES” vote (4-0).
- Article 42:** Shall the Town vote to raise and appropriate the sum of **\$3,695** for the purchase of a **Radar Display Sign**? [Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.]
- Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “NO” vote (4-0).
- Article 43:** Shall the Town vote to authorize the Municipal Officers to enter into a **ten (10) year Lease/Purchase Agreement for a new Aerial Ladder Truck**; with funds for said truck to be raised and appropriated in the amount of **\$75,000** for the first year of payment under the Lease/Purchase Agreement? [Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.]
- Board of Selectmen recommends a “YES” vote (3-2).  
Budget Review Committee recommends a “YES” vote (4-0).
- Article 44:** Shall the Town vote to raise and appropriate the sum of **\$25,000** to remodel the two (2) existing **employee bathrooms** at the Ogunquit Fire Station? [Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.]
- Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “YES” vote (4-0).
- Article 45:** Shall the Town vote to raise and appropriate the sum of **\$13,000** for the installation of lighting in Perkins Cove? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)
- Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “NO” vote (4-0).
- Article 46:** Shall the Town vote to raise and appropriate the sum of **\$95,000** for the shim and overlay to Main Beach Parking Lot? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)
- Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “YES” vote (4-0).

**Article 47:** Shall the Town vote to raise and appropriate the sum of **\$25,000** to replace the culvert on River Road? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 48:** Shall the Town vote to raise and appropriate the sum of **\$55,000** to remodel the **public restrooms** at Main Beach, Perkins Cove and Jacobs Lot? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 49:** Shall the Town vote to raise and appropriate the sum of **\$25,000** to be deposited into the previously established **Land Conservation Reserve Fund**? [Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 50:** Shall the Town vote to raise and appropriate the sum of **\$135,000** for erosion repairs to the Marginal Way? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 51:** Shall the Town vote to raise and appropriate the sum of **\$171,000** to provide for Street Lights, Sewer Fees and Water Hydrants? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 52:** Shall the Town vote to raise and appropriate the sum of **\$45,000** to be used for Union Negotiations and salary adjustments, as needed?

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 53:** Shall the Town vote to raise and appropriate the sum of **\$10,000** for **Unemployment Benefits**? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 54:** Shall the Town vote to raise and appropriate the sum of **\$20,000** for **Accrued Liabilities**? (Note: If this article is defeated, the appropriation for this item shall be \$0 pursuant to Section 503 of the Town Charter.)

Board of Selectmen recommends a "YES" vote (5-0).  
Budget Review Committee recommends a "YES" vote (4-0).

**Article 55:** Shall the Town vote to raise and appropriate up to **\$55,000** for Tax Anticipation Note interest?

Board of Selectmen recommends a “YES” vote (5-0).  
Budget Review Committee recommends a “YES” vote (4-0).

**Article 56:** Shall the Town vote to increase the property tax levy limit established for Ogunquit by State law in the event that the municipal budget approved for fiscal year 2007 will result in a tax commitment that is greater than the property tax levy limit?

**Article 57:** Shall the Town vote to allow the Highway Department to plow and sand private roads on which the Town holds a recorded public easement during the upcoming winter season as otherwise allowed by Title 23 M.R.S.A. §3105 and previously authorized by a vote on Article 3 of a Special Town Meeting held on November 5, 2002, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

**Article 58:** Shall the Town authorize the Board of Selectmen to apply for and accept grant funds, donations and gifts; and authorize the Selectmen to spend such funds for the purposes intended as allowed by law?

**Article 59:** Shall the Town vote to authorize the Board of Selectmen to expend an amount of money, not to exceed one third (1/3) of the 2007 annual budget during the period from January 1, 2008 to the completion of the 2008 Annual Town Meeting; excepting such costs associated with winter road maintenance and general assistance which may, of necessity, exceed such limits?

**Article 60:** Shall the Town vote to accept the categories of funds, listed herein, as provided by the Maine Legislature:

<u>ITEM</u>	<u>AMOUNT</u>
Homestead Reimbursement	\$Unknown
State Aid Road Grant	\$Unknown
Municipal Revenue Sharing	\$Unknown
State Education Tax Relief	\$Unknown
Emergency Management Funds	\$Unknown
General Assistance Rebate	\$Unknown
Snowmobile Registration	\$Unknown
Tree Growth Reimbursement	\$Unknown
Veteran’s Exemption Rebate	\$Unknown
Public Library Aid	\$Unknown
Specialized State Grants/Funds	\$Unknown

**Article 61:** Shall the Town vote to fix the date when 2007 property taxes shall be due and payable as that date occurring 45 days after the date of tax commitment; and further, that interest at the rate of **12%** per annum shall accrue from and after that date as allowed by law?

**Article 62:** Shall the Town vote to pay no more than **8%** per annum to taxpayers who pay taxes in excess of the amounts finally assessed, and to authorize such interest paid or abatements granted to be charged against the Town’s annual overlay, or if necessary, against the Town’s *undesignated surplus* fund balance?

**Article 63:** Shall the Town vote to authorize the Board of Selectmen to sell and convey tax acquired property as they shall deem to be necessary and/or in the best interests of the Town; provided, however, that a delinquent taxpayer shall be given a thirty (30) day grace period after approval of this warrant article in which to redeem his/her property upon payment of all taxes, liens, interest and other applicable costs; and furthermore, shall the Town vote to authorize the Board of Selectmen to execute and deliver quit

claim deeds, without covenant, for the conveyance of such property and/or the removal of tax liens from public records as justice may require?

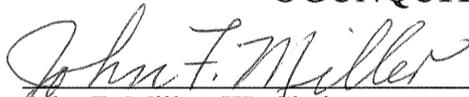
**Article 64:** Shall the Town vote to authorize the Board of Selectmen to dispose of town-owned surplus property upon such terms and conditions as the Selectmen may deem to be in the best interests of the Town as otherwise allowed by law?

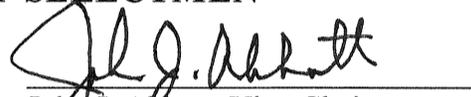
**Article 65:** Do you wish the Town of Ogunquit to contribute to charitable organizations on future town referendum warrants?  
[Note: Non-Binding Referendum].

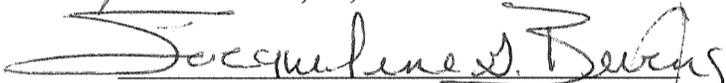
**Article 66:** Shall the Town vote to continue using the secret ballot method of conducting Town Meetings and approving all budget appropriations? (Note: A "NO" vote may result in a future warrant article to repeal the amendment to the Town Charter enacted by vote on Article 2 at a Special Town Meeting held on June 8, 2004.)  
[Note: Non-Binding Referendum].

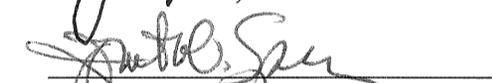
Given under our hands this 20<sup>th</sup> day of February 2007, A.D. in Ogunquit, Maine, by the Board of Selectmen, acting in their capacity as the municipal officers. ATTEST:

**OGUNQUIT BOARD OF SELECTMEN**

  
John F. Miller, III, Chairman

  
John J. Abbott, Vice-Chairman

  
Jacqueline G. Bevins

  
Jonathan O. Speers

  
Donato J. Tramuto

**VOTER INFORMATION:** The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any election.

**RETURN OF WARRANT CERTIFICATION**

In the Town of Ogunquit, County of York, State of Maine, ss.

Pursuant to the foregoing Warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purpose herein stated by posting upon the \_\_\_\_ day of \_\_\_\_\_, 2007, A.D. copy of said Warrant at the Dunaway Community Center, Ogunquit Post Office, and the Village Food Market, those being three (3) conspicuous and public places in said Town.

\_\_\_\_\_  
Patricia L. Arnaudin, Chief of Police  
Town of Ogunquit

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

\_\_\_\_\_  
Office of the Town Clerk

# OGUNQUIT

*Beautiful Place by the Sea*

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend the Ogunquit Animal Control Ordinance" (Title VII). These amendments will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 7, 2007.

Pursuant to 30-A, MRSA§ 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

**OGUNQUIT  
BOARD OF SELECTMEN**

*John F. Meller*

*John J. Abbott*

*Jacques M. Briggs*

*Robert W. Spivey*

Dated: *February 20, 2007*

Note: Language proposed to be inserted is indicated by bold and underlining. Language proposed to be removed is indicated by a ~~strikeout~~. All other portions of the ordinance proposed remained unchanged.

## TITLE VII ANIMAL CONTROL ORDINANCE

### Chapter 1 Title, Purpose, Authority and Definitions

#### 101 Title

This Title shall be known and may be cited as the Animal Control Ordinance of Ogunquit.

#### 102 Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare through regulation of animals and their activity.

#### 103 Authority

Town authority to enact this Ordinance is found generally in Title 30 of the Maine Revised Statutes, the police power to enact ordinances. The State of Maine has also delegated specific authority to regulate dogs and their activity. This authority is found in Title 7, concerning Agriculture and Animals. Besides this delegation of Authority, the State of Maine has enacted other statutes governing animals, and these statutes are also found in Title 7 of the Maine Revised Statutes.

#### 104 Definitions

As used in this Ordinance, the words listed below shall have the following definitions:

104.1 **Animal: Any of the lower animals as distinguished from human beings, including mammals, birds, reptiles, amphibians and fish.**

104.2 **Animal Control Officer: The person appointed by the Town and responsible for enforcing ordinances relating to the control, impoundment and disposition of animals.**

- 104.3** **At Large: Off the premises of the owner and, at all times, neither physically restrained by leash, cord, chain, etc. nor completely controlled by voice or electronic command by the owner or handlers.**
- 104.4** **Dog: A member of the genus and species known as canis familiaris or any canine , regardless of generation, resulting from interbreeding of a member of canis familiaris with a wolf or coyote.**
- 104.5** **Municipality, Ogunquit or Town: Town of Ogunquit**
- 104.6** **Ogunquit Beach Area:**
- All land, including marsh, and bridges above low water mark, bounded on the south and west by the southern and western banks of the Ogunquit River, on the east by the Atlantic Ocean, and on the north by the Wells-Ogunquit town line; does not apply to the ingress or egress across the Beach Street Bridge or the end of the Beach Street turnaround.**
- All the land above low water mark at the Little Beaches, so called;**
- All land and adjacent marsh of the Footbridge Parking Lot; and**
- All land of the Lower Parking Lot situated off River Road.**
- 104.7** **Owner: An individual, partnership, corporation, or any other entity owning, keeping or harboring an animal.**

**TITLE VII  
ANIMAL CONTROL ORDINANCE**

**Chapter 2    General Ordinances**

**201            Disturbing the Peace**

**201.1**        The owner of any ~~pet or other~~ animal shall not permit that ~~pet or~~ animal to bark, crow, cackle, talk, sing, or make other noises that are audible to any person on adjacent private or public property. Any outbreaks of noise between the hours of 9:00 p.m. and 7:00 a.m. or for periods of ten (10) minutes or more at other times shall be a violation of this section.

**201.2**        The Owner of any ~~pet or other~~ animal shall maintain that ~~pet or~~ animal in an enclosure and a clean and sanitary condition. No owner shall maintain any enclosure in such a manner as to cause objectionable odors that are detectable to any person on adjacent private or public property.

**202            Running at Large**

The owner of any ~~pet or other~~ animal shall not permit that ~~pet or~~ animal to run at large, except when used for hunting or on private property with the consent of the property owner. Dogs or other animals shall not be allowed to run at large on any public property or rights-of-way in Town, however, dogs shall be allowed, without a leash, in the designated area from the Footbridge Beach walkway to the Moody Beach Town Line on the ocean side **easterly of the dunes**, between October 1 and March 31, provided that any such animal that is not physically restrained must be completely controlled by voice or electronic command by the owner or handler at all times. **(ATM 04/05/03)** The first offense to this Section may be subject to a \$25 fine issued by an officer of the Town. **(STM 11/6/01)** A second offense, once determined by the Town, shall merit a \$50 fine. The third or additional offense(s), as determined by the Town, shall merit a \$200 fine for each separate offense. The Town may take all equitable and appropriate steps under Maine law to enforce this Section including ~~revoking an owner's dog license~~ impounding the ~~dog~~ **animal** at the owner's expense until all back fines have been paid in full. **(ATM 4/1/00)**

**203            Animal Offal**

Except for property belonging to the owner, the owner of any ~~pet or~~ animal shall remove from private or public property any animal offal, which that ~~pet, or~~ animal excretes. The first offense to this Section shall merit a warning from an officer of the Town. A second offense, once determined by the Town, shall merit a \$50 fine. The third or additional

offense(s) as determined by the Town shall merit a \$200 fine for each separate offense. The Town may take all equitable and appropriate steps under Maine law to enforce this Section including ~~revoking an owner's dog license and~~ impounding the ~~dog~~ **animal** at the owner's expense until all back fines have been paid in full. (ATM 4/1/00)

**204**            **Menacing Activity**

The owner of any ~~pet or other~~ animal confined on private property or in a vehicle shall not permit that ~~pet or~~ animal to menace or bite any person lawfully using any public street or area.

**205**            **Interference**

Any person shall not interfere with, hinder, or molest any police or animal control officer in the performance of duty or seek to release any ~~pet or~~ animal in the custody of an authorized officer, except as provided in this Ordinance. The penalty for violation of this section shall be not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

**206**            **Prohibitions in Specific Areas**

These restrictions are the same as those found in Title IV, Public Resources and Conservation, **particularly Chapters 4 and 5, thereof.**

**206.1**            **Ogunquit Beach**

**206.1.1**            ~~Dogs~~ **Animals** are permitted within the Ogunquit Beach Area from October 1 to March 31, if **provided they are physically restrained; i.e.,** on a leash, cord or chain. (ATM 4/9/01) Dogs shall not be allowed to run at large at anytime, but they may be off leash in the designated area as ~~noted~~ **so provided for** in Section 202. (ATM 4/05/03)

**206.1.2**            ~~Dogs~~ **Animals** are not permitted within the ~~entire~~ Ogunquit Beach Area ~~from the Main Beach to the Moody Beach Town Line~~ from April 1 to September 30. (ATM 4/9/01)

~~**206.1.2**            No person shall lead or ride a horse or pony within the Ogunquit Beach Area from April 1 to September 30. (ATM 4/9/01)~~

**206.2**            **Marginal Way**

**206.2.1**

~~Dogs~~ Animals are permitted on the Marginal Way from October 1 to March 31, ~~if~~ **provided they are physically restrained** on a leash, cord or chain. (ATM 4/8/91, 4/9/01) ~~Dogs~~ Animals are not permitted on the Marginal Way from April 1 to September 30. (ATM 4/9/01)

**TITLE VII  
ANIMAL CONTROL ORDINANCE**

**Chapter 3    Dogs \***

**301            License Required**

**301.1**            A person shall not own or keep a dog in Ogunquit unless the owner or keeper has licensed that dog in accordance with State of Maine Statutes. *(See 7 MRSA, Section 3451)*

~~**301.2**            The licensing requirement of this section shall not apply to any dog licensed by the Town of Wells in 1980 prior to the enactment of this Ordinance.~~

~~**301.3**~~ **2**            The licensing requirement of this section shall not apply to any dog belonging to a non-resident visitor or seasonal resident, but the owner shall comply with all other provisions of this Ordinance.

**302            License to be Displayed**

The owner of any dog shall attach to the dog by a collar the dog's license; or the dog's identification, if the dog belongs to a non-resident visitor or seasonal resident.

\*State Law reference: Dogs generally, 7 MRSA, Section 3402, and following sections: **Part 9: Animal Welfare, particularly Chapter 721 thereof.**

**TITLE VII  
ANIMAL CONTROL ORDINANCE**

**Chapter 4    Enforcement**

**401            Authorized Officers**

Ogunquit Police Officers and the Ogunquit Animal Control Officer are authorized to impound ~~pets and~~ animals and to inspect dog licenses. Ogunquit Police Officers shall issue citations and make arrests as authorized by this Ordinance and applicable State of Maine laws.

**402            Impoundment**

Authorized officers shall take unlicensed dogs, wherever found, ~~or pets or~~ animals running at large and impound them in a shelter designated by the Board of Selectmen as a Town Animal Shelter.

**403            Notification of Impounded Animal**

**403.1**        Where the ownership of an impounded ~~pet or~~ animal is known or can be reasonably ascertained, the animal control officer shall notify the owner by mail or in person within three (3) days of such impoundment.

**403.2**        Where the ownership cannot be reasonably ascertained, the animal control officer shall post in three (3) public places a notice giving a description of the ~~pet or~~ animal, where it was impounded, and how it may be recovered.

**404            Disposition of Impounded Animal**

**404.1**        The owner of an impounded ~~pet or~~ animal may recover that ~~pet or~~ animal upon payment of the impoundment and boarding fees specified in Sections 501 and 502. The owner of an unlicensed dog shall also obtain a dog license before the impounded dog is released.

**404.2**        Any impounded ~~pet or~~ animal not recovered within ten (10) days after receiving notice or notice is posted, according to Section 403, shall be considered abandoned by the owner and the property of the Town Animal Shelter.

The animal control officer shall then make arrangements with any licensed veterinarian, humane society or shelter for disposition of the ~~pet or~~ animal, including sale or gift.

**405            Disposition of Animal Biting a Person**

**405.1**            The owner of a ~~pet or~~ an animal, which bites another person, shall immediately notify the ~~dog~~ animal control officer.

**405.2**            Whenever a ~~pet or~~ an animal bites a person, the animal control officer shall order the owner to have the ~~pet or animal~~ examined by a licensed veterinarian, confined on the owner's premises for period of ~~two (2) weeks, and examined again.~~ Ten (10) days. The animal control officer shall impound the ~~pet or~~ animal if the owner is unwilling or unable to do so. The owner shall pay the expense of examination and impoundment. ~~unless financially unable to pay.~~

**405.3**            If at the end of ~~two (2) weeks~~ ten (10) days, a veterinarian is convinced that the ~~pet or~~ animal is free from rabies, the ~~pet or~~ animal shall then be released from confinement, or from the pound after payment of fees. ~~as the case may be.~~ If the ~~pet or~~ animal dies within the period, its head shall be sent to the appropriate state agency for examination for rabies.

**406            Records of Impoundment**

The animal control officer shall keep an accurate and detailed record of the impoundment and disposition of all ~~pets and~~ animals coming into custody.

**TITLE VII  
ANIMAL CONTROL ORDINANCE**

**Chapter 5 Fees and Penalties**

**501 Impoundment Fees**

Any ~~pet or~~ animal found running at large, stray or abandoned shall be impounded at the Animal Shelter under contract with the Town. Owners may reclaim their animal by first licensing, if applicable, and upon payment of an impoundment fee of \$40.00 to the Town. Owners will be responsible for any additional costs incurred by the animal while at the Shelter. (BOS 8/5/97, BOS 5/7/02)

**502 Boarding Fees**

In addition to impoundment fees, a further fee for board shall be paid at a rate established by the ~~Board of Selectmen~~ **impoundment facility.**

**503 Penalties**

**503.1** State laws provide the penalty for dogs running at large. The same penalties shall apply for unleashed dogs ~~other pets~~ and **other** animals in Ogunquit.

**503.2** State laws provide the penalty for keeping an unlicensed dog.

**503.3** The penalty for other violations of Chapters 2 and 3, except where specified, shall be a fine of not more than one hundred dollars (\$100) for each violation plus costs which fine and costs shall be recovered on complaint to the use of the Town. (4/8/91 ATM)

**503.4** Fine collected for violations of this Ordinance shall be recovered for the use of the Town of Ogunquit.

**TITLE VII  
ANIMAL CONTROL ORDINANCE**

**Chapter 6 Severability**

**601** If any provision of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

**TITLE VII  
ANIMAL CONTROL ORDINANCE**

**Chapter 7    Effective Date**

**701**            This Ordinance, upon its adoption by the Municipality, shall become effective immediately. (Adopted by vote of the Ogunquit Village Corporation on June 2, 1980, Articles 8, 9, 10, and 12 of the Warrant)

**AMENDED: April 8, 1991  
              April 1, 2000  
              April 9, 2001  
              April 5, 2003**

# OGUNQUIT

*Beautiful Place by the Sea*

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend the Ogunquit Historic Preservation Ordinance" (Title XI). These amendments will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 7, 2007.

Pursuant to 30-A, MRSAS 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

**OGUNQUIT  
BOARD OF SELECTMEN**

*John J. Phelan*  
*John F. Miller*  
*David W. Gray*

Dated: February 20, 2007

**Note:** Language proposed to be inserted is indicated by bold and underlining. Language proposed to be removed is indicated by a ~~strikeout~~. All other portions of the ordinance proposed remain unchanged.

**Title XI**  
**HISTORIC PRESERVATION ORDINANCE**

302.4      Public Hearing

- a.      A public hearing shall be held within sixty (60) days of receipt of a completed application for designation. Written notice of the application shall be given by ~~certified mail, return receipt requested,~~ **regular U.S. mail, first class, postage prepaid,** thirty (30) days prior to the hearing date to the applicant(s), the owner of the property that is subject to the proposed designation, owners of the property within one hundred feet (100') of the boundaries of the proposed historic site, landmark or structure, and all other persons found by the Historic Preservation Commission to have special interest in the application, including any historical organizations in the Town.

# OGUNQUIT

AMENDED

*Beautiful Place by the Sea*

To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan" (**Title X**). These amendments will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 7, 2007.

- A. To Provide Affordable Housing
- B. To Promote Cluster Developments and Preserve Open Space
- C. To Encourage and Clarify Standards for Home Occupations
- D. To Increase Tidal Resource Protection Districts to Accommodate Sea Level Rise
- E. To Protect Vernal Pools and Significant Wildlife Habitats
- F. To Require Better Stormwater Management
- G. To Control Timber Harvesting Outside the Shoreland Overlay District
- H. To Require Visual Impact Assessments for Large Projects
- I. To Protect Potential Archaeological Resources
- J. To Encourage Alternative Energy Use
- K. To Completely Remove Campground Standards to Correct a Technical Error
- L. To Modify Special Standards for Transient Accommodations (Lodging) to Cover Grammar and Technical Issues with No Relaxing of Requirements

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

OGUNQUIT  
BOARD OF SELECTMEN

*John F. Miller*  
*John J. Abbott*  
*Jacqueline Buring*  
*John B. Spru*

Dated: February 27, 2007

A TRUE COPY, ATTEST:

\_\_\_\_\_  
Judy Shaw-Kagiliery, Town Clerk/ Date

**Proposed Warrant Article Questions  
For Amendments to the Ogunquit Zoning Ordinance  
For Annual Town Meeting Spring 2007**

Article 4: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Provide Affordable Housing,” and dated 23 January 2007, be adopted? **Exhibit A**

Article 5: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Promote Cluster Developments and Preserve Open Space,” and dated 23 January 2007, be adopted? **Exhibit B**

Article 6: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Encourage and Clarify Standards for Home Occupations,” and dated 23 January 2007, be adopted? **Exhibit C**

Article 7: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Increase the Tidal Resource Protection Districts to Accommodate Sea Level Rise,” and dated 23 January 2007, be adopted? **Exhibit D**

Article 8: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Protect Vernal Pools and Significant Wildlife Habitats,” and dated 23 January 2007, be adopted? **Exhibit E**

Article 9: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Require Better Stormwater Management,” and dated 23 January 2007, be adopted? **Exhibit F**

Article 10: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Control Timber Harvesting Outside the Shoreland Overlay District,” and dated 23 January 2007, be adopted? **Exhibit G**

Article 11: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Require Visual Impact Assessments for Large Projects,” and dated 23 January 2007, be adopted? **Exhibit H**

Article 12: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Protect Potential Archaeological Resources,” and dated 23 January 2007, be adopted? **Exhibit I**

Article 13: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Encourage Alternative Energy Use,” and dated 23 January 2007, be adopted? **Exhibity J**

Article 14: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Completely Remove Campground Standards to Correct a Technical Error,” and dated 23 January 2007, be adopted? **Exhibit K**

Article 15: Shall an ordinance entitled "An Ordinance to Amend the Ogunquit Zoning Ordinance to Modify Special Standards for Transient Accommodations (Lodging) to Correct Grammar and Technical Issues with No Relaxing of Requirements," and dated 23 January 2007, be adopted? Exhibit L

~~Article ---:--Shall an ordinance entitled "An Ordinance to Amend the Ogunquit Zoning - Ordinance To Adjust Traffic Standards in Response to a Decision of the Maine Supreme --- Judicial Court," and dated 23 January 2007, be adopted? --- Exhibit M ---~~

~~Article ---:--Shall an ordinance entitled "An Ordinance to Amend the Ogunquit Zoning ---- Ordinance To Change the Posting Requirements For Hearings on Amendments to the ----- Zoning Ordinance, to Be Consistent with State Law," and dated 12 February 2007, be ----- adopted? - Exhibit N -~~

TO FILE: JSK

See Attached letter from Planning Board. The BOS met on Tuesday, February 27, 2007, and voted to nullify the original Order dated February 20, 2007, to reflect deletion of Article 16 (Exhibit M) and Article 17 (Exhibit N).

An amended Order has been signed by the BOS, this date. JSK

ATTEST:

A TRUE COPY

  
\_\_\_\_\_  
Judy S. Kagiliery Town Clerk

Dated: February 27, 2007

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Provide Affordable Housing

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

ARTICLE 2 – DEFINITIONS

\*\*\*\*\*

Affordable Housing:

Decent, safe and sanitary dwelling units that can be afforded by households with annual incomes no greater than 80% of the median household income in non-metropolitan York County, as established by the U.S. Department of Housing and Urban Development. A renter-occupied unit is affordable to such households if the unit's monthly housing costs, including rent and basic utility costs (the costs of heating and of supplying electricity to the unit plus the cost, if any, of supplying public water and public wastewater disposal service to the unit), do not exceed 30% of gross monthly income. An owner-occupied unit is affordable to such households if its price results in monthly housing costs that do not exceed 28% of gross monthly income for principal, interest, insurance, and real estate taxes. Estimates of mortgage payments are to be based on down payments and rates of interest generally available in the area to low and moderate income households.

Affordable Housing Covenant:

Any agreement among one or more owners, one or more tenants of residential real estate and one or more qualified holders, or between one or more owners and one or more qualified holders, or between one or more tenants and one or more qualified holders, that permits a qualified holder to control, either directly or indirectly, the purchase price of residential housing for the primary purpose of providing that the housing remains affordable to lower income and moderate-income households. See also the definition of "qualified holder" in this Article.

\*\*\*\*\*

Qualified Holder:

A governmental entity empowered to hold an interest in real property under the laws of Maine or the United States or a nonprofit organization whose purposes include the provision of affordable housing or the increasing of affordable housing opportunities for lower income or moderate-income households, including governmental or quasi-governmental entities such as public housing authorities, community action agencies, or other similar nonprofit or governmental entities committed to providing opportunities for lower income or moderate income households to obtain affordable housing.

\*\*\*\*\*

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Provide Affordable Housing

ARTICLE 9– STANDARDS FOR SPECIFIC LAND USES

9.1 Accessory Affordable Apartments

As an accessory use ~~in~~ to a single family dwelling, the creation and renting of a single apartment within the dwelling, at an affordable rent, shall be permitted in a dwelling existing prior to 1930 provided all of the following conditions are all satisfied- met:

- A. There shall be no new external construction to increase the size of the structure to accommodate the accessory apartment, except as may be required by life safety codes. However, there may be construction within the home to accommodate the accessory apartment.
- B. The water and sewage facilities shall meet all existing laws and codes.
- C. The building is owner-occupied.
- D. The building is located on a conforming lot for a single family dwelling in the district in which it is located, or is located on a nonconforming lot as defined in Article 2 of this Ordinance.
- E. One off-street parking space is provided for the accessory apartment, in accordance with the dimensional and design requirements of this Ordinance. This parking space shall be in addition to the parking required for the single family dwelling.
- F. All required permits are obtained for construction of the accessory apartment and a certificate of occupancy is obtained prior to the apartment being rented.
- G. The accessory apartment is no larger than 40% of the total area of the single family dwelling, or 800 square feet, whichever is smaller.
- H. The rent for the accessory apartment is affordable, as defined by this Ordinance in the definition of affordable housing (renter-occupied units) in Article 2.
- ~~D~~I. Any apartment created under this section need not meet any of the dimensional or area requirements for dwelling units or multi-family housing contained in Section 9.12, nor the density requirements of Table 703.1 or other sections of this Ordinance. If any one or more provisions A through H of this section can not be met, an additional apartment may only be created if all applicable density or other requirements for an additional dwelling unit can be met.

\* \* \* \* \*

9.20 Affordable Housing Provisions

- A. Mandatory Minimum Set-Aside of 10 Percent of Dwelling Units for Affordable Housing  
All subdivisions, with ten or more lots or dwelling units created within a five year period, shall set aside at least ten percent (10%) of the lots or dwelling units in the project as affordable housing as defined by this Ordinance. Assurance of continued affordability shall be provided as set forth below.
- B. Density Bonus Calculation for Projects with at least 25 Percent Affordable Lots or Units
  - 1. The Planning Board may decrease the minimum lot area and/or minimum net residential area per dwelling unit in any district, as listed in Table 703.1, by up to 25%, if at least

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Provide Affordable Housing

25% of the lots or units in any residential subdivision are set aside for affordable housing, as defined by this Ordinance, and the project is designed as a clustered or planned unit development, pursuant to section 9.6 of this Ordinance.

2. This affordable housing density bonus shall not apply to mobile home parks or to conventional subdivisions.
3. Calculation of Bonus for Clustered or Planned Unit Developments with Affordable Housing. If a clustered or planned unit residential development is proposed with at least 25% of the lots or units set aside for affordable housing, as defined by this Ordinance, the maximum number of dwelling units shall be calculated as follows:
  - a. Multiply the minimum net residential area per dwelling unit listed in Table 703.1, by 0.75;
  - b. Divide the result above into the net residential area of the entire parcel or tract. The term "Net Residential Area" shall be as defined by this Ordinance in Article 2.
  - c. Multiply the result by 1.2, and round to the nearest whole number.

C. Assurance of Affordability

1. An application for a subdivision that includes affordable housing under this Section shall demonstrate to the satisfaction of the Planning Board that, either by means of the terms of a mortgage held by a governmental agency whose purposes include the provision of affordable housing, or by means of an affordable housing covenant to be conveyed to a qualified holder, along with a signed statement by the qualified holder that it will serve as the holder of the affordable housing covenant, the designated share of units will remain affordable, as defined by this Ordinance:
  - (a) for at least 30 years from the date of first occupancy, in the case of units to be occupied by renters, whether or not the units are subsequently sold for owner-occupancy; and
  - (b) for at least 10 years from the date of first occupancy, in the case of units to be occupied by the owners of the units.

The affordable housing covenant shall provide, further, that the units will be rented or sold during the designated period of time only to persons whose incomes meet the guideline for affordability, as defined in this Ordinance.

The terms "affordable housing covenant" and "qualified holder" shall have the meaning as set forth in Article 2, Definitions, of this Ordinance. Nothing in this paragraph shall preclude a qualified holder itself from being the applicant for the development of an affordable housing project, provided that it demonstrates to the satisfaction of the Planning Board that, by means of deed restrictions, financial agreements, or other appropriate legal and binding instruments, the designated share of units will remain affordable for the required period of time.

2. An application for a subdivision that includes affordable housing under this Section shall include a written statement on the subdivision plat indicating the share of dwelling units set aside as affordable, and, in the case of dwelling units to be sold to others individually, the actual units (or the lots that will accommodate such units) set aside as affordable.

3. An application for a subdivision comprised of rental units that includes a request for affordable housing under this Section shall include as part of the affordable housing covenant a written description of the mechanism by which the subdivider and his successors shall document annually to the qualified holder and to the Planning Board that the designated share of units to be rented have remained priced and, if occupied, actually rented at affordable levels and have been rented to households within the guidelines of affordability, as defined by this Ordinance. Failure to make such annual documentation shall constitute a violation of the subdivision approval.

4. Any dwelling unit that is set aside for affordability and is to be sold shall include a restriction in its deed that requires:

(a) any buyer within a 10-year period from the date of first occupancy to be within the guideline of affordability, as defined by this ordinance; and

(b) the price of the dwelling unit not to be increased by a percentage greater than the percentage increase in the median household income in nonmetropolitan York County, as reported by the U.S. Department of Housing and Urban Development, between the date of purchase of the dwelling and the date of sale of the dwelling. A copy of the deed restriction shall be included as part of the subdivision application and the deed restriction shall reference the book and page number at which the subdivision plat is recorded in the York County Registry of Deeds.

D. Timing and Phasing. Affordable housing lots or dwelling units shall be constructed and completed at least concurrently with the remainder of the project. In developments where the applicant or its agents, or its successors or assigns shall construct at least fifty percent (50%) of the units, the approved affordable housing units shall be constructed in proportion to the market rate units. Proportionality shall be determined by dividing the total number of units in the development by the total number of affordable units. No building permit shall be issued for a market rate unit in excess of the proportion of affordable housing units for which a certificate of occupancy has been issued. For example, in a development of 20 units (total) with 2 affordable units, the proportional number of total units to affordable units is 10 total units to 1 affordable unit. If one building permit is issued for an affordable unit, then up to 9 building permits for market rate units can be issued. No additional market rate unit building permit can be issued until the first affordable unit is built and a certificate of occupancy for that unit is issued. An additional 9 market rate unit building permits can then be issued before the second affordable unit has been issued a certificate of occupancy. When calculating proportionality, any fractional sum shall be rounded down to the nearest whole building unit. For example, in a development of 20 units with 3 affordable units, the proportional number of units to affordable units would be 6 units to 1 affordable unit.

\* \* \* \* \*

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Promote Cluster Developments and Preserve Open Space

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

\* \* \* \* \*

ARTICLE 9- STANDARDS FOR SPECIFIC LAND USES

\* \* \* \* \*

9.6 Clustered or Planned Unit Residential Development

A. Standards

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential developments and other projects located in the Town, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship. Effective [insert date of Town Meeting] , all subdivisions, containing five (5) or more dwelling units or lots, created on the west side of Route 1, shall be designed as clustered or planned unit developments, according to the standards of this Ordinance. Subdivisions created on the east side of Route 1 may be designed either utilizing the clustered or planned unit development approach, or by the traditional subdivision method without common open space.

1. There shall be compliance with all other applicable provisions of State and local law;
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures shall be considered;
3. Calculations and Density Bonus. For the purposes of conserving open space, minimizing land disturbance, and to protect wildlife habitat, a density bonus shall be provided for clustered or planned unit residential development. The maximum number of dwelling units in a clustered or planned unit residential development shall be calculated as follows: There shall be no approval of any proposed development which does not provide at least the minimum net residential area, as defined by this Ordinance, for each dwelling unit proposed, for the district in which it is to be located, according to Table 703.1. The maximum number of dwelling units shall be calculated by dividing
  - a. Divide the minimum net residential area per dwelling unit proposed, according to Table 703.1, into the net residential area of the entire parcel or tract. The term “Net Residential Area” shall be as defined by this Ordinance in Article 2.

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Promote Cluster Developments and Preserve Open Space

- b. Multiply the result by 1.2, and round to the nearest whole number.
4. Within a cluster development or planned unit residential development, if multiple lots are proposed, an individual lot may contain less than the minimum net residential area per dwelling unit, or less than the minimum lot area, as long as the overall ~~net residential area per dwelling unit~~ density, as calculated in subsection 3 above, is met for the entire parcel or tract is met.
  5. At least fifty percent (50%) of the area of the entire parcel or tract shall be included as common open space. Common open space shall not include road rights of way, streets, drives, or parking. No more than fifty percent (50%) of the common open space shall contain wetlands of any size. Residual Common open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life, wildlife cover and the like. The use of any open space shall be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual Common open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. There shall be no further subdivision of this land or buildings constructed upon it which would cause the net residential density to exceed the density permitted in that district. Such dedications shall include private covenants or arrangements to preserve the integrity of open spaces or their use for agricultural or conservation purposes.
  6. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal:
    - a. Orientation: buildings and other improvements shall respect scenic vistas and natural features;
    - b. Drainage: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means;
    - c. Water Supply: the primary source of water shall be the public water system;
    - d. Utilities: utilities shall be installed underground whenever possible. Transformer Boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public;
    - e. Recreation: facilities shall be provided consistent with the development proposal;
    - f. Buffering: planting, landscaping, disposition and form of building and other improvements, fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development;
    - g. Buildings: disposition of buildings shall recognize the need for natural light and ventilation.

7. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.
8. ~~Common open space shall be dedicated before approval of the project.~~ There shall be no further subdivision of this land or buildings constructed upon it which would cause the ~~net residential~~ overall density to exceed the ~~density~~ maximum permitted in that district, as calculated in subsection 3 above.
9. Within 30 days of recording the approved plan, title to the common open space shall be transferred either to:
  - a. The Town of Ogunquit;
  - b. A nonprofit organization whose primary purpose is the conservation of land; or
  - c. The neighborhood association established in accordance with Section 9.6.A.10 below.
10. If the common open space is transferred to either the Town or to a nonprofit organization as set forth in subsections 9a. or 9b. above, A a conservation easement, prepared in accordance with 33 MRSA, §476, naming the town or a the nonprofit organization whose primary purpose is conservation of land as the holder, shall be recorded limiting development of the open space in accordance with the provisions of this Section and the terms of the approved plan. The common space(s) shall be shown on the development plan with appropriate notation to indicate that:
  - a. it shall not be used for future building lots; and
  - b. it shall be subject to a conservation easement; and
  - ~~bc.~~ the applicant may choose to dedicate a part or all of the common open space ~~may, at the option of the Town, be dedicated~~ for acceptance by the Town for operation as a municipal recreation facility.
11. If any or all of the common open space is to be reserved in common ownership by the residents as set forth in subsection 9c. above, the formation and incorporation by the developer of a neighborhood association shall be required. Bylaws of the proposed neighborhood association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The association shall be incorporated within 30 days of Planning Board approval.
12. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and must be included in the deed for each lot or unit.
13. This neighborhood association shall have the responsibility of maintaining the common open space(s), and other common facilities until accepted by the town.
14. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of common open space, neighborhood recreational facilities and Town assessments.

15. The developer or subdivider shall be responsible for the maintenance of the common open space and the other common facilities, until development sufficient to support the neighborhood association has taken place, ~~or, alternatively, the objectives of clustering have been met. Such determination shall be made~~ The transfer of responsibility shall occur only after review and approval by the Planning Board, upon request by the neighborhood association or the developer or subdivider.
16. ~~No dwelling unit of fewer than 650 square feet of habitable floor space shall be permitted.~~

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Encourage and Clarify Standards for Home Occupations

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

\* \* \* \* \*

9.7 Home Occupations

Where permitted by Table 702.1, home occupations shall be permitted only in compliance with all of the requirements of this Section:

- A. The occupation or profession shall be carried on wholly within ~~the~~ a principal or accessory building or within a building or other structure accessory thereto.
- B. Not more than ~~one~~ two employees who are not residents of the dwelling unit ~~person outside the family~~ shall be employed in the home occupation.
- C. There shall be no exterior display, no exterior sign ~~(except as expressly permitted by Section 8.12)~~ larger than 2 square feet, no exterior storage of materials and no other exterior indication of the home occupation, or variation from the residential character of the principal building. A home occupation may not alter the residential character of the dwelling or change the character of the lot from its principal use as a residence.
- D. No unreasonable nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or parking shall be generated. If additional parking spaces are provided, they shall be located to the rear or side of the principal structure but not within the required yard setbacks.
- E. A home occupation may involve the provision of professional, technical or business services, individual or small group private instruction, or the sale of products. However, the sale of products shall be limited to:
  - 1. those products which are crafted, assembled, or substantially altered on the premises, or
  - 2. ~~to~~ catalog items ordered off the premises by retail customers, or ~~and to~~
  - 3. retail items which are accessory and incidental to a service which is provided on the premises.
- F. A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips/day.
- G. Automobile storage, sales or repairs shall not be permitted to be established as home occupations.

\* \* \* \* \*

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Encourage and Clarify Standards for Home Occupations

**Article \_**

**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Increase the Tidal Resource Protection Districts to Accommodate Sea Level Rise**

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**ARTICLE 1 – GENERAL**

\* \* \* \* \*

**1.3 District Boundary Locations: Zoning Map**

The location and boundaries of the above districts are hereby established as shown on the map entitled, “Shoreland and Zoning Map, Ogunquit, Maine”, dated April 22, 1991, prepared by the Ogunquit Planning Board and filed in the office of the Town Clerk. Said map, with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Ordinance. When uncertainty exists with respect to district boundaries as shown upon such map, the following rules shall apply:

- A. Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Ordinance, of streets, alleys, parkways, waterways, or separate rights-of-way of public utilities and railroads or such lines extended. Where the boundary is indicated by a paved street or highway, the center line of the paved or traveled portion of the actual street or highway shall be used as the boundary rather than the center line of the of the right-of-way of the street or highway as shown in the deed(s), survey(s) or other relevant legal description(s).
- B. Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street as indicated by the official zoning map on file in the office of the Town Clerk. In the absence of a written dimension, the graphic scale on the official zoning map shall be used.
- C. Where a question arises in regard to the limits of the Resource Protection District or the Shoreland Overlay District as they affect an existing or proposed land use, the applicant shall obtain a topographic land survey from a registered land surveyor based on the nearest U.S.G.S. benchmarks.
- D. In non-tidal shoreland areas, the Resource Protection District shall be defined as being the land area within seventy-five feet of the normal high water line, measured horizontally, of any freshwater wetland, river or stream. In tidal shoreland areas adjacent to the Perkins Cove Limited Business District and the Perkins Cove Residential District, the Resource Protection District shall be defined as being the upland land area within 50 feet of a contour line at an elevation ~~40.0~~ 11.0 feet above mean sea level as determined by a land surveyor based on the nearest USGS benchmark. In any other tidal shoreland areas and coastal wetlands adjacent to any

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Increase the Tidal Resource Protection Districts To Accommodate Sea Level Rise

other Districts, the Resource Protection District shall be defined as being the upland land area within 75 feet of a contour line at an elevation ~~10.0~~ 11.0 feet above mean sea level as determined by a land surveyor based on the nearest U.S.G.S. benchmark.  
(Amended 4/5/05 ATM)

\* \* \* \* \*

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Increase the Tidal Resource Protection Districts To Accommodate Sea Level Rise

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Protect Vernal Pools and Significant Wildlife Habitats

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

ARTICLE 1 – GENERAL

\* \* \* \* \*

1.3 District Boundary Locations: Zoning Map

The location and boundaries of the above districts are hereby established as shown on the map entitled, “Shoreland and Zoning Map, Ogunquit, Maine”, dated April 22, 1991, prepared by the Ogunquit Planning Board and filed in the office of the Town Clerk. Said map, with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Ordinance. When uncertainty exists with respect to district boundaries as shown upon such map, the following rules shall apply:

\* \* \* \* \*

- E. Outside of shoreland areas, the Resource Protection District shall be defined as any significant wildlife habitat, including significant vernal pools, as defined in the Department of Environmental Protection, Chapter 335, Rules on Significant Wildlife Habitats.
- E.F. The Shoreland Overlay District shall be defined as being the land area located within 250 feet, horizontal distance, of the normal high water line of any river or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within 75 feet of the normal high water line of a stream.
- F.G. The Shoreland Overlay District is an overlay district. The provisions of the underlying district shall continue to apply. In addition, the performance standards of Section 9.15 shall apply, where appropriate. Where the dimensional requirements of the Shoreland Overlay District conflict with the dimensional requirements in an underlying zone the more restrictive requirements shall apply.
- G.H. The depiction of the Resource Protection District on the Zoning Map of the Town of Ogunquit, and the depiction of the Shoreland Overlay District on the Shoreland Overlay District Map are merely illustrative of their general location. The boundaries of these districts shall be determined by measurement of the distance indicated on the maps from the normal high water line of the water body or the upland edge wetland vegetation, regardless of the location of the boundary shown on the maps.
- I. Vernal Pools may be located inside or outside of the Resource Protection District or Shoreland Overlay District. In no event shall any vegetation clearing or land disturbance occur, or structure be placed or erected in a vernal pool, or within 75 feet of its upland edge. Activities in or near vernal pools classified as significant vernal pools shall be governed by the rules of the Department of Environmental Protection, Chapter 335, and may be subject to additional setbacks and other required mitigation measures.

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Protect Vernal Pools and Significant Wildlife Habitats

\* \* \* \* \*

## ARTICLE 2 – DEFINITIONS

\* \* \* \* \*

### *Net Residential Area*

As of the April 2, 2005 effective date of this provision, the net residential area of a lot or lots subject to subdivision review shall be calculated by taking the total area of the lot and subtracting, in order, the following areas not suitable for development:

1. Land within street rights-of-way, or below low, medium or high volume driveways
2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot.
3. Portions of the lot shown to be in a 100-year floodplain as defined by the most recent Federal Emergency Management Agency Flood Insurance Rate Maps.
4. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
  - a. slopes greater than 33%.
  - b. organic soils.
  - c. wetland soils.
  - d. coastal sand dunes.
5. Portions of the lot subject to any other rights of way, if the use of the land for development is restricted.
6. Portions of the lot located in the resource protection zone.
7. Portions of the lot covered by surface waters, or vernal pools.
8. Portions of the lot utilized for storm water management facilities.

For a lot or lots not contained within or constituting a subdivision, the net residential area shall equal the lot area for lots not created by a subdivision, as defined by this ordinance. (Added 4/5/05 ATM)

\* \* \* \* \*

### Vernal Pool

A vernal pool, also referred to as a seasonal forest pool, is a natural, temporary to semi-permanent body of water occurring in a shallow depression that typically fills during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet and no viable populations of predatory fish. A vernal pool may provide the primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus* sp.), as well as valuable habitat for other plants and wildlife, including several rare, threatened, and endangered species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition.

### *Vernal Pool, Significant*

A vernal pool, meeting the criteria for significance as set forth in DEP Rules, Chapter 335, Significant Wildlife Habitat.

\* \* \* \* \*

**ARTICLE 6 – PLANNING BOARD**

**6.6 Procedures for Site Plan Review (Amended 4/01/06 ATM)**

\* \* \* \* \*

C. Application Procedure.

\* \* \* \* \*

3. Application Submission Requirements. Fifteen copies of all application materials shall be submitted to the Land Use Office no less than fourteen days prior to a regularly scheduled Planning Board meeting in order to be placed on the Board’s agenda. Unless a submission waiver is granted, pursuant to Section 4 below, all plans for Site Plan Review presented for approval under this section shall be drawn at a scale of not smaller than one inch equals 20 feet and shall show or be accompanied by the following information, unless a submission waiver is granted, pursuant to procedure of sec. 4 below:

\* \* \* \* \*

I. The location of all wetlands, rivers, streams, brooks, vernal pools and other water bodies within or adjacent to the proposed site plan, as well as any other prominent natural features.

\* \* \* \* \*

V. Wildlife Habitat Areas. Areas within or adjacent to the proposed site which have been identified as having a high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the site is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Program, or as a significant vernal pool or other wildlife habitat governed by DEP Chapter 335 Rules, the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.

\* \* \* \* \*

**ARTICLE 12 - SURVEY REQUIREMENTS OF LAND USE APPLICATION (Adopted 11/6/01)**

\* \* \* \* \*

**12.6. Single Family Dwellings (Amended 4-01-06 ATM)**

Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a new single family dwelling shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

- a) Any part of the proposed structure to be located closer than five (5) feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or

- b) The Code Enforcement Officer determines that special conditions exist, such as:
  - i) complex curves in the property lines, or
  - ii) the presence of wetlands, vernal pools, wildlife habitat areas, or other natural features requiring special setbacks or net residential area deductions under the Ogunquit Shoreland Zoning Ordinance; or
  - iii) other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

**12.7. Additions to Single Family Dwellings** (Amended 4-01-06 ATM)

- a) Dwellings Constructed Before Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction or an addition to a single family dwelling which was constructed before the effective date of this Ordinance shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:
  - i) Any part of the addition is proposed to be located closer than five (5) feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or
  - ii) The Code Enforcement Officer determines that special conditions exist, such as:
    - 1. complex curves in the property lines, or
    - 2. the presence of wetlands, vernal pools, wildlife habitat areas, or other natural features requiring special setbacks or net residential area deductions under the Ogunquit Shoreland Zoning Ordinance; or
    - 3. other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.
- b) Dwellings Constructed After Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction of an addition to a single family dwelling which was constructed on or after the effective date of this Ordinance shall be accompanied by a Mortgage Loan Inspection type survey with all proposed yard dimensions and setbacks shown on the plan.

**12.8. Minor Accessory Structures** (Amended 4-01-06 ATM)

- a) Lots Improved Before Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a minor accessory structure, as defined in Section 12.10 below of this Ordinance, on a lot where the principal structure was constructed before the effective date of this Ordinance shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3, ~~if the Code Enforcement Officer determines that special conditions such as complex curves in the property lines, the presence of wetlands requiring setbacks under the Ogunquit Shoreland Zoning Ordinance or other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.~~

- b) Lots Improved After Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a minor accessory structure as defined in Section 10 of this Ordinance, on a lot where the principal structure was constructed on or after the effective date of this Ordinance shall be accompanied by a Mortgage Loan Inspection type survey with all proposed yard dimensions and setbacks shown on the plan.
- c) In the case of a minor accessory structure, the location of the foundation or base of the structure need not be set or pinned by a professional land surveyor.

**12.9. Major Accessory Structures** (Amended 4-01-06 ATM)

Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a major accessory structure, as defined in Section 12.10 below of this Ordinance, shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

- a) Any part of the structure is proposed to be located closer than five (5) feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or
- b) The Code Enforcement Officer determines that special conditions exist, such as:
  - 1. complex curves in the property lines, or
  - 2. the presence of wetlands, vernal pools, wildlife habitat areas, or other natural features requiring special setbacks or net residential area deductions under the Ogunquit Shoreland Zoning Ordinance; or
  - 3. other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

**12.10. Definitions**

The following terms used in this Ordinance have the following meanings:

*Standard Boundary Survey, Category 1, Condition 3*

A survey performed by a professional land surveyor which conforms to the requirements of a Standard Boundary Survey Category 1, Condition 3 in accordance with the State rules and regulations of the Maine Board of Licensure for Professional Land Surveyors.

*Mortgage Loan Inspection Type Survey*

A Mortgage Loan Inspection Type Survey shall be performed by a professional land surveyor in accordance with the State rules and regulations of the Maine Board of Licensure for Professional Land surveyors regarding Mortgage Loan Inspections.

*Major Accessory Structure*

Any accessory structure which is not a minor accessory structure.

*Minor Accessory Structure*

A Swimming pool, above ground or in-ground, with associated decks and patios and any structure with a footprint of less than ~~one hundred (100)~~ two hundred and fifty (250) square feet.

*Professional Engineer*

An engineer licensed by the State of Maine to practice in the State of Maine.

*Professional Land Surveyor*

A surveyor licensed by the State of Maine to practice in the State of Maine.

**Article \_**

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Require Better Stormwater Management

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\* \* \* \* \*

**ARTICLE 6 – PLANNING BOARD**

\* \* \* \* \*

**6.6 Procedures for Site Plan Review** (Amended 4/01/06 ATM)

\* \* \* \* \*

C. Application Procedure.

\* \* \* \* \*

- 3. Application Submission Requirements. Fifteen copies of all application materials shall be submitted to the Land Use Office no less than fourteen days prior to a regularly scheduled Planning Board meeting in order to be placed on the Board’s agenda. Unless a submission waiver is granted, pursuant to Section 4 below, all plans for Site Plan Review presented for approval under this section shall be drawn at a scale of not smaller than one inch equals 20 feet and shall show or be accompanied by the following information, unless a submission waiver is granted, pursuant to procedure of sec. 4 below:

\* \* \* \* \*

- Y. A storm water management plan, prepared by a registered professional engineer in accordance with the ~~Stormwater Management for Maine~~ Stormwater: Best Management Practices Manual, published by the Maine Department of Environmental Protection (~~1995~~ 2006). The Board may waive submission of the storm water management plan if the proposed site work will not involve grading which changes drainage patterns, and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the site.

**6.7 Standards Applicable to Site Plan Reviews.** (Amended 4/01/06 ATM)

- A. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall not approve the application unless it makes written findings that the proposed use or structure:

\* \* \* \* \*

- 13. will be constructed with adequate landscaping in compliance with this Ordinance, and provision for a storm water drainage system in compliance with the Ogunquit Subdivision Regulations ~~this Ordinance~~;

\* \* \* \* \*

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Require Better Stormwater Management

**Article \_**

**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Control Timber Harvesting Outside the Shoreland Overlay District**

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\*\*\*\*\*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\*\*\*\*\*

**ARTICLE 2 – DEFINITIONS**

\*\*\*\*\*

Basal Area

The area of cross section of a tree stem at diameter breast height (4.5 feet above the ground) and includes bark.

Basal Area, Residual

The total of the basal area of trees remaining on a harvest area.

\*\*\*\*\*

**ARTICLE 9– STANDARDS FOR SPECIFIC LAND USES**

\*\*\*\*\*

**9.21 Timber Harvesting Outside of the Shoreland Overlay District**

Timber-harvesting operations outside of the Shoreland Overlay District shall meet the following standards:

- A. Outside of the Shoreland Overlay or Resource Protection Districts, no permit is required for timber harvesting involving the cutting and removal of up to 10 cords of wood for personal use in any calendar year. Any other timber harvesting shall either require a permit, or shall not be permitted, as indicated in Table 702.1.
- B. Within the Shoreland Overlay and Resource Protection Districts, the provisions of section 9.15.G of this Ordinance shall apply to any timber harvesting.
- C. No slash or other debris shall remain on the ground within the right-of-way or within a distance of 50 feet from the nearest edge of the right-of-way of any public road for more than 15 days after accumulation.
- D. No slash or other debris shall remain on the ground within a distance of 25 feet from the boundary of land of another for more than 15 days after accumulation.
- E. No timber-harvesting operations or stockpiling will take place in the Town right-of-way.

- F. Within the public right-of-way of any new or proposed entrance onto a public way a culvert approved by the Road Commissioner may be required to ensure that the natural flow of drainage water will not be interrupted and to protect the shoulder of the public road.
- G. Where yarding and loading operations are conducted within 50 feet of the right-of-way, all debris remaining after such operations shall be removed and the ground restored to its original contour.
- H. Any timber harvesting operation which will create less than 50 square feet of residual basal area per acre is prohibited, unless a statement from a licensed professional forester is provided demonstrating that such a harvest is appropriate.
- I. Within 50 feet of any public road, timber harvesting shall be limited to selective cutting, which provides that cutting will be limited to 50% of the basal area which existed prior to the start of the operation.
- J. The timber harvester shall conduct the operations in such a way to minimize soil erosion and sedimentation of surface waters. Operations shall conform to guidelines outlined in the book, Best Management Practices for Forestry: Protecting Maine's Water Quality, 2004, prepared by the Maine Forest Service.
- K. Timber harvesting operations in the Shoreland Overlay District must conform to those standards outlined in 9.15 of this Ordinance.
- L. Timber harvesting shall conform to all applicable state laws and regulations, unless local ordinances are more restrictive.

\* \* \* \* \*

**Article \_**

**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Require Visual Impact Assessments for Large Projects**

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\* \* \* \* \*

**ARTICLE 11 – DESIGN REVIEW**

\* \* \* \* \*

**11.5 Action of Applications for Design Certificate** (Amended 4-01-06 ATM)

A. The application for a Design Certificate shall be made in the Land Use Office on forms provided therefore, at least 14 days prior to the Planning Board meeting at which it will be reviewed. Each application shall be accompanied by:

1. A site plan showing the subject property and its context;
2. Elevations of each side of the proposed building to be constructed or altered, at a scale of at least 1/4" = 1 foot, and in the case of alterations, showing conditions before and after the proposed alteration;
3. Photographs of the site and existing buildings; and such additional sketches, drawings, photographs, descriptions or other information showing the proposed alterations, additions, changes or new construction as may be required for the Board to make a decision.
4. Estimates of the construction cost for proposed new buildings or proposed new building additions.
5. For proposed new buildings or proposed new building additions with a value of construction estimated to be \$2,000,000 or greater, a visual impact assessment. An applicant’s visual impact assessment should visualize the proposed activity and evaluate potential adverse impacts of that activity on existing scenic and aesthetic uses, and determine effective mitigation strategies, if appropriate. If required, a visual impact assessment must be prepared by a design professional trained in visual assessment procedures, in the following manner:

- a. In all visual impact assessments, scenic resources within the viewshed of the proposed activity must be identified and the existing surrounding landscape must be described. The assessment must be completed following standard professional practices to illustrate the proposed change to the visual environment and the effectiveness of any proposed mitigation measures. The radius of the impact area to be analyzed must be based on the relative size and scope of the proposed activity given the specific location. Areas of the scenic resource from which the

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Require Visual Impact Assessments for Large Projects

activity will be visible, including representative and worst-case viewpoints, must be identified. Line-of-sight profiles constitute the simplest acceptable method of illustrating the potential visual impact of the proposed activity from viewpoints within the context of its viewshed. A line-of-sight profile represents the path, real or imagined, that the eye follows from a specific point to another point when viewing the landscape. For activities with more sensitive conditions, photo-simulations and computer-generated graphics may be required.

- b. A visual impact assessment must also include narratives to describe the significance of any potential impacts, the level of use and viewer expectations, measures taken to avoid and minimize visual impacts, and steps that have been incorporated into the activity design that may mitigate any potential adverse visual impacts to scenic resources.

\* \* \* \* \*

**Article \_**

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan  
To Protect Potential Archaeological Resources

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~-line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\* \* \* \* \*

**ARTICLE 6 – PLANNING BOARD**

**6.6 Procedures for Site Plan Review** (Amended 4/01/06 ATM)

\* \* \* \* \*

C. Application Procedure.

\* \* \* \* \*

- 3. Application Submission Requirements. Fifteen copies of all application materials shall be submitted to the Land Use Office no less than fourteen days prior to a regularly scheduled Planning Board meeting in order to be placed on the Board’s agenda. Unless a submission waiver is granted, pursuant to Section 4 below, all plans for Site Plan Review presented for approval under this section shall be drawn at a scale of not smaller than one inch equals 20 feet and shall show or be accompanied by the following information, unless a submission waiver is granted, pursuant to procedure of sec. 4 below:

\* \* \* \* \*

W. Historic or Archaeological Sites. All areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places or the Ogunquit Historic Register, or have been identified in the comprehensive plan as sensitive or likely to contain ~~such~~ archaeological sites. If any such areas are located within or adjacent to the site, the applicant shall submit a copy of the site plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission and the Ogunquit Historic Preservation Commission and submit any agency comments to the Board.

\* \* \* \* \*

**9.22 Archaeological Sites**

The following provisions are intended to prevent the disturbance of sites with potential or identified archaeological significance until their importance is documented.

A. Identified Sites

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Protect Potential Archaeological Resources

No activity which disturbs the ground such as trenching, grading, or excavating shall be commenced and no municipal permit or approval shall be issued within any of the following archaeological resource potential areas until the Maine Historic Preservation Commission has been notified of the nature of the proposed activity in writing by the owner of the property, a copy of the notice is provided to the Code Enforcement Officer, and a reconnaissance level archaeological survey is conducted, unless the Maine Historic Preservation Commission notifies the owner in writing that such a survey will not be needed.

The survey requirement will be deemed satisfied if the Maine Historic Preservation Commission has not carried out a survey or responded to the owner in writing within six (6) months or if the owner of the property has a reconnaissance level survey completed by a competent professional and provides a copy of the survey to the Maine Historic Preservation Commission and the Code Enforcement Officer.

The archaeological resource potential areas as identified in the Comprehensive Plan are:

1. Four sites identified by the Maine Historic Preservation Commission along the banks of the Ogunquit River, designed as sites numbered 4.2, 4.4, 4.5, and 4.6.
2. Any area within 250 feet of the normal high water mark of the entire Ogunquit River.
3. Any area within 250 feet of the normal high water mark of the Atlantic Ocean.

B. Other Areas Not Yet Identified

If an artifact is uncovered during ground-disturbing activities in other areas not identified above as archaeological resource potential areas, the activities shall be halted and not recommenced until the Maine Historic Preservation Commission has been notified in writing of the find by the owner of the property, a copy of the notice provided to the Code Enforcement Officer, and a written response received from the Commission. If no response is received within forty-five (45) days from the date notification was provided to the Commission, the Code Enforcement Officer shall authorize recommencement of the activity.

\* \* \* \* \*

**Article \_**

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Encourage Alternative Energy Use

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**ARTICLE 2 – DEFINITIONS**

*Front Lot Line*

The Any lot line separating the lot from ~~the a~~ public or private street right-of-way. ~~On a corner or through lot which fronts on two streets, the line separating the lot from the street which is the address of the lot.~~

\* \* \* \* \*

*Height of Building*

The height of a building is the vertical building measurement from the structure’s highest point to the average finished grade, as defined by this Ordinance. This height shall not include features of the building or structure such as chimneys, decorative cupolas, towers or spires, photo-voltaic cells, solar water heaters, or similar non-habitable appurtenances. (Amended 4/01/06 ATM)

\* \* \* \* \*

*Structure*

Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, satellite receiving dishes, wind energy systems, carports, decks, arbors, pergolas, and other building features, but not including signs, sidewalks, walkways, fences, walls, ~~arbors,~~ flagpoles less than 35 feet in height, patios, driveways, and parking lots including accessory bumpers and wheel stops.

\* \* \* \* \*

*Wind Energy System, Small*

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts and which is intended to primarily reduce onsite consumption of utility-provided electrical power.

\* \* \* \* \*

**ARTICLE 9 - STANDARDS FOR SPECIFIC LAND USES**

\* \* \* \* \*

**9.18 Small Wind Energy Systems** [Note: Renumber subsequent sections.]

Small Wind Energy Systems, as defined in Article 2 of this Ordinance, shall be considered as a permitted accessory use in all districts, except Resource Protection, and shall be subject to the following requirements:

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Encourage Alternative Energy Use

- A. No part of the small wind energy system, including any guy wire anchors, shall be located within any required structure setbacks.
- B. Tower Height. The base of the tower supporting the wind turbine shall be set back from any property line at a minimum distance equal to 110% of the height of the tower, or equal to the required structure setback, whichever is greater. When calculating the height of the tower, the wind turbine and blades shall not be included in the measurement of tower height. In no event shall the tower height of a small wind energy system exceed 80 feet.
- C. Noise. Small wind energy systems shall comply with the noise standards of section 8.9 of this Ordinance. These standards, however, may be temporarily exceeded during short term events, such as wind storms or power outages.

\* \* \* \* \*

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to To Completely Remove Campground Standards to Correct a Technical Error

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

9.5 Campgrounds [Reserved]

[Note: Remove sections 9.5.A.2 through 9.5.B.9, as follows:]

\* \* \* \* \*

- ~~2. Each application for a permit or a renewal thereof shall be accompanied by a fee as established by the Board of Selectmen for a campground designed for the accommodation of no more than 10 recreational vehicles or tent sites, and an additional fee as established by the Board of Selectmen for each additional recreational vehicle or tent site in excess thereof. Each permit shall expire on the first day of April following the date of issuance. Before any permit shall be renewed, the premises shall be subject to inspection by the Health Officer and Code Enforcement Officer. If they shall find all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same and renew the permit.~~
- ~~3. Such permits shall be conspicuously posted on the premises at all times and shall not be transferable.~~
- ~~4. The Board of Selectmen is hereby authorized to revoke any permit issued pursuant to the terms of this Ordinance if, after due investigation and public hearing, they determine the holder thereof has violated any of the provisions of this or any applicable code, law or statute.~~

~~B. Design Requirements.~~

~~In any district where campgrounds are permitted under the terms of this Ordinance, the following regulations and minimum standards shall apply:~~

- ~~1. A time limit is placed on the occupancy of any one camping site on a continuing basis as follows: 12 weeks for the period of May 15 to September 15 of each year, and two weeks for all other times. No trailers or homes other than recreational vehicles shall be permitted within any campground, temporarily or otherwise;~~
- ~~2. A campground may not be constructed on less than five acres of land;~~
- ~~3. Each tent site must be provided with a masonry or metal fireplace approved by the Fire Chief;~~

An Ordinance to Amend the Ogunquit Zoning Ordinance to To Completely Remove Campground Standards to Correct a Technical Error

- ~~4. Space in campgrounds may be used by travel trailers, equivalent facilities constructed in or on auto vehicles, tents or other short term shelter devices;~~
- ~~5. A campground shall provide water and sewage systems, sanitary stations and convenience facilities in accordance with the regulations of the Maine Subsurface Wastewater Disposal Rules and the Maine Plumbing Rules. In no case shall less than one toilet, lavatory and shower be provided for each sex for every 10 camping and tent sites;~~
- ~~6. Each camping or tent site within a campground shall contain a minimum of 4,200 square feet and have a minimum frontage along the traveled way of 70 feet exclusive of drives and aisles;  
  
Within the Shoreland Overlay District, each site shall contain a minimum of 5,000 square feet of land, not including roads and driveways. Land supporting wetland vegetation, and land below the normal high water line of a water body shall not be included in calculating land area per site.~~
- ~~7. Recreational Vehicles shall be so parked in spaces that:
  - ~~a. There shall be a minimum of 15 feet between vehicles;~~
  - ~~b. There shall be a minimum of 15 feet between all recreational vehicles and exterior boundary of the campground;~~
  - ~~c. There will be a minimum of 25 feet between all trailers and all public rights-of-way located inside the boundaries of the campground. Setbacks from the roads outside the campground will be a minimum of 150 feet;~~
  - ~~d. No camping unit or structure shall be located less than 100 feet from any residence;~~
  - ~~e. Buffering, planting, landscaping, disposition and form of buildings and other improvements, fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.~~
  - ~~f. The areas intended for placement of a vehicle, tent or shelter, and utility service buildings shall be set back a minimum of 75 feet from the normal high water line of rivers, streams, salt water bodies, tributary streams, or the upland edge of a wetland.~~~~
- ~~8. The storage, collection and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution and the like.~~
- ~~9. No unoccupied camping unit shall be stored or exhibited for sale for commercial purposes within the campground.~~

**Article \_**

An Ordinance to Amend the Ogunquit Zoning Ordinance  
To Modify Special Standards for Transient Accommodations (Lodging) to Correct Grammar and  
Technical Issues with No Relaxing of Requirements

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\* \* \* \* \*

**ARTICLE 9- STANDARDS FOR SPECIFIC LAND USES**

\* \* \* \* \*

**9.4 Bed & Breakfast and Inn – Transient Accommodation Types 2 & 3 (TA-2, TA-3)**

- A. The application for approval shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
- B. There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.
- C. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- D. Each rental room shall have not less than ten by twelve feet horizontal dimensions.
- E. Each rental room shall be equipped with an approved smoke detector.

\* \* \* \* \*

**9.8 Transient Accommodation Type 4 - ~~Hotels, Motels~~ Motel/Hotel (TA-4)**

For traffic safety on and immediately adjoining each motel or hotel, and to assure health, safety and welfare of occupants and of the neighborhood generally, the following ~~land, space, building, traffic, utility, and service design~~ requirements shall be complied with: by all transient accommodations type 4 (TA-4) as defined by this ordinance:

- A. Any individual guest accommodations containing 650 square feet or more, whether or not cooking facilities are provided, shall be considered as a dwelling unit for the purposes of this Ordinance, and subject to all applicable dimensional and net residential area per dwelling unit requirements.
- ~~AB.~~ The minimum lot size for any hotel or motel shall contain not less than three acres of total area. The minimum frontage shall be ten times the posted speed limit of the most traveled way serving the development but not less than two hundred feet lot width at the street and throughout the first two hundred feet of depth of the lot back from the street.

Proposed Zoning Ordinance Amendments To Modify Special Standards for Transient Accommodations to Correct Grammar and Technical Issues with No Changes in Policy or Requirements

- BC. No part of any building shall be closer than sixty feet to the front lot line, rear lot line or either side line of the lot. A green space, not less than twenty feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
- CD. Buildings shall not cover more than fifteen percent of the area of the lot.
- D. ~~If a stove for cooking is installed in rental, each rental unit shall be considered a dwelling unit and the facility shall be required to meet all the standards for multifamily developments in this ordinance including the residential density requirements of the appropriate district.~~
- E. Each ~~rental unit~~ individual guest accommodation shall contain not less than ~~two hundred one hundred and eighty (180)~~ one hundred and eighty (180) square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each individual guest accommodation ~~rental sleeping room~~ shall have at least one room with not be less than minimum interior dimensions of twelve by fifteen feet, and horizontal dimensions, exclusive of bath. Each ~~rental unit~~ shall also include additional private bathroom facilities.
- F. On each lot, one apartment may be provided for a resident ~~owner, manager, or other responsible staff persons,~~ which will not be considered as a dwelling unit for the purposes of this Ordinance.
- G. Building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

\* \* \* \* \*

~~BC.~~ No part of any building shall be closer than sixty feet to the front lot line, rear lot line or either side line of the lot. A green space, not less than twenty feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.

~~CD.~~ Buildings shall not cover more than fifteen percent of the area of the lot.

~~D.~~ ~~If a stove for cooking is installed in rental, each rental unit shall be considered a dwelling unit and the facility shall be required to meet all the standards for multifamily developments in this ordinance including the residential density requirements of the appropriate district.~~

E. Each ~~rental unit~~ individual guest accommodation shall contain not less than ~~two hundred one hundred and eighty (180)~~ square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each individual guest accommodation rental sleeping room shall have at least one room with not be less than minimum interior dimensions of twelve by fifteen feet, and horizontal dimensions, exclusive of bath. Each ~~rental unit~~ shall also include additional private bathroom facilities.

F. On each lot, one apartment may be provided for a resident ~~owner, manager, or other responsible staff persons, which will not be considered as a dwelling unit for the purposes of this Ordinance.~~

G. Building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

\* \* \* \* \*

# OGUNQUIT

*Beautiful Place by the Sea*

**MUNICIPAL OFFICES**

23 SCHOOL STREET • P.O. BOX 875  
OGUNQUIT, MAINE 03907-0875

(207) 646-5139      General Offices

(207) 646-9326      Land Use

(207) 646-9546      Town Clerk

E-mail: townofogt@maine.rr.com

February 28, 2007

Ogunquit Board of Selectmen  
Town of Ogunquit  
23 School Street  
Post Office Box 875  
Ogunquit, Maine 03907

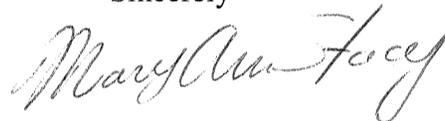
re:      Removal of Warrant Article 16 and Article 17

Dear Board of Selectmen,

In response to input received at the Public Hearing, and at the Planning Board Meeting, held on February 26, 2007 the Board voted to request that the Board of Selectmen remove Article 16 (Article 16 adjusts the traffic standards of the ordinance to allow smaller developments and single family homes to be developed in Ogunquit, without requiring these applicants to build traffic improvements) and Article 17 (Article 17 adjusts the dates for notifying the abutters and general public of ordinance amendments, to coincide with the deadlines required by state law) from the Town's April Warrant.

It is the belief of the Planning Board members that this request to remove Article 16 and Article 17 from the April Town Warrant reflects the wishes of the public for further discussion, and is in the best interest of the town.

Sincerely



Maryann Stacy  
for Stephen Wilkos, Chairman  
Ogunquit Planning Board

pc: Loring DeAgazio, Acting Town Manager

# OGUNQUIT

*Beautiful Place by the Sea*

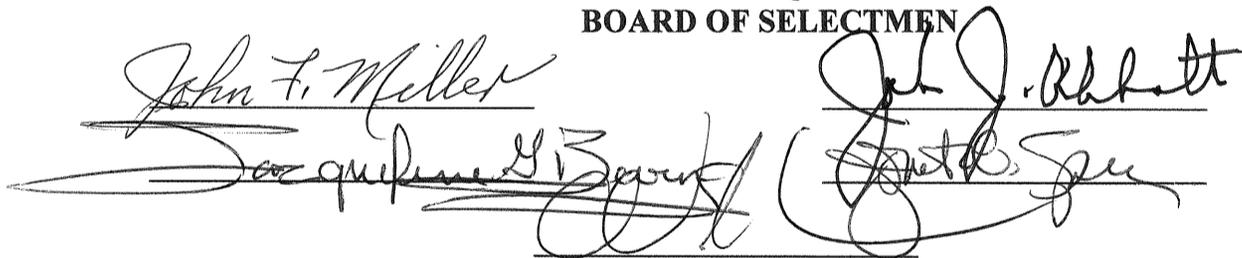
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan" (Title X). These amendments will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 7, 2007.

- A. To Provide Affordable Housing
- B. To Promote Cluster Developments and Preserve Open Space
- C. To Encourage and Clarify Standards for Home Occupations
- D. To Increase Tidal Resource Protection Districts to Accommodate Sea Level Rise
- E. To Protect Vernal Pools and Significant Wildlife Habitats
- F. To Require Better Stormwater Management
- G. To Control Timber Harvesting Outside the Shoreland Overlay District
- H. To Require Visual Impact Assessments for Large Projects
- I. To Protect Potential Archaeological Resources
- J. To Encourage Alternative Energy Use
- K. To Completely Remove Campground Standards to Correct a Technical Error
- L. To Modify Special Standards for Transient Accommodations (Lodging) to Cover Grammar and Technical Issues with No Relaxing of Requirements
- M. To Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court
- N. To Change the Posting Requirements for Hearings on Amendments to the Zoning Ordinance to be Consistent with State Law

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

OGUNQUIT  
BOARD OF SELECTMEN



Dated: February 20, 2007

# OGUNQUIT

*Beautiful Place by the Sea*

**MUNICIPAL OFFICES**

23 SCHOOL STREET • P.O. BOX 875  
OGUNQUIT, MAINE 03907-0875

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E-mail: townofogt@maine.rr.com

TO            Board of Selectmen  
FROM        Planning Board  
DATE        February 13, 2007  
RE           Proposed 14 Warrant Articles.

Attached please find the proposed Fourteen (14) Warrant Articles which the Planning Board would like to submit to the Board of Selectmen for placement on the Ballot for the annual Town Meeting.

Sincerely



Steve Wilkos

Ogunquit Planning Board Chairman

**Proposed Warrant Article Questions  
For Amendments to the Ogunquit Zoning Ordinance  
For Annual Town Meeting Spring 2007**

Article 4: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Provide Affordable Housing,” and dated 23 January 2007, be adopted? **Exhibit A**

Article 5: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Promote Cluster Developments and Preserve Open Space,” and dated 23 January 2007, be adopted? **Exhibit B**

Article 6: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Encourage and Clarify Standards for Home Occupations,” and dated 23 January 2007, be adopted? **Exhibit C**

Article 7: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Increase the Tidal Resource Protection Districts to Accommodate Sea Level Rise,” and dated 23 January 2007, be adopted? **Exhibit D**

Article 8: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Protect Vernal Pools and Significant Wildlife Habitats,” and dated 23 January 2007, be adopted? **Exhibit E**

Article 9: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Require Better Stormwater Management,” and dated 23 January 2007, be adopted? **Exhibit F**

Article 10: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Control Timber Harvesting Outside the Shoreland Overlay District,” and dated 23 January 2007, be adopted? **Exhibit G**

Article 11: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Require Visual Impact Assessments for Large Projects,” and dated 23 January 2007, be adopted? **Exhibit H**

Article 12: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Protect Potential Archaeological Resources,” and dated 23 January 2007, be adopted? **Exhibit I**

Article 13: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan to Encourage Alternative Energy Use,” and dated 23 January 2007, be adopted? **Exhibity J**

Article 14: Shall an ordinance entitled “An Ordinance to Amend the Ogunquit Zoning Ordinance to Completely Remove Campground Standards to Correct a Technical Error,” and dated 23 January 2007, be adopted? **Exhibit K**

Article 15 : Shall an ordinance entitled "An Ordinance to Amend the Ogunquit Zoning Ordinance to Modify Special Standards for Transient Accommodations (Lodging) to Correct Grammar and Technical Issues with No Relaxing of Requirements," and dated 23 January 2007, be adopted? **Exhibit L**

~~Article ---:--Shall an ordinance entitled "An Ordinance to Amend the Ogunquit Zoning - Ordinance To Adjust Traffic Standards in Response to a Decision of the Maine Supreme --- Judicial Court," and dated 23 January 2007, be adopted? -----**Exhibit M**-----~~

~~Article ---:--Shall an ordinance entitled "An Ordinance to Amend the Ogunquit Zoning ----- Ordinance To Change the Posting Requirements For Hearings on Amendments to the ----- Zoning Ordinance, to Be Consistent with State Law," and dated 12 February 2007, be ----- adopted? - **Exhibit N** -~~

TO FILE: *JSK*

See Attached letter from Planning Board. The BOS met on Tuesday, February 27, 2007, and voted to nullify the original Order dated February 20, 2007, to reflect deletion of Article 16 (Exhibit M) and Article 17 (Exhibit N).

An amended Order has been signed by the BOS, this date. JSK

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Provide Affordable Housing

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

ARTICLE 2 – DEFINITIONS

\*\*\*\*\*

Affordable Housing:

Decent, safe and sanitary dwelling units that can be afforded by households with annual incomes no greater than 80% of the median household income in non-metropolitan York County, as established by the U.S. Department of Housing and Urban Development. A renter-occupied unit is affordable to such households if the unit's monthly housing costs, including rent and basic utility costs (the costs of heating and of supplying electricity to the unit plus the cost, if any, of supplying public water and public wastewater disposal service to the unit), do not exceed 30% of gross monthly income. An owner-occupied unit is affordable to such households if its price results in monthly housing costs that do not exceed 28% of gross monthly income for principal, interest, insurance, and real estate taxes. Estimates of mortgage payments are to be based on down payments and rates of interest generally available in the area to low and moderate income households.

Affordable Housing Covenant:

Any agreement among one or more owners, one or more tenants of residential real estate and one or more qualified holders, or between one or more owners and one or more qualified holders, or between one or more tenants and one or more qualified holders, that permits a qualified holder to control, either directly or indirectly, the purchase price of residential housing for the primary purpose of providing that the housing remains affordable to lower income and moderate-income households. See also the definition of "qualified holder" in this Article.

\*\*\*\*\*

Qualified Holder:

A governmental entity empowered to hold an interest in real property under the laws of Maine or the United States or a nonprofit organization whose purposes include the provision of affordable housing or the increasing of affordable housing opportunities for lower income or moderate-income households, including governmental or quasi-governmental entities such as public housing authorities, community action agencies, or other similar nonprofit or governmental entities committed to providing opportunities for lower income or moderate income households to obtain affordable housing.

\*\*\*\*\*

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Provide Affordable Housing

ARTICLE 9– STANDARDS FOR SPECIFIC LAND USES

9.1 Accessory Affordable Apartments

As an accessory use ~~in~~ to a single family dwelling, the creation and renting of a single apartment within the dwelling, at an affordable rent, shall be permitted in a dwelling existing prior to 1930 provided all of the following conditions are all satisfied–met:

- A. There shall be no new external construction to increase the size of the structure to accommodate the accessory apartment, except as may be required by life safety codes. However, there may be construction within the home to accommodate the accessory apartment.
- B. The water and sewage facilities shall meet all existing laws and codes.
- C. The building is owner-occupied.
- D. The building is located on a conforming lot for a single family dwelling in the district in which it is located, or is located on a nonconforming lot as defined in Article 2 of this Ordinance.
- E. One off-street parking space is provided for the accessory apartment, in accordance with the dimensional and design requirements of this Ordinance. This parking space shall be in addition to the parking required for the single family dwelling.
- F. All required permits are obtained for construction of the accessory apartment and a certificate of occupancy is obtained prior to the apartment being rented.
- G. The accessory apartment is no larger than 40% of the total area of the single family dwelling, or 800 square feet, whichever is smaller.
- H. The rent for the accessory apartment is affordable, as defined by this Ordinance in the definition of affordable housing (renter-occupied units) in Article 2.
- ~~D~~I. Any apartment created under this section need not meet any of the dimensional or area requirements for dwelling units or multi-family housing contained in Section 9.12, nor the density requirements of Table 703.1 or other sections of this Ordinance. If any one or more provisions A through H of this section can not be met, an additional apartment may only be created if all applicable density or other requirements for an additional dwelling unit can be met.

\* \* \* \* \*

9.20 Affordable Housing Provisions

- A. Mandatory Minimum Set-Aside of 10 Percent of Dwelling Units for Affordable Housing  
All subdivisions, with ten or more lots or dwelling units created within a five year period, shall set aside at least ten percent (10%) of the lots or dwelling units in the project as affordable housing as defined by this Ordinance. Assurance of continued affordability shall be provided as set forth below.
- B. Density Bonus Calculation for Projects with at least 25 Percent Affordable Lots or Units
  - 1. The Planning Board may decrease the minimum lot area and/or minimum net residential area per dwelling unit in any district, as listed in Table 703.1, by up to 25%, if at least

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Provide Affordable Housing

25% of the lots or units in any residential subdivision are set aside for affordable housing, as defined by this Ordinance, and the project is designed as a clustered or planned unit development, pursuant to section 9.6 of this Ordinance.

2. This affordable housing density bonus shall not apply to mobile home parks or to conventional subdivisions.
3. Calculation of Bonus for Clustered or Planned Unit Developments with Affordable Housing. If a clustered or planned unit residential development is proposed with at least 25% of the lots or units set aside for affordable housing, as defined by this Ordinance, the maximum number of dwelling units shall be calculated as follows:
  - a. Multiply the minimum net residential area per dwelling unit listed in Table 703.1, by 0.75;
  - b. Divide the result above into the net residential area of the entire parcel or tract. The term "Net Residential Area" shall be as defined by this Ordinance in Article 2.
  - c. Multiply the result by 1.2, and round to the nearest whole number.

C. Assurance of Affordability

1. An application for a subdivision that includes affordable housing under this Section shall demonstrate to the satisfaction of the Planning Board that, either by means of the terms of a mortgage held by a governmental agency whose purposes include the provision of affordable housing, or by means of an affordable housing covenant to be conveyed to a qualified holder, along with a signed statement by the qualified holder that it will serve as the holder of the affordable housing covenant, the designated share of units will remain affordable, as defined by this Ordinance:
  - (a) for at least 30 years from the date of first occupancy, in the case of units to be occupied by renters, whether or not the units are subsequently sold for owner-occupancy; and
  - (b) for at least 10 years from the date of first occupancy, in the case of units to be occupied by the owners of the units.

The affordable housing covenant shall provide, further, that the units will be rented or sold during the designated period of time only to persons whose incomes meet the guideline for affordability, as defined in this Ordinance.

The terms "affordable housing covenant" and "qualified holder" shall have the meaning as set forth in Article 2, Definitions, of this Ordinance. Nothing in this paragraph shall preclude a qualified holder itself from being the applicant for the development of an affordable housing project, provided that it demonstrates to the satisfaction of the Planning Board that, by means of deed restrictions, financial agreements, or other appropriate legal and binding instruments, the designated share of units will remain affordable for the required period of time.

2. An application for a subdivision that includes affordable housing under this Section shall include a written statement on the subdivision plat indicating the share of dwelling units set aside as affordable, and, in the case of dwelling units to be sold to others individually, the actual units (or the lots that will accommodate such units) set aside as affordable.

3. An application for a subdivision comprised of rental units that includes a request for affordable housing under this Section shall include as part of the affordable housing covenant a written description of the mechanism by which the subdivider and his successors shall document annually to the qualified holder and to the Planning Board that the designated share of units to be rented have remained priced and, if occupied, actually rented at affordable levels and have been rented to households within the guidelines of affordability, as defined by this Ordinance. Failure to make such annual documentation shall constitute a violation of the subdivision approval.
4. Any dwelling unit that is set aside for affordability and is to be sold shall include a restriction in its deed that requires:
  - (a) any buyer within a 10-year period from the date of first occupancy to be within the guideline of affordability, as defined by this ordinance; and
  - (b) the price of the dwelling unit not to be increased by a percentage greater than the percentage increase in the median household income in nonmetropolitan York County, as reported by the U.S. Department of Housing and Urban Development, between the date of purchase of the dwelling and the date of sale of the dwelling. A copy of the deed restriction shall be included as part of the subdivision application and the deed restriction shall reference the book and page number at which the subdivision plat is recorded in the York County Registry of Deeds.

D. Timing and Phasing. Affordable housing lots or dwelling units shall be constructed and completed at least concurrently with the remainder of the project. In developments where the applicant or its agents, or its successors or assigns shall construct at least fifty percent (50%) of the units, the approved affordable housing units shall be constructed in proportion to the market rate units. Proportionality shall be determined by dividing the total number of units in the development by the total number of affordable units. No building permit shall be issued for a market rate unit in excess of the proportion of affordable housing units for which a certificate of occupancy has been issued. For example, in a development of 20 units (total) with 2 affordable units, the proportional number of total units to affordable units is 10 total units to 1 affordable unit. If one building permit is issued for an affordable unit, then up to 9 building permits for market rate units can be issued. No additional market rate unit building permit can be issued until the first affordable unit is built and a certificate of occupancy for that unit is issued. An additional 9 market rate unit building permits can then be issued before the second affordable unit has been issued a certificate of occupancy. When calculating proportionality, any fractional sum shall be rounded down to the nearest whole building unit. For example, in a development of 20 units with 3 affordable units, the proportional number of units to affordable units would be 6 units to 1 affordable unit.

\* \* \* \* \*

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Promote Cluster Developments and Preserve Open Space

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

\* \* \* \* \*

ARTICLE 9- STANDARDS FOR SPECIFIC LAND USES

\* \* \* \* \*

9.6 Clustered or Planned Unit Residential Development

A. Standards

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board, in reviewing and approving proposed residential developments and other projects located in the Town, may modify said provisions related to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship. Effective [insert date of Town Meeting] , all subdivisions, containing five (5) or more dwelling units or lots, created on the west side of Route 1, shall be designed as clustered or planned unit developments, according to the standards of this Ordinance. Subdivisions created on the east side of Route 1 may be designed either utilizing the clustered or planned unit development approach, or by the traditional subdivision method without common open space.

1. There shall be compliance with all other applicable provisions of State and local law;
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures shall be considered;
3. Calculations and Density Bonus. For the purposes of conserving open space, minimizing land disturbance, and to protect wildlife habitat, a density bonus shall be provided for clustered or planned unit residential development. The maximum number of dwelling units in a clustered or planned unit residential development shall be calculated as follows: There shall be no approval of any proposed development which does not provide at least the minimum net residential area, as defined by this Ordinance, for each dwelling unit proposed, for the district in which it is to be located, according to Table 703.1. The maximum number of dwelling units shall be calculated by dividing
  - a. Divide the minimum net residential area per dwelling unit proposed, according to Table 703.1, into the net residential area of the entire parcel or tract. The term “Net Residential Area” shall be as defined by this Ordinance in Article 2.

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Promote Cluster Developments and Preserve Open Space

- b. Multiply the result by 1.2, and round to the nearest whole number.
4. Within a cluster development or planned unit residential development, if multiple lots are proposed, an individual lot may contain less than the minimum net residential area per dwelling unit, or less than the minimum lot area, as long as the overall ~~net residential area per dwelling unit~~ density, as calculated in subsection 3 above, is met for the entire parcel or tract ~~is met~~.
  5. At least fifty percent (50%) of the area of the entire parcel or tract shall be included as common open space. Common open space shall not include road rights of way, streets, drives, or parking. No more than fifty percent (50%) of the common open space shall contain wetlands of any size. Residual Common open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life, wildlife cover and the like. The use of any open space shall be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual Common open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. There shall be no further subdivision of this land or buildings constructed upon it which would cause the net residential density to exceed the density permitted in that district. Such dedications shall include private covenants or arrangements to preserve the integrity of open spaces or their use for agricultural or conservation purposes.
  6. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal:
    - a. Orientation: buildings and other improvements shall respect scenic vistas and natural features;
    - b. Drainage: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means;
    - c. Water Supply: the primary source of water shall be the public water system;
    - d. Utilities: utilities shall be installed underground whenever possible. Transformer Boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public;
    - e. Recreation: facilities shall be provided consistent with the development proposal;
    - f. Buffering: planting, landscaping, disposition and form of building and other improvements, fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development;
    - g. Buildings: disposition of buildings shall recognize the need for natural light and ventilation.

7. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property included.
8. ~~Common open space shall be dedicated before approval of the project.~~ There shall be no further subdivision of this land or buildings constructed upon it which would cause the ~~net residential~~ overall density to exceed the ~~density~~ maximum permitted in that district, as calculated in subsection 3 above.
9. Within 30 days of recording the approved plan, title to the common open space shall be transferred either to:
  - a. The Town of Ogunquit;
  - b. A nonprofit organization whose primary purpose is the conservation of land; or
  - c. The neighborhood association established in accordance with Section 9.6.A.10 below.
10. If the common open space is transferred to either the Town or to a nonprofit organization as set forth in subsections 9a. or 9b. above, A a conservation easement, prepared in accordance with 33 MRSA, §476, naming the town or a the nonprofit organization whose primary purpose is conservation of land as the holder, shall be recorded limiting development of the open space in accordance with the provisions of this Section and the terms of the approved plan. The common space(s) shall be shown on the development plan with appropriate notation to indicate that:
  - a. it shall not be used for future building lots; and
  - b. it shall be subject to a conservation easement; and
  - ~~bc.~~ the applicant may choose to dedicate a part or all of the common open space ~~may, at the option of the Town, be dedicated~~ for acceptance by the Town for operation as a municipal recreation facility.
11. If any or all of the common open space is to be reserved in common ownership by the residents as set forth in subsection 9c. above, the formation and incorporation by the developer of a neighborhood association shall be required. Bylaws of the proposed neighborhood association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The association shall be incorporated within 30 days of Planning Board approval.
12. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and must be included in the deed for each lot or unit.
13. This neighborhood association shall have the responsibility of maintaining the common open space(s), and other common facilities until accepted by the town.
14. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of common open space, neighborhood recreational facilities and Town assessments.

15. The developer or subdivider shall be responsible for the maintenance of the common open space and the other common facilities, until development sufficient to support the neighborhood association has taken place, ~~or, alternatively, the objectives of clustering have been met. Such determination shall be made~~ The transfer of responsibility shall occur only after review and approval by the Planning Board, upon request by the neighborhood association or the developer or subdivider.
16. ~~No dwelling unit of fewer than 650 square feet of habitable floor space shall be permitted.~~

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Encourage and Clarify Standards for Home Occupations

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

\*\*\*\*\*

9.7 Home Occupations

Where permitted by Table 702.1, home occupations shall be permitted only in compliance with all of the requirements of this Section:

- A. The occupation or profession shall be carried on wholly within ~~the~~ a principal or accessory building or within a building or other structure accessory thereto.
- B. Not more than ~~one~~ two employees who are not residents of the dwelling unit ~~person~~ outside the family shall be employed in the home occupation.
- C. There shall be no exterior display, no exterior sign ~~(except as expressly permitted by Section 8.12)~~ larger than 2 square feet, no exterior storage of materials and no other exterior indication of the home occupation, ~~or variation from the residential character of the principal building.~~ A home occupation may not alter the residential character of the dwelling or change the character of the lot from its principal use as a residence.
- D. No unreasonable nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, traffic or parking shall be generated. If additional parking spaces are provided, they shall be located to the rear or side of the principal structure but not within the required yard setbacks.
- E. A home occupation may involve the provision of professional, technical or business services, individual or small group private instruction, or the sale of products. However, the sale of products shall be limited to:
  - 1. those products which are crafted, assembled, or substantially altered on the premises, or
  - 2. ~~to~~ catalog items ordered off the premises by retail customers, or ~~and to~~
  - 3. retail items which are accessory and incidental to a service which is provided on the premises.
- F. A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips/day.
- G. Automobile storage, sales or repairs shall not be permitted to be established as home occupations.

\*\*\*\*\*

**Article \_**

**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Increase the Tidal Resource Protection Districts to Accommodate Sea Level Rise**

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

**ARTICLE 1 – GENERAL**

\* \* \* \* \*

**1.3 District Boundary Locations: Zoning Map**

The location and boundaries of the above districts are hereby established as shown on the map entitled, “Shoreland and Zoning Map, Ogunquit, Maine”, dated April 22, 1991, prepared by the Ogunquit Planning Board and filed in the office of the Town Clerk. Said map, with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Ordinance. When uncertainty exists with respect to district boundaries as shown upon such map, the following rules shall apply:

- A. Unless otherwise indicated, district boundary lines are the center lines, plotted at the time of adoption of this Ordinance, of streets, alleys, parkways, waterways, or separate rights-of-way of public utilities and railroads or such lines extended. Where the boundary is indicated by a paved street or highway, the center line of the paved or traveled portion of the actual street or highway shall be used as the boundary rather than the center line of the of the right-of-way of the street or highway as shown in the deed(s), survey(s) or other relevant legal description(s).
- B. Other district boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street as indicated by the official zoning map on file in the office of the Town Clerk. In the absence of a written dimension, the graphic scale on the official zoning map shall be used.
- C. Where a question arises in regard to the limits of the Resource Protection District or the Shoreland Overlay District as they affect an existing or proposed land use, the applicant shall obtain a topographic land survey from a registered land surveyor based on the nearest U.S.G.S. benchmarks.
- D. In non-tidal shoreland areas, the Resource Protection District shall be defined as being the land area within seventy-five feet of the normal high water line, measured horizontally, of any freshwater wetland, river or stream. In tidal shoreland areas adjacent to the Perkins Cove Limited Business District and the Perkins Cove Residential District, the Resource Protection District shall be defined as being the upland land area within 50 feet of a contour line at an elevation ~~40.0~~ 11.0 feet above mean sea level as determined by a land surveyor based on the nearest USGS benchmark. In any other tidal shoreland areas and coastal wetlands adjacent to any

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Increase the Tidal Resource Protection Districts To Accommodate Sea Level Rise

other Districts, the Resource Protection District shall be defined as being the upland land area within 75 feet of a contour line at an elevation ~~10.0~~ 11.0 feet above mean sea level as determined by a land surveyor based on the nearest U.S.G.S. benchmark.  
(Amended 4/5/05-ATM)

\* \* \* \* \*

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Protect Vernal Pools and Significant Wildlife Habitats

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

ARTICLE 1 – GENERAL

\* \* \* \* \*

1.3 District Boundary Locations: Zoning Map

The location and boundaries of the above districts are hereby established as shown on the map entitled, “Shoreland and Zoning Map, Ogunquit, Maine”, dated April 22, 1991, prepared by the Ogunquit Planning Board and filed in the office of the Town Clerk. Said map, with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Ordinance. When uncertainty exists with respect to district boundaries as shown upon such map, the following rules shall apply:

\* \* \* \* \*

E. Outside of shoreland areas, the Resource Protection District shall be defined as any significant wildlife habitat, including significant vernal pools, as defined in the Department of Environmental Protection, Chapter 335, Rules on Significant Wildlife Habitats.

E.F. The Shoreland Overlay District shall be defined as being the land area located within 250 feet, horizontal distance, of the normal high water line of any river or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within 75 feet of the normal high water line of a stream.

F.G. The Shoreland Overlay District is an overlay district. The provisions of the underlying district shall continue to apply. In addition, the performance standards of Section 9.15 shall apply, where appropriate. Where the dimensional requirements of the Shoreland Overlay District conflict with the dimensional requirements in an underlying zone the more restrictive requirements shall apply.

G.H. The depiction of the Resource Protection District on the Zoning Map of the Town of Ogunquit, and the depiction of the Shoreland Overlay District on the Shoreland Overlay District Map are merely illustrative of their general location. The boundaries of these districts shall be determined by measurement of the distance indicated on the maps from the normal high water line of the water body or the upland edge wetland vegetation, regardless of the location of the boundary shown on the maps.

I. Vernal Pools may be located inside or outside of the Resource Protection District or Shoreland Overlay District. In no event shall any vegetation clearing or land disturbance occur, or structure be placed or erected in a vernal pool, or within 75 feet of its upland edge. Activities in or near vernal pools classified as significant vernal pools shall be governed by the rules of the Department of Environmental Protection, Chapter 335, and may be subject to additional setbacks and other required mitigation measures.

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Protect Vernal Pools and Significant Wildlife Habitats

\* \* \* \* \*

## ARTICLE 2 – DEFINITIONS

\* \* \* \* \*

### *Net Residential Area*

As of the April 2, 2005 effective date of this provision, the net residential area of a lot or lots subject to subdivision review shall be calculated by taking the total area of the lot and subtracting, in order, the following areas not suitable for development:

1. Land within street rights-of-way, or below low, medium or high volume driveways
2. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot.
3. Portions of the lot shown to be in a 100-year floodplain as defined by the most recent Federal Emergency Management Agency Flood Insurance Rate Maps.
4. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
  - a. slopes greater than 33%.
  - b. organic soils.
  - c. wetland soils.
  - d. coastal sand dunes.
5. Portions of the lot subject to any other rights of way, if the use of the land for development is restricted.
6. Portions of the lot located in the resource protection zone.
7. Portions of the lot covered by surface waters, or vernal pools.
8. Portions of the lot utilized for storm water management facilities.

For a lot or lots not contained within or constituting a subdivision, the net residential area shall equal the lot area for lots not created by a subdivision, as defined by this ordinance. (Added 4/5/05 ATM)

\* \* \* \* \*

### *Vernal Pool*

A vernal pool, also referred to as a seasonal forest pool, is a natural, temporary to semi-permanent body of water occurring in a shallow depression that typically fills during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet and no viable populations of predatory fish. A vernal pool may provide the primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus* sp.), as well as valuable habitat for other plants and wildlife, including several rare, threatened, and endangered species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition.

### *Vernal Pool, Significant*

A vernal pool, meeting the criteria for significance as set forth in DEP Rules, Chapter 335, Significant Wildlife Habitat.

\* \* \* \* \*

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Protect Vernal Pools and Significant Wildlife Habitats

**ARTICLE 6 – PLANNING BOARD**

**6.6 Procedures for Site Plan Review (Amended 4/01/06 ATM)**

\* \* \* \* \*

C. Application Procedure.

\* \* \* \* \*

3. Application Submission Requirements. Fifteen copies of all application materials shall be submitted to the Land Use Office no less than fourteen days prior to a regularly scheduled Planning Board meeting in order to be placed on the Board’s agenda. Unless a submission waiver is granted, pursuant to Section 4 below, all plans for Site Plan Review presented for approval under this section shall be drawn at a scale of not smaller than one inch equals 20 feet and shall show or be accompanied by the following information, unless a submission waiver is granted, pursuant to procedure of sec. 4 below:

\* \* \* \* \*

- I. The location of all wetlands, rivers, streams, brooks, vernal pools and other water bodies within or adjacent to the proposed site plan, as well as any other prominent natural features.

\* \* \* \* \*

- V. Wildlife Habitat Areas. Areas within or adjacent to the proposed site which have been identified as having a high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the site is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Program, or as a significant vernal pool or other wildlife habitat governed by DEP Chapter 335 Rules, the plan shall indicate appropriate measures for the preservation of the values, which qualify the site for such designation.

\* \* \* \* \*

**ARTICLE 12 - SURVEY REQUIREMENTS OF LAND USE APPLICATION (Adopted 11/6/01)**

\* \* \* \* \*

**12.6. Single Family Dwellings (Amended 4-01-06 ATM)**

Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a new single family dwelling shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

- a) Any part of the proposed structure to be located closer than five (5) feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Protect Vernal Pools and Significant Wildlife Habitats

- b) The Code Enforcement Officer determines that special conditions exist, such as:
  - i) complex curves in the property lines, or
  - ii) the presence of wetlands, vernal pools, wildlife habitat areas, or other natural features requiring special setbacks or net residential area deductions under the Ogunquit Shoreland Zoning Ordinance; or
  - iii) other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

**12.7. Additions to Single Family Dwellings (Amended 4-01-06 ATM)**

- a) Dwellings Constructed Before Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction or an addition to a single family dwelling which was constructed before the effective date of this Ordinance shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:
  - i) Any part of the addition is proposed to be located closer than five (5) feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or
  - ii) The Code Enforcement Officer determines that special conditions exist, such as:
    - 1. complex curves in the property lines, or
    - 2. the presence of wetlands, vernal pools, wildlife habitat areas, or other natural features requiring special setbacks or net residential area deductions under the Ogunquit Shoreland Zoning Ordinance; or
    - 3. other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.
- b) Dwellings Constructed After Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction of an addition to a single family dwelling which was constructed on or after the effective date of this Ordinance shall be accompanied by a Mortgage Loan Inspection type survey with all proposed yard dimensions and setbacks shown on the plan.

**12.8. Minor Accessory Structures (Amended 4-01-06 ATM)**

- a) Lots Improved Before Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a minor accessory structure, as defined in Section 12.10 below of this Ordinance, on a lot where the principal structure was constructed before the effective date of this Ordinance shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3. ~~if the Code Enforcement Officer determines that special conditions such as complex curves in the property lines, the presence of wetlands requiring setbacks under the Ogunquit Shoreland Zoning Ordinance or other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.~~

- b) Lots Improved After Effective Date – Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a minor accessory structure as defined in Section 10 of this Ordinance, on a lot where the principal structure was constructed on or after the effective date of this Ordinance shall be accompanied by a Mortgage Loan Inspection type survey with all proposed yard dimensions and setbacks shown on the plan.
- c) In the case of a minor accessory structure, the location of the foundation or base of the structure need not be set or pinned by a professional land surveyor.

**12.9. Major Accessory Structures** (Amended 4-01-06 ATM)

Every application for a permit under the Ogunquit Zoning Ordinance for the construction of a major accessory structure, as defined in Section 12.10 below of this Ordinance, shall be accompanied by a Standard Boundary Survey, Category 1, Condition 3. In addition, the location of the foundation shall be set and pinned by a professional land surveyor before the Code Enforcement Officer approves the footing inspection if:

- a) Any part of the structure is proposed to be located closer than five (5) feet to the minimum front, side or rear yard setbacks required by the applicable zoning district regulations; or
- b) The Code Enforcement Officer determines that special conditions exist, such as:
  - 1. complex curves in the property lines, or
  - 2. the presence of wetlands, vernal pools, wildlife habitat areas, or other natural features requiring special setbacks or net residential area deductions under the Ogunquit Shoreland Zoning Ordinance; or
  - 3. other unusual features of lot shape or topography require that the foundation be set and pinned by a professional land surveyor.

**12.10. Definitions**

The following terms used in this Ordinance have the following meanings:

*Standard Boundary Survey, Category 1, Condition 3*

A survey performed by a professional land surveyor which conforms to the requirements of a Standard Boundary Survey Category 1, Condition 3 in accordance with the State rules and regulations of the Maine Board of Licensure for Professional Land Surveyors.

*Mortgage Loan Inspection Type Survey*

A Mortgage Loan Inspection Type Survey shall be performed by a professional land surveyor in accordance with the State rules and regulations of the Maine Board of Licensure for Professional Land surveyors regarding Mortgage Loan Inspections.

*Major Accessory Structure*

Any accessory structure which is not a minor accessory structure.

*Minor Accessory Structure*

A Swimming pool, above ground or in-ground, with associated decks and patios and any structure with a footprint of less than ~~one hundred (100)~~ two hundred and fifty (250) square feet.

*Professional Engineer*

An engineer licensed by the State of Maine to practice in the State of Maine.

*Professional Land Surveyor*

A surveyor licensed by the State of Maine to practice in the State of Maine.

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Require Better Stormwater Management

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

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ARTICLE 6 – PLANNING BOARD

\*\*\*\*\*

6.6 Procedures for Site Plan Review (Amended 4/01/06 ATM)

\*\*\*\*\*

C. Application Procedure.

\*\*\*\*\*

- 3. Application Submission Requirements. Fifteen copies of all application materials shall be submitted to the Land Use Office no less than fourteen days prior to a regularly scheduled Planning Board meeting in order to be placed on the Board’s agenda. Unless a submission waiver is granted, pursuant to Section 4 below, all plans for Site Plan Review presented for approval under this section shall be drawn at a scale of not smaller than one inch equals 20 feet and shall show or be accompanied by the following information, unless a submission waiver is granted, pursuant to procedure of sec. 4 below:

\*\*\*\*\*

- Y. A storm water management plan, prepared by a registered professional engineer in accordance with the ~~Stormwater Management for Maine Stormwater~~ Best Management Practices Manual, published by the Maine Department of Environmental Protection (~~1995~~ 2006). The Board may waive submission of the storm water management plan if the proposed site work will not involve grading which changes drainage patterns, and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the site.

6.7 Standards Applicable to Site Plan Reviews. (Amended 4/01/06 ATM)

- A. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Board shall not approve the application unless it makes written findings that the proposed use or structure:

\*\*\*\*\*

- 13. will be constructed with adequate landscaping in compliance with this Ordinance, and provision for a storm water drainage system in compliance with the Ogunquit Subdivision Regulations ~~this Ordinance~~;

\*\*\*\*\*

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Control Timber Harvesting Outside the Shoreland Overlay District

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

\* \* \* \* \*

ARTICLE 2 – DEFINITIONS

\* \* \* \* \*

Basal Area

The area of cross section of a tree stem at diameter breast height (4.5 feet above the ground) and includes bark.

Basal Area, Residual

The total of the basal area of trees remaining on a harvest area.

\* \* \* \* \*

ARTICLE 9– STANDARDS FOR SPECIFIC LAND USES

\* \* \* \* \*

9.21 Timber Harvesting Outside of the Shoreland Overlay District

Timber-harvesting operations outside of the Shoreland Overlay District shall meet the following standards:

- A. Outside of the Shoreland Overlay or Resource Protection Districts, no permit is required for timber harvesting involving the cutting and removal of up to 10 cords of wood for personal use in any calendar year. Any other timber harvesting shall either require a permit, or shall not be permitted, as indicated in Table 702.1.
- B. Within the Shoreland Overlay and Resource Protection Districts, the provisions of section 9.15.G of this Ordinance shall apply to any timber harvesting.
- C. No slash or other debris shall remain on the ground within the right-of-way or within a distance of 50 feet from the nearest edge of the right-of-way of any public road for more than 15 days after accumulation.
- D. No slash or other debris shall remain on the ground within a distance of 25 feet from the boundary of land of another for more than 15 days after accumulation.
- E. No timber-harvesting operations or stockpiling will take place in the Town right-of-way.

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Control Timber Harvesting Outside the Shoreland Overlay District

- F. Within the public right-of-way of any new or proposed entrance onto a public way a culvert approved by the Road Commissioner may be required to ensure that the natural flow of drainage water will not be interrupted and to protect the shoulder of the public road.
- G. Where yarding and loading operations are conducted within 50 feet of the right-of-way, all debris remaining after such operations shall be removed and the ground restored to its original contour.
- H. Any timber harvesting operation which will create less than 50 square feet of residual basal area per acre is prohibited, unless a statement from a licensed professional forester is provided demonstrating that such a harvest is appropriate.
- I. Within 50 feet of any public road, timber harvesting shall be limited to selective cutting, which provides that cutting will be limited to 50% of the basal area which existed prior to the start of the operation.
- J. The timber harvester shall conduct the operations in such a way to minimize soil erosion and sedimentation of surface waters. Operations shall conform to guidelines outlined in the book, Best Management Practices for Forestry: Protecting Maine's Water Quality, 2004, prepared by the Maine Forest Service.
- K. Timber harvesting operations in the Shoreland Overlay District must conform to those standards outlined in 9.15 of this Ordinance.
- L. Timber harvesting shall conform to all applicable state laws and regulations, unless local ordinances are more restrictive.

\* \* \* \* \*

**Article \_**

**An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan  
To Require Visual Impact Assessments for Large Projects**

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\* \* \* \* \*

**ARTICLE 11 – DESIGN REVIEW**

\* \* \* \* \*

**11.5 Action of Applications for Design Certificate** (Amended 4-01-06 ATM)

A. The application for a Design Certificate shall be made in the Land Use Office on forms provided therefore, at least 14 days prior to the Planning Board meeting at which it will be reviewed. Each application shall be accompanied by:

1. A site plan showing the subject property and its context;
2. Elevations of each side of the proposed building to be constructed or altered, at a scale of at least ¼” = 1 foot, and in the case of alterations, showing conditions before and after the proposed alteration;
3. Photographs of the site and existing buildings; and such additional sketches, drawings, photographs, descriptions or other information showing the proposed alterations, additions, changes or new construction as may be required for the Board to make a decision.
4. Estimates of the construction cost for proposed new buildings or proposed new building additions.
5. For proposed new buildings or proposed new building additions with a value of construction estimated to be \$2,000,000 or greater, a visual impact assessment. An applicant’s visual impact assessment should visualize the proposed activity and evaluate potential adverse impacts of that activity on existing scenic and aesthetic uses, and determine effective mitigation strategies, if appropriate. If required, a visual impact assessment must be prepared by a design professional trained in visual assessment procedures, in the following manner:

- a. In all visual impact assessments, scenic resources within the viewshed of the proposed activity must be identified and the existing surrounding landscape must be described. The assessment must be completed following standard professional practices to illustrate the proposed change to the visual environment and the effectiveness of any proposed mitigation measures. The radius of the impact area to be analyzed must be based on the relative size and scope of the proposed activity given the specific location. Areas of the scenic resource from which the

Proposed Zoning Ordinance Amendments To Implement the Comprehensive Plan To Require Visual Impact Assessments for Large Projects

activity will be visible, including representative and worst-case viewpoints, must be identified. Line-of-sight profiles constitute the simplest acceptable method of illustrating the potential visual impact of the proposed activity from viewpoints within the context of its viewshed. A line-of-sight profile represents the path, real or imagined, that the eye follows from a specific point to another point when viewing the landscape. For activities with more sensitive conditions, photo-simulations and computer-generated graphics may be required.

- b. A visual impact assessment must also include narratives to describe the significance of any potential impacts, the level of use and viewer expectations, measures taken to avoid and minimize visual impacts, and steps that have been incorporated into the activity design that may mitigate any potential adverse visual impacts to scenic resources.

\* \* \* \* \*

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Protect Potential Archaeological Resources

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

\* \* \* \* \*

ARTICLE 6 – PLANNING BOARD

6.6 Procedures for Site Plan Review (Amended 4/01/06 ATM)

\* \* \* \* \*

C. Application Procedure.

\* \* \* \* \*

- 3. Application Submission Requirements. Fifteen copies of all application materials shall be submitted to the Land Use Office no less than fourteen days prior to a regularly scheduled Planning Board meeting in order to be placed on the Board’s agenda. Unless a submission waiver is granted, pursuant to Section 4 below, all plans for Site Plan Review presented for approval under this section shall be drawn at a scale of not smaller than one inch equals 20 feet and shall show or be accompanied by the following information, unless a submission waiver is granted, pursuant to procedure of sec. 4 below:

\* \* \* \* \*

- W. Historic or Archaeological Sites. All areas within or adjacent to the proposed site which are either listed on or eligible to be listed on the National Register of Historic Places or the Ogunquit Historic Register, or have been identified in the comprehensive plan as sensitive or likely to contain ~~such~~ archaeological sites. If any such areas are located within or adjacent to the site, the applicant shall submit a copy of the site plan and a copy of any proposed mitigation measures to the Maine Historic Preservation Commission and the Ogunquit Historic Preservation Commission and submit any agency comments to the Board.

\* \* \* \* \*

9.22 Archaeological Sites

The following provisions are intended to prevent the disturbance of sites with potential or identified archaeological significance until their importance is documented.

A. Identified Sites

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Protect Potential Archaeological Resources

No activity which disturbs the ground such as trenching, grading, or excavating shall be commenced and no municipal permit or approval shall be issued within any of the following archaeological resource potential areas until the Maine Historic Preservation Commission has been notified of the nature of the proposed activity in writing by the owner of the property, a copy of the notice is provided to the Code Enforcement Officer, and a reconnaissance level archaeological survey is conducted, unless the Maine Historic Preservation Commission notifies the owner in writing that such a survey will not be needed.

The survey requirement will be deemed satisfied if the Maine Historic Preservation Commission has not carried out a survey or responded to the owner in writing within six (6) months or if the owner of the property has a reconnaissance level survey completed by a competent professional and provides a copy of the survey to the Maine Historic Preservation Commission and the Code Enforcement Officer.

The archaeological resource potential areas as identified in the Comprehensive Plan are:

1. Four sites identified by the Maine Historic Preservation Commission along the banks of the Ogunquit River, designed as sites numbered 4.2, 4.4, 4.5, and 4.6.
2. Any area within 250 feet of the normal high water mark of the entire Ogunquit River.
3. Any area within 250 feet of the normal high water mark of the Atlantic Ocean.

B. Other Areas Not Yet Identified

If an artifact is uncovered during ground-disturbing activities in other areas not identified above as archaeological resource potential areas, the activities shall be halted and not recommenced until the Maine Historic Preservation Commission has been notified in writing of the find by the owner of the property, a copy of the notice provided to the Code Enforcement Officer, and a written response received from the Commission. If no response is received within forty-five (45) days from the date notification was provided to the Commission, the Code Enforcement Officer shall authorize recommencement of the activity.

\* \* \* \* \*

Article \_

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Encourage Alternative Energy Use

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

ARTICLE 2 – DEFINITIONS

Front Lot Line

The Any lot line separating the lot from ~~the~~ a public or private street right-of-way. ~~On a corner or through lot which fronts on two streets, the line separating the lot from the street which is the address of the lot.~~

\* \* \* \* \*

Height of Building

The height of a building is the vertical building measurement from the structure’s highest point to the average finished grade, as defined by this Ordinance. This height shall not include features of the building or structure such as chimneys, decorative cupolas, towers or spires, photo-voltaic cells, solar water heaters, or similar non-habitable appurtenances. (~~Amended 4/01/06-ATM~~)

\* \* \* \* \*

Structure

Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, satellite receiving dishes, wind energy systems, carports, decks, arbors, pergolas, and other building features, but not including signs, sidewalks, walkways, fences, walls, ~~arbors,~~ flagpoles less than 35 feet in height, patios, driveways, and parking lots including accessory bumpers and wheel stops.

\* \* \* \* \*

Wind Energy System, Small

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kilowatts and which is intended to primarily reduce onsite consumption of utility-provided electrical power.

\* \* \* \* \*

ARTICLE 9 - STANDARDS FOR SPECIFIC LAND USES

\* \* \* \* \*

9.18 Small Wind Energy Systems [Note: Renumber subsequent sections.]

Small Wind Energy Systems, as defined in Article 2 of this Ordinance, shall be considered as a permitted accessory use in all districts, except Resource Protection, and shall be subject to the following requirements:

An Ordinance to Amend the Ogunquit Zoning Ordinance to Implement the Comprehensive Plan To Encourage Alternative Energy Use

- A. No part of the small wind energy system, including any guy wire anchors, shall be located within any required structure setbacks.
- B. Tower Height. The base of the tower supporting the wind turbine shall be set back from any property line at a minimum distance equal to 110% of the height of the tower, or equal to the required structure setback, whichever is greater. When calculating the height of the tower, the wind turbine and blades shall not be included in the measurement of tower height. In no event shall the tower height of a small wind energy system exceed 80 feet.
- C. Noise. Small wind energy systems shall comply with the noise standards of section 8.9 of this Ordinance. These standards, however, may be temporarily exceeded during short term events, such as wind storms or power outages.

\* \* \* \* \*

Article           

An Ordinance to Amend the Ogunquit Zoning Ordinance to  
To Completely Remove Campground Standards to Correct a Technical Error

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “\* \* \* \* \*” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

9.5 ~~Campgrounds~~ [Reserved]

*[Note: Remove sections 9.5.A.2 through 9.5.B.9, as follows:]*

\* \* \* \* \*

- ~~2. Each application for a permit or a renewal thereof shall be accompanied by a fee as established by the Board of Selectmen for a campground designed for the accommodation of no more than 10 recreational vehicles or tent sites, and an additional fee as established by the Board of Selectmen for each additional recreational vehicle or tent site in excess thereof. Each permit shall expire on the first day of April following the date of issuance. Before any permit shall be renewed, the premises shall be subject to inspection by the Health Officer and Code Enforcement Officer. If they shall find all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same and renew the permit.~~
- ~~3. Such permits shall be conspicuously posted on the premises at all times and shall not be transferable.~~
- ~~4. The Board of Selectmen is hereby authorized to revoke any permit issued pursuant to the terms of this Ordinance if, after due investigation and public hearing, they determine the holder thereof has violated any of the provisions of this or any applicable code, law or statute.~~

~~B. Design Requirements.~~

~~In any district where campgrounds are permitted under the terms of this Ordinance, the following regulations and minimum standards shall apply:~~

- ~~1. A time limit is placed on the occupancy of any one camping site on a continuing basis as follows: 12 weeks for the period of May 15 to September 15 of each year, and two weeks for all other times. No trailers or homes other than recreational vehicles shall be permitted within any campground, temporarily or otherwise;~~
- ~~2. A campground may not be constructed on less than five acres of land;~~
- ~~3. Each tent site must be provided with a masonry or metal fireplace approved by the Fire Chief;~~

An Ordinance to Amend the Ogunquit Zoning Ordinance to To Completely Remove Campground Standards to Correct a Technical Error

- ~~4. Space in campgrounds may be used by travel trailers, equivalent facilities constructed in or on auto vehicles, tents or other short-term shelter devices;~~
- ~~5. A campground shall provide water and sewage systems, sanitary stations and convenience facilities in accordance with the regulations of the Maine Subsurface Wastewater Disposal Rules and the Maine Plumbing Rules. In no case shall less than one toilet, lavatory and shower be provided for each sex for every 10 camping and tent sites;~~
- ~~6. Each camping or tent site within a campground shall contain a minimum of 4,200 square feet and have a minimum frontage along the traveled way of 70 feet exclusive of drives and aisles;  
  
Within the Shoreland Overlay District, each site shall contain a minimum of 5,000 square feet of land, not including roads and driveways. Land supporting wetland vegetation, and land below the normal high water line of a water body shall not be included in calculating land area per site.~~
- ~~7. Recreational Vehicles shall be so parked in spaces that:
  - ~~a. There shall be a minimum of 15 feet between vehicles;~~
  - ~~b. There shall be a minimum of 15 feet between all recreational vehicles and exterior boundary of the campground;~~
  - ~~c. There will be a minimum of 25 feet between all trailers and all public rights-of-way located inside the boundaries of the campground. Setbacks from the roads outside the campground will be a minimum of 150 feet;~~
  - ~~d. No camping unit or structure shall be located less than 100 feet from any residence;~~
  - ~~e. Buffering, planting, landscaping, disposition and form of buildings and other improvements, fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.~~
  - ~~f. The areas intended for placement of a vehicle, tent or shelter, and utility service buildings shall be set back a minimum of 75 feet from the normal high water line of rivers, streams, salt water bodies, tributary streams, or the upland edge of a wetland.~~~~
- ~~8. The storage, collection and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, air pollution and the like.~~
- ~~9. No unoccupied camping unit shall be stored or exhibited for sale for commercial purposes within the campground.~~

**Article \_**

An Ordinance to Amend the Ogunquit Zoning Ordinance  
To Modify Special Standards for Transient Accommodations (Lodging) to Correct Grammar and  
Technical Issues with No Relaxing of Requirements

23 January 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

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**ARTICLE 9- STANDARDS FOR SPECIFIC LAND USES**

\*\*\*\*\*

**9.4 Bed & Breakfast and Inn – Transient Accommodation Types 2 & 3 (TA-2, TA-3)**

- A. The application for approval shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
- B. There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.
- C. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- D. Each rental room shall have not less than ten by twelve feet horizontal dimensions.
- E. Each rental room shall be equipped with an approved smoke detector.

\*\*\*\*\*

**9.8 Transient Accommodation Type 4 - ~~Hotels, Motels~~ Motel/Hotel (TA-4)**

For traffic safety on and immediately adjoining each motel or hotel, and to assure health, safety and welfare of occupants and of the neighborhood generally, the following ~~land, space, building, traffic, utility, and service design~~ requirements shall be complied with: by all transient accommodations type 4 (TA-4) as defined by this ordinance:

- A. Any individual guest accommodations containing 650 square feet or more, whether or not cooking facilities are provided, shall be considered as a dwelling unit for the purposes of this Ordinance, and subject to all applicable dimensional and net residential area per dwelling unit requirements.
- ~~A~~B. The minimum lot size for any hotel or motel shall contain not less than three acres of total area. The minimum frontage shall be ten times the posted speed limit of the most traveled way serving the development but not less than two hundred feet lot width at the street and throughout the first two hundred feet of depth of the lot back from the street.

Proposed Zoning Ordinance Amendments To Modify Special Standards for Transient Accommodations to Correct Grammar and Technical Issues with No Changes in Policy or Requirements

~~EXHIBIT M~~

An Ordinance to Amend the Ogunquit Zoning Ordinance  
To Adjust Traffic Standards in Response to a Decision  
of the Maine Supreme Judicial Court

23 January 2007

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)

\*\*\*\*\*

**6.6 Procedures for Site Plan Review** (Amended 4/01/06 ATM)

\*\*\*\*\*

C. Application Procedure.

\*\*\*\*\*

3. Application Submission Requirements.

\*\*\*\*\*

T. Estimate of Traffic Generated. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions. The Planning Board may obtain the services of a professional engineer for a peer review of any trip generation estimates, pursuant to section 6.6.C.

U. Traffic Impact Analysis. ~~For proposed projects requiring 40 or more parking spaces or projected to generate more than 200 vehicle trips per day, a~~ A traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site, ~~and neighboring streets and the nearest Route 1 intersection~~ which may be affected, and recommended improvements to maintain the desired level of service on the affected streets and intersections. The Planning Board may obtain the services of a professional engineer for a peer review of any traffic impact analysis, pursuant to section 6.6.C. Submission of a traffic impact analysis shall not be waived for proposed projects requiring 30 or more parking spaces or projected to generate more than 150 vehicle trips per day.

\*\*\*\*\*

An Ordinance to Amend the Ogunquit Zoning Ordinance To Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court

An Ordinance to Amend the Ogunquit Zoning Ordinance  
To Adjust Traffic Standards in Response to a Decision  
of the Maine Supreme Judicial Court

**8.13 Traffic Impacts and Street Access Control.**

- A. General. Provision shall be made for vehicular access to, and circulation within, all development land use activities, lots, subdivisions and activities requiring site plan review, and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following standards and the design criteria below.
- ~~1. The vehicular access to the development shall be arranged to avoid traffic use of local residential streets.~~
- B. The following standards and design criteria only shall apply to developments defined as subdivisions or activities requiring site plan review by this Ordinance, which are projected to generate average daily traffic (ADT) of 150 or more trips per day, or which are required to provide 30 or more parking spaces:
- ~~2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.~~
  - ~~3. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have sufficient traffic carrying capacity, as defined below, or and be suitably improved, to accommodate the amount and types of traffic generated by the proposed use.~~
  1. No development which meets the size threshold of 8.13.B shall increase the volume/capacity ratio of any street above 0.8 nor reduce the street's giving access to the proposed development to a Level of Service to "D" or below, nor shall it reduce the nearest Route 1 street intersection to a Level of Service "D" or below, unless the applicant constructs traffic improvements or agrees to reasonable conditions of approval to mitigate the traffic impacts of the proposed development. Level of Service shall be defined according to the Highway Capacity Manual 2000, published by the Transportation Research Board, National Academy of Sciences. All subdivisions or site plans, which were approved and located on contiguous lots owned by the applicant within the last five years, shall be included in determining whether the proposed amount of ADT to be added, or required parking to be provided, has exceeded the threshold of 8.13.B.
  2. If the volume/capacity ratio of the existing street giving access to the proposed development already exceeds 0.8, or the level of service of the existing street giving access or of the nearest Route 1 street intersection is streets or nearby intersections leading to the proposed project are already at "D" or below, the application for such a subdivision or activity requiring site plan review meeting the size threshold of 8.13.B above, shall be denied unless the applicant can improve the street or intersection capacities or level of service so that no further diminution of the level

An Ordinance to Amend the Ogunquit Zoning Ordinance To Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court

An Ordinance to Amend the Ogunquit Zoning Ordinance  
To Adjust Traffic Standards in Response to a Decision  
of the Maine Supreme Judicial Court

of service increase in delay or waiting times will occur, should the project be constructed, according to a traffic impact analysis prepared by a licensed professional engineer, submitted by the applicant.

C. The following standards and design criteria in this subsection as well as in subsections D through G below, shall apply to any land use activities, lots, subdivisions, or activities requiring site plan review, as applicable:

21. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
42. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.
53. Accessways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
64. Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use
  - a. when such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or
  - b. when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

BD. Driveway Design

\* \* \* \* \*

*[Note: Re-letter and renumber subsequent sections of 8.13, in the same sequence.]*

An Ordinance to Amend the Ogunquit Zoning Ordinance to Change the Posting Requirements  
For Hearings on Amendments to the Zoning Ordinance  
To Be Consistent with State Law

5 February 2007

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout~~ line. All other portions of the ordinance are proposed to remain unchanged. The symbol "\*\*\*\*\*" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.)*

\*\*\*\*\*

**1.8 Amendments**

\*\*\*\*\*

- B. The Planning Board must post notice of the public hearing required under §107.1 in the municipal office at least ~~14~~13 days before the public hearing. The Planning Board must publish notice of the public hearing at least two times in a newspaper of general circulation in the municipality. The date of the first publication must be at least ~~14~~12 days before the hearing and the date of the second publication must be at least seven days before the hearing.

\*\*\*\*\*

An Ordinance to Amend the Ogunquit Zoning Ordinance to Change the Posting Requirements For  
Hearings on Amendments to the Zoning Ordinance, To Be Consistent with State Law