

**WARRANT
FOR THE
2012 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 **Tuesday, the twelfth (12th) day of June 2012**, A.D. at eight o'clock in the morning (8:00 a.m.) until eight o'clock in the evening (8:00 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 **two (2) Select Board Members** for a three (3) year term to commence at the conclusion of the 2012 Annual Town Meeting; term ending ATM 2015.
- Article 3:** To elect **two (2) Budget Review Committee Members** for a three (3) year term to commence at the conclusion of the 2012 Annual Town Meeting; term ending ATM 2015.
- Article 4:** To elect **one (1) Wells-Ogunquit Community School District Trustee** for a three (3) year term to commence on July 1, 2012; term ending June 30, 2015.
To elect **one (1) Wells-Ogunquit Community School District Trustee** for a one (1) year term to commence on July 1, 2012; term ending June 30, 2013.
- Article 5:** To elect **one (1) Kennebunk, Kennebunkport & Wells Water District Trustee** for a three (3) term ending June 30, 2015.
- Article 6:** To elect **three (3) registered voters to the Independent Election Committee** for a one (1) year term ending June 30, 2013. [Note: 1 Democrat, 1 Republican, 1 Unenrolled.]
- Article 7:** Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?
- Article 8:** To elect **six (6) registered voters to the newly established Charter Commission**; term ending upon completion of charge.
- Article 9:** Shall the Town vote to designate those portions of Tax Map Lot 18-15-B, located outside of the Transfer Station limits and the Ogunquit Dog Park, as Conservation Land and Wildlife Commons? [Note: Action taken pursuant to Chapter 13, Section 109.2 of the Ogunquit Municipal Code]. Copies of the proposed designated area is attached as **Exhibit A** and made a part of this Warrant and is available for inspection, use and examination at the Town Clerk and Land Use Offices.]
- Article 10:** Shall an ordinance entitled "**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 1 – General, Section 1.9**" and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 1 – GENERAL

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1.9 Amendment

- A. This Ordinance may be amended by a majority of the legislative body of

The Town of Ogunquit, either at a regular or special town meeting, pursuant to the Town Charter and law, provided that a public hearing shall first be held. Amendments may be sent to the Town Attorney for review before any public hearing or before placement on a warrant, with the authorization of the Town Manager. A fee for placing an amendment request from a person, as defined by this Ordinance, on the Planning Board's agenda for consideration, shall be set from time to time in a fee schedule adopted by the Select Board. Petitioned requests for amendments, pursuant to the Town Charter and law, shall be exempt from a fee, as well as requests from Town staff, committees or Boards.

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Article 11: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 2 – Definitions**” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 2 – DEFINITIONS

Definitions found in a standard Webster’s Dictionary of the current decade on file in the Code Enforcement Officer’s office will apply to all words not already defined in this Zoning Ordinance. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is always mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged, or designed to be used/occupied.”

Abutting Property

Adjacent property which is contiguous with the subject property. However, when applied to any standard involving required notifications to “abutting properties,” the term shall include properties across a public right-of-way or waterway, within 200 feet of any part of the property line forming the boundary with said right-of-way or waterway.

* * * * *

Accessory Building or Structure

A subordinate building or structure, which is incidental to the principal building. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. Accessory Buildings or Structures shall meet all dimensional requirements of this Ordinance.

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Arbor

A shady garden shelter or bower, often made of rustic work or latticework on which vines, roses or other climbing plants may be grown. An arbor is not considered a structure and therefore is not required to meet setbacks under this Ordinance.

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Facade

The front part of a building facing a street or most frequently-used public right-of-way.

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Footprint

The ground area, in square feet, ~~enlosed~~ covered by the foundation of a building, plus any additional ground area covered by projections past the foundation walls, including, but not limited to, roof overhangs, decks, balconies, porches, steps, bulkhead-type basement entrances, and the like.

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“Grandfathered” lot, structure, or use

See “Nonconforming Development or Condition”

Nonconforming Development or Condition

A lot, structure, or use lawfully existing at the time of adoption or amendment of this Ordinance that does not meet all of the applicable performance standards, which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. Colloquially, this is often referred to as a “grandfathered” lot, structure, or use.

Pergola

A garden structure built up over a path or narrow terrace, lined with spaced columns or posts that support a framed roof without sheathing. Often vines are trained around the framework of the pergola, and the pergola may lead from one building to another. For the purposes of this ordinance, a pergola is a structure that is subject to setback requirements.

Sign

Unless exempted in section 8.12.A.3, any structure or part of the structure attached thereto or painted or represented thereon or therein, regardless whether it is located out-of-doors or inside, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement and which is intended for or effectively achieves the result of announcing, directing and/or advertising to the out-of-doors public. The word “sign” does not include any structure or part of a structure, building or part of a building in existence ~~in~~ on December 31, 1930, that is necessary to preserve its historical, architectural and neighborhood significance.

Vending or Buyer Operated Retail Device

All coin operated or buyer operated devices including, but not limited to, soda vending machines, ice machines, gum ball dispenser, snack vending machines and the like. For the purposes of this Ordinance, ~~Buyer operated newspaper machines, gasoline stations, pumps sales at gasoline stations, automatic teller machines that are connected to a building, and pay telephones, are not included as a vending or buyer-operated retail device exempted from this definition and therefore are not considered outside sales, but are regulated by section 9.19.E~~

Article 12: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 3 – Non-Conformance**” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 3 – NON-CONFORMANCE

3.1 General

C. Maintenance and Repairs

This ordinance allows the normal upkeep and maintenance of nonconforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the nonconforming use or nonconforming portion of a structure; and such other changes in a nonconforming use or structure as Federal, State, or Local building and safety codes may require.

3.2 Nonconforming Uses

B. Resumption Prohibited

A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use, even if the owner has not intended to abandon the use, ~~except that~~ Except however, the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. The burden of proof shall be upon the property owner, who must provide the Town with sales tax, licensing, advertising or other business records, should a dispute arise over whether a nonconforming use has been discontinued. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

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3.3 Nonconforming Structures

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C. Enlargements Controlled

1. A nonconforming structure shall not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
2. Outside of any Shoreland Zone, upward extension of walls or any portions of buildings that increase the building volume that is already in violation of setback requirements shall be considered as a prohibited expansion of a nonconforming structure. Within any Shoreland Zone, such upward expansion of nonconforming structures shall be governed by section 3.3.H.
3. The addition of an open patio with no structures elevated more than three inches above original ground level shall not constitute the expansion of a nonconforming structure as of January 28, 1991.
4. The addition of steps or the enclosure of an existing porch shall not constitute the expansion of a nonconforming structure. But the addition of a deck does constitute the expansion of a nonconforming structure and therefore the deck shall meet all the dimensional requirements of this Ordinance.
5. Construction or enlargement of a foundation under an existing dwelling shall not be considered an expansion provided that:
 - 1-a. the construction or expansion does not expand the habitable space of the structure; and
 - 2-b. the completed foundation does not extend beyond the exterior dimensions of the structure.Construction or enlargement of a foundation shall be subject to the Municipal Plumbing Laws (30-A MRSA, Chapter 185, and Subchapter III) requiring new soils documentation.

* * * * *

E. Reconstruction or Rehabilitation

Any nonconforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or the owner's agent may be restored, rehabilitated or reconstructed, provided that the restoration, rehabilitation or reconstruction shall not enlarge the overall floor space, or height of the building, or cause the building to become more nonconforming. A permit for such reconstruction must be obtained and actual reconstruction must be commenced within 12 months and completed within 24 months of the damage or destruction. Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed, or shall prevent the reconstruction or rehabilitation of accessory site features exempted from the definition of structure in this Ordinance.

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H. Additional Requirements in any Shoreland Zone

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3. Reconstruction or Replacement

- c. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in Section ~~3.3.1.3~~ 3.3.H.2 above, the physical condition and type of foundation present, if any.

3.5 Nonconforming Transient Accommodations, Type 4 (TA-4, Motel/Hotel)

With the rapid expansion of transient accommodation type 4 uses in recent years, hotels and motels now take up a disproportionate share of the town’s land area. To promote the health, safety and welfare of Ogunquit citizens, to comply with the most recent amendments to the Comprehensive Plan adopted in 2004, to mitigate parking, traffic and congestion problems, and to preserve a community quality, hotels and motels are no longer permitted uses in the Town of Ogunquit, except in the General Business District- 2 (GBD2). Any TA-4 Motel/Hotel use outside of the GBD2 District, legally existing at the time of the adoption or amendment of this Ordinance may continue, but shall only be permitted to expand, be reconstructed or be structurally altered within the owner’s lot of record or contiguous lots of record in a manner that meets all of the following criteria:

Article13: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 4 – Administration**” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 4 – ADMINISTRATION

4.1 Enforcement Officer

D. Cease and Desist Order.

Upon a finding that any of the provisions of this Ordinance are being violated, the Code Enforcement Officer shall immediately (within three business days) notify by Certified Mail the person(s) responsible for such violation(s), indicating the nature of the violation(s), and ordering the action necessary to correct it. The Code Enforcement Officer shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal activity; order work to be stopped; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

4.5 Permit Application

A. All applications for building permits shall be accompanied by plans showing the actual dimensions and shape of the lot to be built upon; and the exact sizes, locations and dimensions of the proposed structure(s) or alterations and any existing structures. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with, and provide for the enforcement of, this Ordinance. A copy of the approved building permit shall be displayed at the job site from commencement of work until a certificate of occupancy is obtained, within view of the nearest public way or street.

Article 14: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 5 – Appeals** ” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 5 – APPEALS

5.2 Powers and Duties

Appeals from the decision of the Code Enforcement Officer shall go to the Board and from the Board to the Superior Court in accordance with Maine Law. The Board shall have the following powers and duties:

- A. Administrative Appeals: To hear and decide administrative appeals on a de novo basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit or other application under this Ordinance. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision. The action of the Code Enforcement Officer may be affirmed, modified or reversed by the Board by vote of the Board. Any notice of violation, or any related order, stop work order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals. Such enforcement actions are appealable only to the Courts as allowed by law and rules of civil procedure.

5.3 Appeal Procedure

- C. The Board shall hold a public hearing prior to making a decision on an appeal. In all appeals, the Board of Appeals shall send a notice by first class mail at least ten (10) days prior to the hearing, to the appellant and to the owners of all abutting properties. ~~Abutting properties shall include those directly across a public right of way, including waterways.~~ Notification shall include the nature of the appeal, and the time and place of the public hearing. The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. Notice of all appeals shall also be posted in at least three prominent public places within the Town at least ten (10) days prior to the hearing. A notice shall also be published twice in a newspaper of local circulation, with the first advertisement appearing at least seven (7) days prior to the hearing date.

Article 15: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 6 – Planning Board**” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 6 – PLANNING BOARD

6.6 Procedures for Site Plan Review

- C. Application Procedure
 - 1. Fees. A person informed by the Code Enforcement Officer that a proposed use requires Site Plan Review approval shall file an application for the permit with the Planning Board on forms provided for the purpose. The applicant shall be responsible for a filing fee, which covers administrative and legal advertisement costs, ~~as well as a technical review fee, which covers review by the Town’s planning, legal, and/or engineering consultants.~~ Filing Fees for site plan review shall be set annually in a fee schedule adopted by the Select Board.

In ~~addition complex cases requiring extensive use of the Town's planning, legal, and/or engineering consultants,~~ the applicant may be required by the Planning Board, after its initial review of the application for completeness, to pay an additional ~~shall pay~~ a technical review fee to be deposited in a special account designated for that site plan application, to be used by the Board for hiring independent consulting services to review the application. The amount of the technical review fee shall vary according to the complexity and scope of the proposed project, ~~as follows:~~

- a. ~~For changes in use only, with no exterior additions or changes to buildings, parking lots, drives, or drainage systems, \$500 shall be deposited; or~~
- b. ~~For all other site plan reviews, \$1500 shall be deposited.~~

If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional amount equal to the original deposit be paid by the applicant. The Board shall continue to notify the applicant and require an additional deposit be paid as necessary, whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the site plan review application by the Board shall be returned to the applicant.

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D. Public Hearing

The Planning Board shall hold a public hearing on the site plan review application within 30 days of determining the application is complete. The Board shall notify the Code Enforcement Officer and ~~Select Board,~~ Select Board and shall twice publish notice of the time, place and subject matter of the hearing in a newspaper of local circulation, with the first advertisement appearing at least seven (7) days prior to the hearing date.

1. The Board shall notify by regular U.S. mail, first class, the applicant and the owners of all property abutting the property subject to the application at least 10 days in advance of the hearing. The notice shall state the nature of the application and the time and place of the public hearing. ~~For the purposes of this section, abutting property shall be any property contiguous with the subject property, as well as any property directly across a street, right-of-way, river, brook, or stream from the subject property.~~ The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. In addition, the notice of the hearing shall be posted in at least three prominent public places within the municipality at least ten days prior to the hearing.

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Article 16: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 7 – District Regulations – Table 702.1 – Land Uses Permitted in Zoning District**” and dated March 26, 2012, be adopted?

[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 to save space.]

ARTICLE 7 – DISTRICT REGULATIONS

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TABLE 702.1 – LAND USES PERMITTED IN ZONING DISTRICT

KEY

District	
OFR	One Family Residential District
R	Residential District
RR1	Rural Residential District 1
RR2	Rural Residential District 2
PCR	Perkins Cove Residential District
DB	Downtown Business District
GB1	General Business District 1

GB2 General Business District 2
LB Limited Business District
F Farm District

Shoreland Zones:

SLR Shoreland Limited Residential District
SLC Shoreland Limited Commercial District
SG1 Shoreland General Development 1 – Ogunquit Beach
SG2 Shoreland General Development 2 – Perkins Cove
SP Stream Protection District
RP Resource Protection District

Reviewing Authority

C – Permitted use with permit from Code Enforcement Officer
SPR– Permitted use after Site Plan Review approval from Planning Board
A – Allowed without a permit
NA - Not Applicable
NP – Not permitted
SUB - Permitted after Subdivision Review Approval by Planning Board under Ogunquit Subdivision Regulations

See Footnotes at end of Table. All uses are subject to the general standards of Article 8.

Land Uses	OFR	RD	RR1	RR2	PCR	DB	GB1	GB2	LB	F	Shoreland Zones					
											SLR	SLC	SG1	SG2	SP	RP
OPEN SPACE AND RURAL USES																

Mineral extraction, including gravel pits (see definition)*	NP	NP	SPR	SPR	NP	NP	NP	NP	NP	NP	SPR	NP	NP	NP	NP	NP
COMMERCIAL USES																

Service establishments not elsewhere listed, including taxi or livery service dispatching offices ¹	NP	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	NP	SPR	SPR	SPR	NP	NP

*These uses have specific performance standards in Article 9

Footnotes:

- 1 No retail sales or services may be offered or solicited except inside of the buildings in which the retail sales or service establishment are located, except for those exceptions indicated in Footnotes 5 and 10, below. (Amended 6/14/11 ATM)
- 2 TA-4 is only allowed in those portions of the SLC District, immediately adjacent to the GB2 District.
- 3 Limited to storage of fishing and lobstering equipment, private tutoring of not more than two persons at any one time, home crafts, pursuit of the arts, activities or occupations which are conducted without customers or clients coming to the premises.
- 4 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Articles 3.5 and 9.8.
- 5 As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one hour after performances.
- 6 Type 2 and 3 Restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
- 7 Only permitted with Site Plan Review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District.
- 8 Not permitted unless a special exception is granted pursuant to Article 4.6.
- 9 See special Shoreland standards in Article 9.
- 10 As an exception, within the Shoreland General Development 2 - Perkins Cove – SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by holders of Commercial Lobstering Licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the “Bait Wharf” Parking Area, directly adjacent to the Harbor Master’s Office. No signs advertising any such outdoor live lobster sales shall be permitted, regardless of any other provisions of this Ordinance. (Amended 6/14/11 ATM)

Article 17: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 7 – District Regulations – Table 703.1 – Dimensional Requirements of Each Zoning District**” and dated March 26, 2012, be adopted? [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 to save space.]

Table 703.1 is shown on next page

TABLE 703.1 – DIMENSIONAL REQUIREMENTS OF EACH ZONING DISTRICT

SETBACKS (feet)																
DISTRICT	OFR	R	RR1	RR2	PCR	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP
Front ¹⁵	20	20	30	30	20	10 ⁷	20	30	20	50 ⁸	Note 2	Note 2	10 ⁷	15	N/A	N/A
Side and Rear ¹⁵	15	15	20	20	15	10 ⁹	10 ¹¹	15 ¹⁰	10 ¹¹	20	Note 2	Note 2	10 ⁹	NONE	N/A	N/A
From vernal pools (significant or non-significant, see sec. 1.3.F)	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>									
From water bodies & wetlands that meet the criteria for inclusion in the Shoreland Zone	N/A <u>75</u>	75	75	50	50	75	75									

NOTES TO TABLE 703.1

- 1 For a residential use, the minimum lot area shall be 12,500 square feet.
- 2 Same as nearest adjacent non-shoreland zone.
- 3 For residential use, the minimum lot area shall be 30,000 square feet.
- 4 For residential use, the minimum lot area shall be 60,000 square feet and the minimum street frontage shall be 100 feet.
- 5 As required by the underlying district.
- 6 Residential uses, except accessory dwelling units on the 2nd floor above a commercial use, shall require a minimum street front of 75 feet.
- 7 The minimum front setback for a structure existing on the effective date of this Section shall be ten (10) feet or the existing structure’s front setback, whichever is less. (Amended 4-01-06 ATM)
- 8 The minimum front setback for a structure existing on the effective date of this Section shall be fifty (50) feet or the existing structure’s front setback. (Amended 4-01-06 ATM)
- 9 The side and rear setbacks for a structure abutting a residential use shall be fifteen (15) feet. The minimum side and rear yards for a structure existing on the effective date of this Section shall be the setback indicated above or the existing structure’s setback, whichever is less. (Amended 4-01-06 ATM)
- 10 The side and rear setbacks for a structure abutting a residential use shall be twenty-five (25) feet. The minimum side and rear yards for a structure existing on the effective date of this Section shall be the setback indicated above or the existing structure’s setback, whichever is less. (Amended 4-01-06 ATM)
- 11 The side and rear setbacks for a structure abutting a residential use shall be fifteen (15) feet.
- 12 There shall be a natural buffer of seventy-five (75) feet maintained between the Ogunquit River and any structure and tilling.
- 13 In the Shoreland Zones, the total area of all buildings, structures, parking lots and any other non-vegetated surfaces shall be included in the computation of maximum building coverage, and shall not exceed the indicated percentage of the lot area, or portion of the lot area thereof, located in the Shoreland Zone. See definition of *Building Coverage* in Article 2.
- 14 No structure shall contain more than two and one half (2 ½) stories or the indicated height.
- 15 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Articles 3.5 and 9.8.

Article 18: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 8 – General Standards Applicable to All Land Uses**” and dated March 26, 2012, be adopted? [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 to save space.]

8.6 Fences

- G. In the Resource Protection District, or any other Shoreland Zone, fences shall
 1. not be more than four feet in height; and
 2. not obstruct the view of tidal or inland waters and/or natural beauty from a public way or other public property.

Existing nonconforming fences damaged by fire, storm, or any other cause than by a willful act of the owner, may be repaired or replaced pursuant to section 3.3.H.3.

8.7 Outdoor Lighting

- B. Outdoor Strings of Lights
Strings of light bulbs are not permitted except for the holiday season from the Monday before Thanksgiving until January 21. Holiday season strings of lights may include both colored and uncolored lights.

8.12 Signs

- B. Awnings
Awnings in the business districts (DB, GB1, GB2, LB, PCLB, OBB and any Shoreland Zone as applicable) may be erected, altered or relocated with issuance of a permit from the Code Enforcement Officer. All awnings accessory to commercial uses shall be rated as fire resistant per Building and Life Safety Codes. Before issuing a permit, the Code Enforcement Officer may submit the application to the Planning Board for review, interpretation and possible approval. The Code Enforcement Officer shall enforce Article 8.12.B and all permits issued thereto. (Adopted November 6, 2001)

8.13 Traffic Impacts and Street Access Control.

- B. Driveway and Entrance Design.

All driveway and entrance designs connecting to State or State Aid Highways shall meet the most current Chapter 299 Highway Driveway and Entrance Rules of the Maine Department of Transportation, adopted pursuant to Title 23 M.R.S.A, sections 52 and 704. Commercial uses, multifamily residential uses, and subdivisions connecting to non-State or non-State Aid Highways within the Town of Ogunquit, shall also be required to meet said rules.

1. ~~General. Driveway design shall be based on the estimated volume using the driveway classification defined below. (Amended 4/5/05 ATM)~~
 - a. ~~Very Low Volume Driveway: any driveway that serves one or two dwelling units.~~
 - b. ~~Low Volume Driveway: any driveway that is not a very low volume driveway and serves less than 25 vehicle trips per day.~~
 - c. ~~Medium Volume Driveway: any driveway that is not a very low volume, low volume or high volume driveway.~~

- d. ~~High Volume Driveway: any driveway that serves a peak hour volume of 400 vehicles or greater.~~
2. ~~Sight Distances. Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.~~
3. ~~Vertical Alignment. A driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Low Volume driveways shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume driveways should slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the driveway shall not exceed 8 percent.~~
4. ~~Very Low Volume Driveways (Amended 4/5/05 ATM)~~
- ~~Very low volume driveways may be one or two way operation, with a minimum width of 12 feet.~~
5. ~~Low Volume Driveways. (Amended 4/5/05 ATM)~~
- a. ~~Skew Angle. Low Volume driveways shall be two way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.~~
- b. ~~Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.~~
- c. ~~Driveway Width. The width of the driveway shall be between 12 feet and 16 feet, with a preferred width of 16 feet.~~
- d. ~~Curb Cut Width. Curb cut width shall be between 22 feet and 44 feet, with a preferred width of 36 feet.~~
6. ~~Medium Volume Driveways.~~
- a. ~~Skew Angle. Medium Volume driveways shall be either one way or two way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 70 degrees.~~
- b. ~~Curb Radius. Curb radii will vary depending if the driveway is one way or two way operation. On a two way driveway the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one way driveways, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.~~
- c. ~~Width. On a two way driveway the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one way driveway the width shall be between 16 feet and 20, with a preferred width of 16 feet.~~
- d. ~~Curb Cut Width. On a two way driveway the curb cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one way driveway the curb cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.~~
7. ~~High Volume Driveways.~~
- a. ~~Skew Angle. High Volume driveways shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 70 degrees.~~
- b. ~~Curb Radius. Without channelization islands for right turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.~~

e. **Curb Cut Width.** Without channelization, curb cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

d. **Entering and exiting driveways** shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

e. **Width.** Driveway widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

f. **Appropriate traffic control signage** shall be erected at the intersection of the driveway and the street and on medians and channelization islands.

C. Driveway Location and Spacing for Driveways. (Amended 4/5/05-ATM)

The following standards shall apply to all new driveways, except those located in the Downtown Business District.

8. **Minimum Corner Clearance.** Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general the maximum corner clearance should be provided as practical based on site constraints:

Minimum corner clearances are listed below based upon driveway volume and intersection type:

If based on the criteria below, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

MINIMUM STANDARDS FOR CORNER CLEARANCE

Driveway Type	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250

2. **Driveway Spacing.** Driveways shall be separated from adjacent driveways and property lines as indicated below. This distance shall be measured from the driveway edge to the driveway edge, excluding radii, for spacing between driveways; and from the driveway edge, excluding the radius, to a projection of the property line at the edge of the roadway, for driveway spacing to the property line.

MINIMUM DRIVEWAY SPACING

Driveway Type	Minimum Spacing to Property Line ¹ (feet)	Minimum Spacing to Adjacent Driveway by Driveway Type ²		
		Very Low or Low (feet)	Medium (feet)	High w/o RT [*] W/RT ^{**} (feet)
Very Low or Low Volume	10			
Medium Volume	75	75	75	150
High Volume (w/o RT) [*]	75	75	250	500
High Volume (w/RT) ^{**}	75	75	250	500

¹ Measured from edge of driveway, excluding radii, to projection of property line on roadway edge.

² For two more driveways serving a single parcel, or from a proposed driveway from an existing driveway. Measured from edge of driveway to edge of adjacent driveway, excluding radii.

^{*} High volume driveway without right turn channelization

^{**} High volume driveway with right turn channelization

~~*** Very Low or Low volume driveways are not permitted in combination with other driveway types on a single lot.~~

~~D. Number of Driveways. The maximum number of driveways onto a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of driveways independent of frontage length.~~

~~1. No low volume traffic generator shall have more than one two-way driveway onto a single roadway.~~

~~2. No medium or high volume traffic generator shall have more than two two-way driveways or three driveways in total onto a single roadway.~~

~~E. Construction Materials/Paving.~~

~~1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing is required around all raised channelization islands or medians.~~

~~2. All driveways shall be paved with bituminous concrete pavement within the street right-of-way. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.~~

Article 19: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 9 – Standards for Specific Land Uses**” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 9 – STANDARDS FOR SPECIFIC LAND USES

* * * * *

9.18 Small Wind Energy and Freestanding Solar Panel Systems

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

A. No part of the small wind energy system or freestanding solar panel system, including any guy wire anchors or supports, shall be located within any required structure setbacks.

B. Tower Height for Wind Turbines. 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. Height of Freestanding Solar Panels. No freestanding solar panel system shall exceed 12 feet in height above the existing grade.

~~C-D.~~ 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.

* * * * *

9.19 Outdoor Sales

A. There shall be no outdoor sales unless specifically allowed in ~~another section of this Article or in~~ by another Article of this Ordinance, ~~which shall have precedence over this section. Other Articles~~ Specifically allowable outdoor sales may include, but are not necessarily limited to, permission for the use of outdoor cafe or restaurant seating or vending or buyer operated retail devices, as defined by this Ordinance.

B. For the purposes of this section, ~~Article 9.18~~, a public right-of-way is defined as a right-of-way upon which motor vehicles travel. Public rights-of-way exclusively for

pedestrian, bicycle or other non-motorized travel are not deemed as public rights-of-way for the purposes of this section with respect to Article 9.18.

- C. A vending or buyer operated retail device, either covered or uncovered, may be placed anywhere on a lot that meets or exceeds the minimum setback of the zoning district from any lot line so long as it cannot be seen from the public motor vehicle right-of-way and/or the Marginal Way.
- D. Vending or buyer operated devices that have internally lighted facades that advertise brand name products and that can be seen from a public motor vehicle right-of-way, shall also be subject to the requirements of Article 8.12 - Signs.
- E. Devices exempted from the definition of “vending or buyer operated retail device” in Article 2, shall not be required to meet the standards of subsections C and D above. However, the installation of any such devices, whether or not they are regulated by these two sections, still may be subject to a design review under Article 11 of this Ordinance, if the installation of such devices meets the definition of “Material Change” found in Article 11.
- F. SUNSET PROVISION - As of the date of adoption of this Ordinance, all existing Vending or buyer operated retail devices shall have until May 1, 2000, to bring all existing said devices into compliance with all provisions of this Article and all other Articles of the Ordinance.9.19 Outdoor Sales.

* * * * *

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

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, and the property owner implements any recommended or required actions resulting from the survey.

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 archaeological artifact is uncovered during any ground-disturbing activities in other areas not identified above as archaeological resource potential areas, regardless of whether or not the activities required Planning Board or Code Enforcement Officer approvals, the activities shall be halted and not recommenced until the Maine Historic Preservation Commission (MHPC) 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 the MHPC in its written response so recommends, the owner of the property shall conduct a reconnaissance level archaeological survey completed by a competent professional, and shall provide a copy of the survey to the MHPC and the Code Enforcement Officer. The Code Enforcement Officer shall not permit ground disturbing activities to recommence until any recommendations or requirements of the MHPC are implemented.

If no response is received within forty-five (45) days from the date notification was provided to the ~~MHPC Commission~~, the Code Enforcement Officer shall authorize commencement of the activity.

* * * * *

Article 20: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 11 – Design Review**” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 11 – DESIGN REVIEW

11.1 Purpose

A. General Purpose

The Town of Ogunquit includes mixed residential and business uses consisting predominantly of buildings constructed before December 31, 1930. They include many significant historic buildings which contribute a variety of architectural styles, other buildings which contribute to the historic setting, and a number of contemporary buildings. The purpose of this Article is to promote educational, cultural, economic and general welfare of the Town of Ogunquit, to provide for the protection and preservation of buildings, structures and places of historic, architectural, cultural or neighborhood significance or value as defined below, all of which confer “historical significance,” and to promote design which is compatible with the present character of Ogunquit and consistent with the Ogunquit Historic Preservation Ordinance. (Amended 4-01-06 ATM)

11.2. Definitions

Notwithstanding the definitions in Article 2 of this Ordinance, for purposes of this Article the following terms shall have the following meanings:

* * * * *

Material Change

“Material Change” means a modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including:

- A. the kind and texture of the building materials and the type and style of all windows, doors, ~~;~~ or
- B. other appurtenant fixtures connected to a building, such as awnings, automated teller machines, pay telephones, as the like; or ~~and~~
- C. other site features such as walks, driveways and parking areas.

Any activities that affect the exterior of buildings or accessory structures, or require a building permit are also included in this definition, unless expressly exempted from Design Review pursuant to section 11.4 below.

* * * * *

Visually Compatible and Complimentary

It is not the intent that all buildings in a neighborhood should look the same, but that a mix of styles, sizes, etc. that blend together well shall be allowed and that facade designs ~~that pre-date~~ erected prior to December 31, 1930 be encouraged, although not necessarily required.

* * * * *

11.4. Exemptions

The following changes, when proposed to affect buildings constructed ~~post-1930~~ after December 31, 1930, shall not be deemed "material changes," as defined in section 11.2 above, and therefore shall be exempted from a Design Review by the Planning Board.

* * * * *

A Design Review by the Planning Board shall not be required for signs and fences accessory to buildings either existing ~~in~~ on December 31, 1930 or constructed ~~post~~ after December 31, 1930, or whether located on private or public property. Signs shall be regulated by the provisions of section 8.12, and fences shall be regulated by the provisions of section 8.6.

Any material changes other than those expressly exempted by this subsection shall be subject to a Design Review by the Planning Board.

11.5 Planning Board Review

* * * * *

- C. The Board shall, at its regular meetings, review applications for Design Certificates. All meetings of the Board shall be open to the public and a public record shall be kept of the Board's resolutions and decisions. The Land Use Office shall notify the Ogunquit Historic Preservation Commission (OHPC) of any application for activities required to obtain a Design Review Certificate under section 11.3, that affect buildings ~~existing~~ within the District ~~in~~ constructed prior to December 31, 1930. The OHPC shall be requested to comment on whether the application meets the standards of section 11.6 of this Ordinance and the Ogunquit Historic Preservation Ordinance. Members of the OHPC shall be invited to participate in any scheduled hearings or meetings on the application.
- D. The Board may hold a public hearing on an application. Public notice requirements shall be as follows:
 - 1. If the Board decides to hold a public hearing prior to making a decision on a design review application, the Planning Board Chairman shall notify, by U.S. First Class Mail, the applicant and the owners of all abutting properties, at least ten (10) days in advance of the hearing. ~~Abutting properties shall include those directly across a public right-of-way including waterways.~~ Notification shall include the nature of the application, and the time and place of the public hearing. Notice of the hearing shall also be published twice in a newspaper of local circulation, with the first advertisement appearing at least seven (7) days in advance of the hearing. In addition, the notice of the hearing shall be posted in at least three prominent public places within the Town at least ten (10) days prior to the hearing.

* * * * *

11.7 Design Guidelines

- A. Activities Required to Obtain a Design Review Certificate under section 11.3 and Affecting Buildings Existing Within the District ~~in~~ on December 31, 1930
 - 1. Reconstructing, Altering or Maintaining Buildings Existing within the District ~~in~~ on December 31, 1930.

Any building, or any part or appurtenance thereof, shall be reconstructed, altered or maintained only in a manner that will preserve its historical and architectural significance. When making that determination, recognition shall be given to the design and past relationship with surrounding buildings.
 - 2. Demolition, Removal or Relocation of Buildings Existing within the District ~~in~~ on December 31, 1930.

* * * * *

- B. Activities Required to Obtain a Design Review Certificate under section 11.3, and Affecting Buildings Which Did Not Exist ~~in~~ on December 31, 1930

The construction, reconstruction, alteration or moving or any building and its appurtenances built after 1930 shall be generally of such design, size, building material, texture, and location on the lot as will be compatible with other buildings in the District and particularly those in existence ~~in~~ on December 31, 1930. The intent of this Article is not to require that a contemporary or post-1930 building be constructed or altered to meet a specific architectural style (i.e., colonial, federal, etc.). Rather, compatibility with other buildings shall be determined by factors such as: type and style of buildings previously on the parcel, historical design of the buildings and relationship with surrounding buildings.

C. Design Guidelines for all Buildings within the District Required to Obtain a Design Review Certificate under Section 11.3

Newly constructed buildings, reconstructed buildings and existing buildings, as well as their appurtenances which have been altered, repaired or moved, shall be visually compatible with the buildings, squares and places to which they are visually related, and particularly with nearby or adjacent buildings in existence ~~in~~ on December 31, 1930, in terms of the following factors:

* * * * *

10. Architectural, Historical or Neighborhood Significance. These factors shall be considered with regard to buildings existing ~~in~~ on December 31, 1930. The reconstruction, alteration, maintaining or moving of such buildings should be done in a manner as to preserve their architectural, historical or neighborhood significance. The construction, reconstruction, maintenance or moving or post-1930 buildings should be done in a manner which is visually compatible with the architectural, historical or neighborhood significance of buildings existing ~~in~~ on December 31, 1930.

Article 21: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance as it relates to Article 14 – Condominium Conversion Ordinance**” and dated March 26, 2012, be adopted? [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 to save space.]

ARTICLE 14 – CONDOMINIUM CONVERSION ORDINANCE

* * * * *

14.5 Procedure and Fee

The Code Enforcement Officer, with the assistance of the Town Attorney and the Town’s Planning Consultant, shall review the proposed Condominium Declaration and any drawings or supporting documents and shall only approve the Condominium Conversion Permit upon finding that the declaration is worded in a way that will insure that the prospective condominium owner will be thoroughly informed of the permitted use of their property and any restrictions placed upon its use by the Zoning Ordinance, Subdivision Regulations, Planning Board conditions of approval or other Town Codes or Town license restrictions. The permit application fee for a condominium conversion permit shall be set annually in a fee schedule adopted by the Select Board Two Hundred Fifty (\$250.00) Dollars. ~~In addition, the applicant shall pay a fee of One Thousand Five Hundred (\$1,500.00) Dollars to be deposited in a special account designated for that Condominium Conversion Permit Application, to be used by the Code Enforcement Officer for hiring independent consulting services to review the application. If the cost of hiring legal and planning consultants exceeds the initial application fee, balance in this special account is drawn down by seventy-five (75%) percent, the Code Enforcement Officer shall notify the applicant and require that an additional, Seven Hundred Fifty (\$750.00) Dollars supplemental application fee be deposited by the applicant. The Code Enforcement Officer shall continue to notify the applicant and require an additional Seven Hundred Fifty (\$750.00) Dollars to be deposited as necessary whenever the balance of the account is drawn down by seventy-five (75%) percent of the original deposit. Any balance in the account remaining after a decision on the Condominium Conversion Permit Application by the Code Enforcement Officer shall be returned to the applicant.~~

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 29: Shall the Town vote to raise and appropriate the sum of **\$1,156,492** for **Fire-Rescue Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Fire-Rescue Department will default to \$1,218,307 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0-1

Article 30: Shall the Town vote to raise and appropriate the sum of **\$185,750** to provide for **Utilities** (Street Lights, Sewer Fees and Water Hydrants)? **Note:** If this article is defeated, the appropriation for Utilities will default to \$185,750 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 31: Shall the Town vote to raise and appropriate the sum of **\$810,322** for **Public Works Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Public Works Department will default to \$816,965 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 32: Shall the Town vote to raise and appropriate the sum of **\$386,385** for **Transfer Station** expenditures? (**Note:** If this article is defeated, the appropriation for the Transfer Station will default to \$404,788 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 33: Shall the Town vote to raise and appropriate the sum of **\$101,582** for **Harbormaster** expenditures? (**Note:** If this article is defeated, the appropriation for the Harbormaster will default to \$98,367 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 34: Shall the Town vote to raise and appropriate the sum of **\$3,000** for **General Assistance** expenditures? (**Note:** If this article is defeated, the appropriation for General Assistance will default to \$3,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 35: Shall the Town vote to raise and appropriate the sum of **\$119,177** for **Insurance** expenditures? (**Note:** If this article is defeated, the appropriation for Insurance will default to \$116,239 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 36: Shall the Town vote to raise and appropriate the sum of **\$342,609** for **Administrative Services Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Administrative Services Department will default to \$320,418 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 37: Shall the Town vote to raise and appropriate the sum of **\$15,472** for **Conservation** expenditures? (**Note:** If this article is defeated, the appropriation for Conservation will default to \$13,512 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 38: Shall the Town vote to raise and appropriate the sum of **\$50,377** for **Information Services** expenditures? (**Note:** If this article is defeated, the appropriation for the Information Services Department will default to \$21,039 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 39: Shall the Town vote to raise and appropriate the sum of **\$500** for the **American Legion**? (**Note:** If this article is defeated, the appropriation for the American Legion will default to \$500 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 40: Shall the Town vote to raise and appropriate the sum of **\$1,800** for the care and maintenance of area **Cemeteries**? (**Note:** If this article is defeated, the appropriation for Cemeteries will default to \$1,800 pursuant to Section 503 of the Town Charter.)

Riverside Cemetery	\$ 500.00
Locust Grove Cemetery	\$ 500.00
Old Burying Ground	\$ 300.00
Ocean View Cemetery	\$ 500.00

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 41: Shall the Town vote to raise and appropriate the sum of **\$5,000** for the **Wells-Ogunquit Historical Society**? (**Note:** If this article is defeated, the appropriation for the Wells-Ogunquit Historical Society will default to \$5,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 42: Shall the Town vote to raise and appropriate the sum of **\$683,005** for **Debt Management** expenditures? (**Note:** If this article is defeated, the appropriation for the Debt Management will default to \$699,977 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 43: Shall the Town vote to raise and appropriate the sum of **\$15,000** for the **Unemployment Reserve Account**? (**Note:** If this article is defeated, the appropriation for the Unemployment Reserve Account shall be \$20,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 5-0

Article 44: Shall the Town vote to raise and appropriate the sum of **\$40,000** for **Accrued Liabilities**? (Note: If this article is defeated, the appropriation for Accrued Liabilities shall be \$20,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 5-0

Article 45: Shall the Town vote to raise and appropriate the sum of **\$5,000** for **Union Contracts and Salary Adjustments**, as needed? (Note: If this article is defeated, the appropriation for Union Contracts and salary adjustments shall be \$5,000 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 5-0

Article 46: Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **Police Department** for the **purchase of security cameras for the department complex**? (Note: If this article is defeated, the appropriation for the Police Department for Equipment shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 47: Shall the Town vote to raise and appropriate the sum of **\$30,000** for the **Police Department** for the purchase of a **new Police Cruiser**? (Note: If this article is defeated, the appropriation for the Police Department for a Cruiser shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 48: Shall the Town vote to raise and appropriate the sum of **\$13,000** for the **Fire Department** for federally mandated **upgrade of the Department's narrow band radios**? (Note: If this article is defeated, the appropriation for Fire Department for the purchase of radios shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 49: Shall the Town (1) approve a capital improvement project consisting of the **design, construction and equipping of a new municipal public works garage** (the "Project"); (2) appropriate a sum not to exceed **\$790,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$790,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1.	<u>Total Indebtedness</u>	
	a.	Bonds outstanding and unpaid: \$ <u>7,277,634.</u>
	b.	Bonds authorized and unissued: \$ <u>-0-</u>
	c.	Bonds to be issued if this Article is approved \$ <u>790,000.</u>
2.	<u>Costs</u>	

- a. At an estimated interest rate of 4.25% for a twenty (20) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>790,000.</u>
Interest	\$ <u>338,856.</u>
Total Debt Service:	<u>\$1,128,856.00</u>

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/ _____
Judith A. Yates
Town Treasurer

(Note: If this article is defeated, the appropriation for the Public Works Department Facility shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 50: Shall the Town (1) approve a capital improvement project consisting of **paving of municipal roads** (the "Project"); (2) appropriate a sum not to exceed **\$229,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$229,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

- 1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 7,277,634.
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 229,000.
- 4. Costs
 - a. At an estimated interest rate of 4.25% for a twenty (20) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>229,000.</u>
Interest	\$ <u>98,226.</u>
Total Debt Service:	<u>\$ 327,226.00</u>

5. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/ _____
Judith A. Yates
Town Treasurer

(Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees' recommendations as the two (2) voter choices).

Select Board recommends: Yes \$229,000 5-0

OR

Budget Review Committee recommends: Yes \$200,000 5-0

Article 51: Shall the Town (1) approve the purchase of a one-ton dump truck with plow/sander for the Public Works Department (the "Project"); (2) appropriate a sum not to exceed \$65,000 to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed \$65,000; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$7,277,634.
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 65,000.
2. Costs
 - a. At an estimated interest rate of 3.5% for a five (5) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ 65,000.
Interest	\$ 6,665.
Total Debt Service:	<u>\$ 71,656.00</u>

3. Validity
The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/ _____
Judith A. Yates
Town Treasurer

(Note: If this article is defeated, the appropriation for the purchase of a one-tone dump truck with plow/sander for the Public Works Department shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 52: Shall the Town (1) approve a capital improvement project consisting of rip rap improvements to the beach parking lot (the "Project"); (2) appropriate a sum not to exceed \$50,000 to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed \$50,000; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 7,277,634.
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 50,000.
2. Costs
 - a. At an estimated interest rate of 4.25% for a twenty (20) year maturity, the estimated costs of this bond issue will be:
 - Principal: \$ 50,000.
 - Interest \$ 21,447.
 - Total Debt Service: \$ 71,477.00

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/ _____
Judith A. Yates
Town Treasurer

(Note: If this article is defeated, the appropriation for the Rip Rap Repair at the Main Beach shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 53: Shall the Town (1) approve a capital improvement project consisting of the **repair of the beach restrooms** (the "Project"); (2) appropriate a sum not to exceed **\$100,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$100,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 7,277,634.
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 100,000.
2. Costs
 - a. At an estimated interest rate of 4.5% for a twenty (20) year maturity, the estimated costs of this bond issue will be:
 - Principal: \$ 100,000.
 - Interest \$ 42,893.
 - Total Debt Service: \$ 142,893.00

3. Validity

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/ _____
Judith A. Yates
Town Treasurer

(Note: If this article is defeated, the appropriation for Restroom Improvement shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 54: Shall the Town vote to raise and appropriate the sum of **\$30,000** for **Electrical and Ventilation Work** for the Dunaway Community Center?
(Note: If this article is defeated, the appropriation for the electrical and ventilation work to the Dunaway Community Center shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 55: Shall the Town vote to raise and appropriate the sum of **\$16,000** for the **Installment of a new Digital Phone System in the Dunaway Community Center?** (Note: If this article is defeated, the appropriation for a new Digital Phone System shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 56: Shall the Town vote to raise and appropriate the sum of **\$12,000** for a **new Roof for the Winn House?** (Note: If this article is defeated, the appropriation for a new roof for the Winn House shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 57: Shall the Town (1) approve the **purchase of a 4-wheel drive pickup truck for the Administrative Services Department** (the "Project"); (2) appropriate a sum not to exceed **\$25,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$25,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 7,277,634.
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 25,000.
2. Costs
 - a. At an estimated interest rate of 3.5% for a five (5) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>25,000.</u>
Interest	\$ <u>2,560.</u>
Total Debt Service:	\$ <u>27,560.</u>

3. Validity
The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors

is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

s/ _____
Judith A. Yates
Town Treasurer

(Note: If this article is defeated, the appropriation for the Public Works Department for the purchase of a 4-wheel drive pickup truck shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-2

Article 58: Shall the town vote to raise and appropriate the sum of **\$10,000** for **improvements to the Agamenticus Recreation Facility**? (Note: If this article is defeated, the appropriation for the Agamenticus Recreation Facility shall be \$0 pursuant to Section 503 of the Town Charter.)

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-1

Article 59: Shall the town vote to appropriate **\$1,350,000** from anticipated parking lot revenues to fund the 2012-2013 fiscal year budgets?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0

Article 60: 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 2011/2012 will result in a tax commitment that is greater than the property tax levy limit?

Article 61: 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 62: Shall the Town authorize the Select Board to apply for and accept grant funds, donations and gifts; and authorize the Select Board to spend such funds for the purposes intended as allowed by law?

Article 63: 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 64: Shall the Town vote to fix the date when property taxes shall be due and payable as follows:

- One-half (1/2) of the tax commitment shall be due 45 days after the commitment; on or about October 31
- The other one-half (1/2) of the tax commitment shall be due on or about April 30; and further
- Interest at the rate of seven-percent (7%) per annum shall be charged for taxes not paid within 45 days following each due date.

Article 65: Shall the Town vote to pay no more than 4% 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 66: Shall the Town vote to authorize the Select Board 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 Select Board 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 67: Shall the Town vote to authorize the Select Board to dispose of town-owned surplus property upon such terms and conditions as the Select Board may deem to be in the best interests of the Town as otherwise allowed by law?

Given under our hand this **1st day of May 2012**, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the municipal officers. ATTEST:

OGUNQUIT SELECT BOARD

Donato J. Tramuto, Chairman

Christopher M. Jarochoym, Vice-Chairman

David F. Barton, Member

Barbara Dailey, Member

Robert N. Winn, Jr., Member

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 2nd day of May 2012, A.D. copy of said Warrant at the Dunaway Community Center, Ogunquit Post Office, and WOGT, 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

EXHIBIT A

Proposed Article: Shall the Town vote to designate those portions of Tax Map Lot 18-15-B, located outside of the Transfer Station limits and the Ogunquit Dog Park, as Conservation Land and Wildlife Commons? [Note: Action taken pursuant to Chapter 13, Section 109.2 of the Ogunquit Municipal Code]. Copies of the proposed designated area is attached as Exhibit A and made a part of this Warrant and is available for inspection, use and examination at the Town Clerk and Land Use Offices.]

Vote to Designate as Conservation Land and Wildlife Commons

Exhibit A

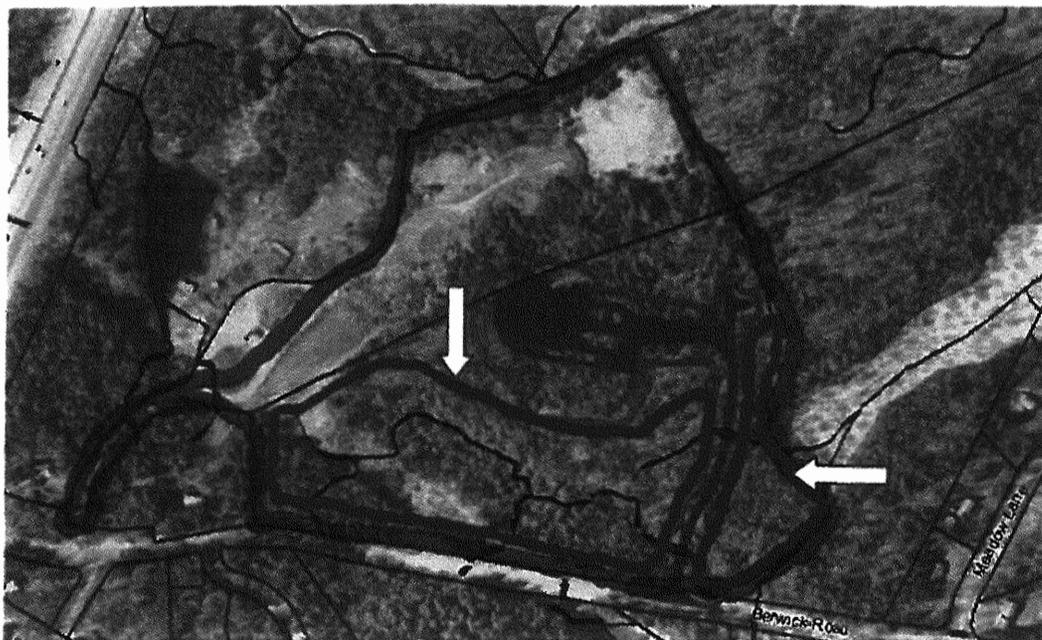
Whereas, the Town of Ogunquit already owns the parcel of land designated as Tax Map 18-15-B, and currently operates a Dog Park and Transfer Station on said lot;

Whereas, the portions of this lot adjacent to the entrance road contain wetlands that are important headwaters for a network of streams that flow eastward through the developed portions of the Town of Ogunquit and into the estuaries of the Ogunquit River; and

Whereas, the Ogunquit Conservation Commission recommends that for the purposes of assuring that the quality of stormwater runoff from this area is not further degraded, and that pollutant loads on this network of streams minimized, there shall be no other than passive recreation uses of the this site and that a green belt buffer zone be created between the Transfer Station and Berwick Road;

Therefore, be it ordained that the portions of Tax Map 18-15-B of approximately seven acres, as described above, and the limits of which are shown as green polygons in the aerial photograph below, shall be designated as Conservation Land and a Wildlife commons, pursuant to Chapter 13, section 109 of the Ogunquit Municipal Code.

Note: Proposed Conservation Land and Wildlife Commons outlined in Green



ATTEST:
A TRUE COPY
Dated: June 27, 2012
Judy S. Kagi
Judy S. Kagi, 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 Title X, **(Ogunquit Zoning Ordinance)** with a Variety of Housekeeping Changes ". These amendments will be presented as separate articles to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 12, 2012.

Pursuant to 30-A, MRSA §3002(2), you will retain this copy of the complete text of the ordinance amendments 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.

DATED: April 17, 2012

**OGUNQUIT
BOARD OF SELECTMEN**

Not Present to vote
Donato J. Tramuto, Chairman

Christopher M. Jarochym
Christopher M. Jarochym, Vice-Chairman

David F. Barton
David F. Barton, Member

Barbara Dailey
Barbara Dailey, Member

Robert Winn, Jr.
Robert Winn, Jr., Member

A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED: _____

P:\Certifications\Ordinance Certification.doc

Article _
An Ordinance to Amend the Ogunquit Zoning Ordinance
with a Variety of Housekeeping Changes
DRAFT 4 – 26 March 2012

(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

* * * * *

1.9 Amendments (Amended 11/4/08, Effective 4/1/09)

- A. This Ordinance may be amended by a majority of the legislative body of the Town of Ogunquit, either at a regular or special town meeting, ~~ed~~ pursuant to the Town Charter and law, provided that a public hearing shall first be held. Amendments may be sent to the Town Attorney for review before any public hearing or before placement on a warrant, with the authorization of the Town Manager. A fee for placing an amendment request from a person, as defined by this Ordinance, on the Planning Board's agenda for consideration, shall be set from time to time in a fee schedule adopted by the Select Board. Petitioned requests for amendments, pursuant to the Town Charter and law, shall be exempt from a fee, as well as requests from Town staff, committees or Boards.

* * * * *

ARTICLE 2 – DEFINITIONS

Definitions found in a standard Webster's Dictionary of the current decade on file in the Code Enforcement Officer's office will apply to all words not already defined in this Zoning Ordinance. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used/occupied."

Abutting Property

Adjacent property which is contiguous with the subject property. However, when applied to any standard involving required notifications to "abutting properties," the term shall include properties across a public right-of-way or waterway, within 200 feet of any part of the property line forming the boundary with said right-of-way or waterway.

* * * * *

Accessory Building or Structure

A subordinate building or structure, which is incidental to the principal building. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. Accessory Buildings or Structures shall meet all dimensional requirements of this Ordinance.

Arbor

A shady garden shelter or bower, often made of rustic work or latticework on which vines, roses or other climbing plants may be grown. An arbor is not considered a structure and therefore is not required to meet setbacks under this Ordinance.

Facade

The front part of a building facing a street or most frequently-used public right-of-way.

Footprint

The ground area, in square feet, ~~enclosed~~ covered by the foundation of a building, plus any additional ground area covered by projections past the foundation walls, including, but not limited to, roof overhangs, decks, balconies, porches, steps, bulkhead-type basement entrances, and the like.

“Grandfathered” lot, structure, or use

See “Nonconforming Development or Condition”

Nonconforming Development or Condition

A lot, structure, or use lawfully existing at the time of adoption or amendment of this Ordinance that does not meet all of the applicable performance standards, which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect. Colloquially, this is often referred to as a “grandfathered” lot, structure, or use.

Pergola

A garden structure built up over a path or narrow terrace, lined with spaced columns or posts that support a framed roof without sheathing. Often vines are trained around the framework of the pergola, and the pergola may lead from one building to another. For the purposes of this ordinance, a pergola is a structure that is subject to setback requirements.

Sign (amended 06-08-10)

Unless exempted in section 8.12.A.3, any structure or part of the structure attached thereto or painted or represented thereon or therein, regardless whether it is located out-of-doors or inside, which shall display or include any letter, word, model, banner, flag,

pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement and which is intended for or effectively achieves the result of announcing, directing and/or advertising to the out-of-doors public. The word "sign" does not include any structure or part of a structure, building or part of a building in existence ~~in~~ on December 31, 1930, that is necessary to preserve its historical, architectural and neighborhood significance.

Vending or Buyer Operated Retail Device

All coin operated or buyer operated devices including, but not limited to, soda vending machines, ice machines, gum ball dispenser, snack vending machines and the like. For the purposes of this Ordinance, Bbuyer operated newspaper machines, gasoline stations, pumps sales at gasoline stations, automatic teller machines that are connected to a building, and pay telephones, are not included as a vending or buyer operated retail device exempted from this definition, and therefore, are not considered outside sales, but are regulated by section 9.19.E.

ARTICLE 3 – NONCONFORMANCE

3.1 General

C. Maintenance and Repairs

This ordinance allows the normal upkeep and maintenance of nonconforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the nonconforming use or nonconforming portion of a structure; and such other changes in a nonconforming use or structure as Federal, State, or Local building and safety codes may require.

3.2 Nonconforming Uses (Amended 11/4/08, Effective 4/1/09)

B. Resumption Prohibited

A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use, even if the owner has not intended to abandon the use, ~~except that~~ Except however, the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. The burden of proof shall be upon the property owner, who must provide the Town with sales tax, licensing, advertising or other business records, should a dispute arise over whether a nonconforming use has been discontinued. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3.3 Nonconforming Structures

C. Enlargements Controlled

1. A nonconforming structure shall not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
2. Outside of any Shoreland Zone, upward extension of walls or any portions of buildings that increase the building volume that is already in violation of setback requirements shall be considered as a prohibited expansion of a nonconforming structure. Within any Shoreland Zone, such upward expansion of nonconforming structures shall be governed by section 3.3.H.
3. The addition of an open patio with no structures elevated more than three inches above original ground level shall not constitute the expansion of a nonconforming structure as of January 28, 1991.
4. The addition of steps or the enclosure of an existing porch shall not constitute the expansion of a nonconforming structure. But the addition of a deck does constitute the expansion of a nonconforming structure and therefore the deck shall meet all the dimensional requirements of this Ordinance.
5. Construction or enlargement of a foundation under an existing dwelling shall not be considered an expansion provided that:
 - 1.a. the construction or expansion does not expand the habitable space of the structure; and
 - 2.b. the completed foundation does not extend beyond the exterior dimensions of the structure.

Construction or enlargement of a foundation shall be subject to the Municipal Plumbing Laws (30-A MRSA, Chapter 185, Subchapter III) requiring new soils documentation.

E. Reconstruction or Rehabilitation

Any nonconforming structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or the owner's agent, may be restored, rehabilitated or reconstructed, provided that the restoration, rehabilitation or reconstruction shall not enlarge the overall floor space, or height of the building, or cause the building to become more nonconforming. A permit for such reconstruction must be obtained and actual reconstruction must be commenced within 12 months and completed within 24 months of the damage or destruction. Nothing in this section shall prevent the demolition of the remains of any building so damaged or destroyed, or shall prevent the reconstruction or rehabilitation of accessory site features exempted from the definition of structure in this Ordinance.

H. Additional Requirements in any Shoreland Zone (Amended 11/4/08, Effective 4/1/09)

3. Reconstruction or Replacement

- c. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in Section 3-3-1-3 3.3.H.2 above, the physical condition and type of foundation present, if any.

3.5 Nonconforming Transient Accommodations, Type 4 (TA-4, Motel/Hotel)

With the rapid expansion of transient accommodation type 4 uses in recent years, hotels and motels now take up a disproportionate share of the town’s land area. To promote the health, safety and welfare of Ogunquit citizens, to comply with the most recent amendments to the Comprehensive Plan adopted in 2004, to mitigate parking, traffic and congestion problems, and to preserve a community quality, hotels and motels are no longer permitted uses in the Town of Ogunquit, except in the General Business District-2 (GBD2). Any TA-4 Motel/Hotel use outside of the GBD2 District, legally existing at the time of the adoption or amendment of this Ordinance may continue, but shall only be permitted to expand, be reconstructed or be structurally altered within the owner’s lot of record or contiguous lots of record in a manner that meets all of the following criteria:

ARTICLE 4 – ADMINISTRATION

4.1 Enforcement Officer

D. Cease and Desist Order.

Upon a finding that any of the provisions of this Ordinance are being violated, the Code Enforcement Officer shall immediately (within three business days) notify by Certified Mail the person(s) responsible for such violation(s), indicating the nature of the violation(s), and ordering the action necessary to correct it. The Code Enforcement Officer shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal activity; order work to be stopped; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

4.5 Permit Application

- A. All applications for building permits shall be accompanied by plans showing the actual dimensions and shape of the lot to be built upon; and the exact sizes, locations and dimensions of the proposed structure(s) or alterations and any existing structures. The application shall include such other information as lawfully may be required by the Code Enforcement Officer to determine conformance with, and provide for the

enforcement of, this Ordinance. A copy of the approved building permit shall be displayed at the job site from commencement of work until a certificate of occupancy is obtained, within view of the nearest public way or street.

* * * * *

ARTICLE 5 – APPEALS

* * * * *

5.2 Powers and Duties (Amended 11/4/08, Effective 4/1/09)

Appeals from the decision of the Code Enforcement Officer shall go to the Board and from the Board to the Superior Court in accordance with Maine Law. The Board shall have the following powers and duties:

- A. **Administrative Appeals:** To hear and decide administrative appeals on a de novo basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit or other application under this Ordinance. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision. The action of the Code Enforcement Officer may be affirmed, modified or reversed by the Board by vote of the Board.

Any notice of violation, or any related order, stop work order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals. Such enforcement actions are appealable only to the Courts as allowed by law and rules of civil procedure.

* * * * *

5.3 Appeal Procedure (Amended 11/4/08, Effective 4/1/09)

* * * * *

- C. The Board shall hold a public hearing prior to making a decision on an appeal. In all appeals, the Board of Appeals shall send a notice by first class mail at least ten (10) days prior to the hearing, to the appellant and to the owners of all abutting properties. ~~Abutting properties shall include those directly across a public right of way, including waterways.~~ Notification shall include the nature of the appeal, and the time and place of the public hearing. The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. Notice of all appeals shall also be posted in at least three prominent public places within the Town at least ten (10) days prior to the hearing. A notice shall also be published twice in a newspaper of local circulation, with the first advertisement appearing at least seven (7) days prior to the hearing date. (Amended 4/5/08 ATM)

ARTICLE 6 – PLANNING BOARD

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

C. Application Procedure (Amended 4/05/08 ATM).

1. Fees. A person informed by the Code Enforcement Officer that a proposed use requires Site Plan Review approval shall file an application for the permit with the Planning Board on forms provided for the purpose. The applicant shall be responsible for a filing fee, which covers administrative and legal advertisement costs, ~~as well as a technical review fee, which covers review by the Town's planning, legal, and/or engineering consultants.~~ Filing Fees for site plan review shall be set annually in a fee schedule adopted by the Board of Selectmen.

In addition complex cases requiring extensive use of the Town's planning, legal, and/or engineering consultants, the applicant may be required by the Planning Board, after its initial review of the application for completeness, to pay an additional ~~shall pay a~~ technical review fee to be deposited in a special account designated for that site plan application, to be used by the Board for hiring independent consulting services to review the application. The amount of the technical review fee shall vary according to the complexity and scope or the proposed project, ~~as follows:~~

- ~~a. For changes in use only, with no exterior additions or changes to buildings, parking lots, drives, or drainage systems, \$500 shall be deposited; or~~
- ~~b. For all other site plan reviews, \$1500 shall be deposited.~~

If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that an additional amount equal to the original deposit be paid by the applicant. The Board shall continue to notify the applicant and require an additional deposit be paid as necessary, whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the site plan review application by the Board shall be returned to the applicant.

D. Public Hearing.

The Planning Board shall hold a public hearing on the site plan review application within 30 days of determining the application is complete. The Board shall notify the Code Enforcement Officer and Board of Selectmen, and shall twice publish notice of the time, place and subject matter of the hearing in a newspaper of local circulation, with the first advertisement appearing at least seven (7) days prior to the hearing date. (Amended 4/5/08 ATM)

1. The Board shall notify by regular U.S. mail, first class, the applicant and the owners of all property abutting the property subject to the application at least 10

days in advance of the hearing. The notice shall state the nature of the application and the time and place of the public hearing. ~~For the purposes of this section, abutting property shall be any property contiguous with the subject property, as well as any property directly across a street, right of way, river, brook, or stream from the subject property.~~ The Land Use Office shall prepare a written certification of the date, time, and location when and where notices were mailed. In addition, the notice of the hearing shall be posted in at least three prominent public places within the municipality at least ten days prior to the hearing.
(Amended 4/5/08 ATM)

* * * * *

ARTICLE 7 – DISTRICT REGULATIONS

TABLE 702.1 – LAND USES PERMITTED IN ZONING DISTRICT

KEY

District

OFR	One Family Residential District
R	Residential District
RR1	Rural Residential District 1
RR2	Rural Residential District 2
PCR	Perkins Cove Residential District
DB	Downtown Business District
GB1	General Business District 1
GB2	General Business District 2
LB	Limited Business District
F	Farm District

Shoreland Zones:

SLR	Shoreland Limited Residential District
SLC	Shoreland Limited Commercial District
SG1	Shoreland General Development 1 – Ogunquit Beach
SG2	Shoreland General Development 2 – Perkins Cove
SP	Stream Protection District
RP	Resource Protection District

Reviewing Authority

C –	Permitted use with permit from Code Enforcement Officer
SPR–	Permitted use after Site Plan Review approval from Planning Board
A –	Allowed without a permit
NA -	Not Applicable
NP –	Not permitted
SUB -	Permitted after Subdivision Review Approval by Planning Board under Ogunquit Subdivision Regulations

See Footnotes at end of Table. All uses are subject to the general standards of Article 8.

Land Uses	OFR	RD	RR1	RR2	PCR	DB	GB1	GB2	LB	F	Shoreland Zones					
											SLR	SLC	SG1	SG2	SP	RP
OPEN SPACE AND RURAL USES																

Mineral extraction, including gravel pits (see definition)*	NP	NP	SPR	SPR	NP	NP	NP	NP	NP	SPR	NP	NP	NP	NP	NP	NP
COMMERCIAL USES																

Service establishments not elsewhere listed, including taxi or livery service dispatching offices ¹	NP	NP	NP	NP	NP	SPR	SPR	SPR	SPR	NP	NP	SPR	SPR	SPR	NP	NP

TABLE 703.1 – DIMENSIONAL REQUIREMENTS OF EACH ZONING DISTRICT
 (Amended 11/4/08, Effective 4/1/09)

SETBACKS (feet)																
DISTRICT	OFR	R	RR1	RR2	PCR	DB	GB1	GB2	LB	F	SLR	SLC	SG1	SG2	SP	RP
Front ¹⁵	20	20	30	30	20	10 ⁷	20	30	20	50 ⁸	Note 2	Note 2	10 ⁷	15	N/A	N/A
Side and Rear ¹⁵	15	15	20	20	15	10 ⁹	10 ¹¹	15 ¹⁰	10 ¹¹	20	Note 2	Note 2	10 ⁹	NONE	N/A	N/A
<u>From vernal pools (significant or non-significant, see sec. 1.3.F)</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>	<u>75</u>									
<u>From water bodies & wetlands that meet the criteria for inclusion in the Shoreland Zone</u>	<u>N/A</u> <u>75</u>	75	75	50	50	75	75									

*These uses have specific performance standards in Article 9

Footnotes:

- 1 No retail sales or services may be offered or solicited except inside of the buildings in which the retail sales or service establishment are located, except for those exceptions indicated in Footnotes 5 and 10, below. (Amended 6/14/11 ATM)
- 2 TA-4 is only allowed in those portions of the SLC District, immediately adjacent to the GB2 District.
- 3 Limited to storage of fishing and lobstering equipment, private tutoring of not more than two persons at any one time, home crafts, pursuit of the arts, activities or occupations which are conducted without customers or clients coming to the premises.
- 4 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Articles 3.5 and 9.8.
- 5 As an exception, the Ogunquit Playhouse may serve patrons beverages and snack food outdoors on the premises from one hour before, during and one hour after performances.
- 6 Type 2 and 3 Restaurants shall not be permitted in those portions of the SLC Zone immediately adjacent to the LB Zone.
- 7 Only permitted with Site Plan Review in RP Beach as indicated on the Official Zoning Map. Not permitted in all other portions of the RP District.
- 8 Not permitted unless a special exception is granted pursuant to Article 4.6.
- 9 See special Shoreland standards in Article 9.
- 10 As an exception, within the Shoreland General Development 2 - Perkins Cove – SG2 District, live lobsters landed in Perkins Cove may be sold from vehicles or boats, owned or operated by holders of Commercial Lobstering Licenses. However, any such sales from vehicles shall only be allowed from those vehicles parked within the “Bait Wharf” Parking Area, directly adjacent to the Harbor Master’s Office. No signs advertising any such outdoor live lobster sales shall be permitted, regardless of any other provisions of this Ordinance. (Amended 6/14/11 ATM)

* * * * *

NOTES TO TABLE 703.1

- 1 For a residential use, the minimum lot area shall be 12,500 square feet.
- 2 Same as nearest adjacent non-shoreland zone.
- 3 For residential use, the minimum lot area shall be 30,000 square feet.
- 4 For residential use, the minimum lot area shall be 60,000 square feet and the minimum street frontage shall be 100 feet.
- 5 As required by the underlying district.
- 6 Residential uses, except accessory dwelling units on the 2nd floor above a commercial use, shall require a minimum street front of 75 feet.
- 7 The minimum front setback for a structure existing on the effective date of this Section shall be ten (10) feet or the existing structure's front setback, whichever is less. (Amended 4-01-06 ATM)
- 8 The minimum front setback for a structure existing on the effective date of this Section shall be fifty (50) feet or the existing structure's front setback. (Amended 4-01-06 ATM)
- 9 The side and rear setbacks for a structure abutting a residential use shall be fifteen (15) feet. The minimum side and rear yards for a structure existing on the effective date of this Section shall be the setback indicated above or the existing structure's setback, whichever is less. (Amended 4-01-06 ATM)
- 10 The side and rear setbacks for a structure abutting a residential use shall be twenty-five (25) feet. The minimum side and rear yards for a structure existing on the effective date of this Section shall be the setback indicated above or the existing structure's setback, whichever is less. (Amended 4-01-06 ATM)
- 11 The side and rear setbacks for a structure abutting a residential use shall be fifteen (15) feet.
- 12 There shall be a natural buffer of seventy-five (75) feet maintained between the Ogunquit River and any structure and tilling.
- 13 In the Shoreland Zones, the total area of all buildings, structures, parking lots and any other non-vegetated surfaces shall be included in the computation of maximum building coverage, and shall not exceed the indicated percentage of the lot area, or portion of the lot area thereof, located in the Shoreland Zone. See definition of *Building Coverage* in Article 2.
- 14 No structure shall contain more than two and one half (2 ½) stories or the indicated height.
- 15 Expansions of legally nonconforming hotels/motels in all zoning districts in which new hotels/motels are prohibited shall meet all the dimensional requirements of zones in which they are located according to Table 703.1, as well as the standards of Articles 3.5 and 9.8.

ARTICLE 8 – GENERAL STANDARDS APPLICABLE TO ALL LAND USES

8.6 Fences

- G. In the Resource Protection District, or any other Shoreland Zone, fences shall
 1. not be more than four feet in height; and
 2. not obstruct the view of tidal or inland waters and/or natural beauty from a public way or other public property.

Existing nonconforming fences damaged by fire, storm, or any other cause than by a willful act of the owner, may be repaired or replaced pursuant to section 3.3.H.3.

8.7 Outdoor Lighting

B. Outdoor Strings of Lights

Strings of light bulbs are not permitted except for the holiday season from the Monday before Thanksgiving until January 21. Holiday season strings of lights may include both colored and uncolored lights.

8.12 Signs

B. Awnings

Awnings in the business districts (DB, GB1, GB2, LB, PCLB, OBB and any Shoreland Zone as applicable) may be erected, altered or relocated with issuance of a permit from the Code Enforcement Officer. All awnings accessory to commercial uses shall be rated as fire resistant per Building and Life Safety Codes. Before issuing a permit, the Code Enforcement Officer may submit the application to the Planning Board for review, interpretation and possible approval. The Code Enforcement Officer shall enforce Article 8.12.B and all permits issued thereto. (Adopted November 6, 2001)

8.13 Traffic Impacts and Street Access Control.

B. Driveway and Entrance Design.

All driveway and entrance designs connecting to State or State Aid Highways shall meet the most current Chapter 299 Highway Driveway and Entrance Rules of the Maine Department of Transportation, adopted pursuant to Title 23 M.R.S.A, sections 52 and 704. Commercial uses, multifamily residential uses, and subdivisions connecting to non-State or non-State Aid Highways within the Town of Ogunquit, shall also be required to meet said rules.

- ~~1. General. Driveway design shall be based on the estimated volume using the driveway classification defined below. (Amended 4/5/05 ATM)~~
 - ~~a. Very Low Volume Driveway: any driveway that serves one or two dwelling units.~~
 - ~~b. Low Volume Driveway: any driveway that is not a very low volume driveway and serves less than 25 vehicle trips per day.~~
 - ~~c. Medium Volume Driveway: any driveway that is not a very low volume, low volume or high volume driveway.~~
 - ~~d. High Volume Driveway: any driveway that serves a peak hour volume of 400 vehicles or greater.~~
- ~~2. Sight Distances. Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.~~
- ~~3. Vertical Alignment. A driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Low Volume driveways shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume driveways should slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the driveway shall not exceed 8 percent.~~
- ~~4. Very Low Volume Driveways (Amended 4/5/05 ATM)~~

~~Very low volume driveways may be one or two way operation, with a minimum width of 12 feet.~~
- ~~5. Low Volume Driveways. (Amended 4/5/05 ATM)~~
 - ~~a. Skew Angle. Low Volume driveways shall be two way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.~~
 - ~~b. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.~~
 - ~~c. Driveway Width. The width of the driveway shall be between 12 feet and 16 feet, with a preferred width of 16 feet.~~
 - ~~d. Curb Cut Width. Curb cut width shall be between 22 feet and 44 feet, with a preferred width of 36 feet.~~
- ~~6. Medium Volume Driveways.~~

- a. ~~Skew Angle. Medium Volume driveways shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 70 degrees.~~
- b. ~~Curb Radius. Curb radii will vary depending if the driveway is one-way or two-way operation. On a two-way driveway the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one-way driveways, the curb radii shall be 30 feet for right turns into and out of the site, with a 5 foot radius on the opposite curb.~~
- e. ~~Width. On a two-way driveway the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way driveway the width shall be between 16 feet and 20, with a preferred width of 16 feet.~~
- d. ~~Curb Cut Width. On a two-way driveway the curb cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way driveway the curb cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.~~

7. ~~High Volume Driveways.~~

- a. ~~Skew Angle. High Volume driveways shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 70 degrees.~~
- b. ~~Curb Radius. Without channelization islands for right turn movements into and out of the site, the curb radii shall between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.~~
- e. ~~Curb Cut Width. Without channelization, curb cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.~~
- d. ~~Entering and exiting driveways shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.~~
- e. ~~Width. Driveway widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.~~
- f. ~~Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and channelization islands.~~

C. ~~Driveway Location and Spacing for Driveways. (Amended 4/5/05 ATM)~~

~~The following standards shall apply to all new driveways, except those located in the Downtown Business District.~~

- 8. ~~Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general the maximum corner clearance should be provided as practical based on site constraints.~~

Minimum corner clearances are listed below based upon driveway volume and intersection type.

If based on the criteria below, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

MINIMUM STANDARDS FOR CORNER CLEARANCE

Driveway Type	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250

2. ~~Driveway Spacing. Driveways shall be separated from adjacent driveways and property lines as indicated below. This distance shall be measured from the driveway edge to the driveway edge, excluding radii, for spacing between driveways; and from the driveway edge, excluding the radius, to a projection of the property line at the edge of the roadway, for driveway spacing to the property line.~~

MINIMUM DRIVEWAY SPACING

Driveway Type	Minimum Spacing to Property Line ¹ (feet)	Minimum Spacing to Adjacent Driveway by Driveway Type ²			
		Very Low or Low (feet)	Medium (feet)	High w/o RT* (feet)	High W/RT** (feet)
— Very Low or Low Volume			***		
— Medium Volume	10		75		
— High Volume (w/o RT)*	75		75	150	
— High Volume (w/ RT)**	75		75	250	500

1 — Measured from edge of driveway, excluding radii, to projection of property line on roadway edge.

2 — For two more driveways serving a single parcel, or from a proposed driveway from an existing driveway. Measured from edge of driveway to edge of adjacent driveway, excluding radii.

* — High volume driveway without right turn channelization

** — High volume driveway with right turn channelization

*** — Very Low or Low volume driveways are not permitted in combination with other driveway types on a single lot.

D. Number of Driveways. The maximum number of driveways onto a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of driveways independent of frontage length.

1. No low volume traffic generator shall have more than one two-way driveway onto a single roadway.

- ~~2. No medium or high volume traffic generator shall have more than two two-way driveways or three driveways in total onto a single roadway.~~

~~E. Construction Materials/Paving.~~

- ~~1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing is required around all raised channelization islands or medians.~~
- ~~2. All driveways shall be paved with bituminous concrete pavement within the street right-of-way. All commercial driveways regardless of driveway volume shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.~~

* * * * *

ARTICLE 9 – STANDARDS FOR SPECIFIC LAND USES

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9.18 Small Wind Energy and Freestanding Solar Panel Systems

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

- A. No part of the small wind energy system or freestanding solar panel system, including any guy wire anchors or supports, shall be located within any required structure setbacks.
- B. Tower Height for Wind Turbines. 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. Height of Freestanding Solar Panels. No freestanding solar panel system shall exceed 12 feet in height above the existing grade.
- ~~C.D.~~ 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.

* * * * *

9.19 Outdoor Sales

- A. There shall be no outdoor sales unless specifically allowed in ~~another section of this Article or in~~ by another Article of this Ordinance, which shall have precedence over this section. ~~Other Articles~~ Specifically allowable outdoor sales may include, but are not necessarily limited to, permission for the use of outdoor cafe or restaurant seating or vending or buyer operated retail devices, as defined by this Ordinance.

B. For the purposes of this section, Article 9.18, a public right-of-way is defined as a right-of-way upon which motor vehicles travel. Public rights-of-way exclusively for pedestrian, bicycle or other non-motorized travel are not deemed as public rights-of-way for the purposes of this section ~~with respect to Article 9.18.~~

C. A vending or buyer operated retail device, either covered or uncovered, may be placed anywhere on a lot that meets or exceeds the minimum setback of the zoning district from any lot line so long as it cannot be seen from the public motor vehicle right-of-way and/or the Marginal Way.

D. Vending or buyer operated devices that have internally lighted facades that advertise brand name products and that can be seen from a public motor vehicle right-of-way, shall also be subject to the requirements of Article 8.12 - Signs.

E. Devices exempted from the definition of “vending or buyer operated retail device” in Article 2, shall not be required to meet the standards of subsections C and D above. However, the installation of any such devices, whether or not they are regulated by these two sections, still may be subject to a design review under Article 11 of this Ordinance, if the installation of such devices meets the definition of “Material Change” found in Article 11.

~~E~~ F. SUNSET PROVISION - As of the date of adoption of this Ordinance, all existing vending or buyer operated retail devices shall have until May 1, 2000, to bring all existing said devices into compliance with all provisions of this Article and all other Articles of the Ordinance. ~~9.19 Outdoor Sales.~~

* * * * *

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

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, and the property owner implements any recommended or required actions resulting from the survey.

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 archaeological artifact is uncovered during any ground-disturbing activities in other areas not identified above as archaeological resource potential areas, regardless of whether or not the activities required Planning Board or Code Enforcement Officer approvals, the activities shall be halted and not recommenced until the Maine Historic Preservation Commission (MHPC) 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 the MHPC in its written response so recommends, the owner of the property shall conduct a reconnaissance level archaeological survey completed by a competent professional, and shall provide a copy of the survey to the MHPC and the Code Enforcement Officer. The Code Enforcement Officer shall not permit ground disturbing activities to recommence until any recommendations or requirements of the MHPC are implemented.

If no response is received within forty-five (45) days from the date notification was provided to the MHPC Commission, the Code Enforcement Officer shall authorize recommencement of the activity.

* * * * *

ARTICLE 11 – DESIGN REVIEW

11.1 Purpose

A. General Purpose

The Town of Ogunquit includes mixed residential and business uses consisting predominantly of buildings constructed before December 31, 1930. They include many significant historic buildings which contribute a variety of architectural styles, other buildings which contribute to the historic setting, and a number of contemporary buildings. The purpose of this Article is to promote educational, cultural, economic and general welfare of the Town of Ogunquit, to provide for the protection and preservation of buildings, structures and places of historic, architectural, cultural or neighborhood significance or value as defined below, all of which confer “historical significance,” and

to promote design which is compatible with the present character of Ogunquit and consistent with the Ogunquit Historic Preservation Ordinance. (Amended 4-01-06 ATM)

11.2. Definitions

Notwithstanding the definitions in Article 2 of this Ordinance, for purposes of this Article the following terms shall have the following meanings:

* * * * *

Material Change

“Material Change” means a modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including:

- A. the kind and texture of the building materials and the type and style of all windows, doors; or
- B. other appurtenant fixtures connected to a building, such as awnings, automated teller machines, pay telephones, as the like; or and
- C. other site features such as walks, driveways and parking areas.

Any activities that affect the exterior of buildings or accessory structures, or require a building permit are also included in this definition, unless expressly exempted from Design Review pursuant to section 11.4 below.

* * * * *

Visually Compatible and Complimentary

It is not the intent that all buildings in a neighborhood should look the same, but that a mix of styles, sizes, etc. that blend together well shall be allowed and that facade designs ~~that pre-date~~ erected prior to December 31, 1930 be encouraged, although not necessarily required.

* * * * *

11.4. Exemptions (Amended 4-05-08 ATM)

The following changes, when proposed to affect buildings constructed ~~post-1930~~ after December 31, 1930, shall not be deemed “material changes,” as defined in section 11.2 above, and therefore shall be exempted from a Design Review by the Planning Board.

* * * * *

A Design Review by the Planning Board shall not be required for signs and fences accessory to buildings either existing ~~in~~ on December 31, 1930 or constructed ~~post~~ after December 31, 1930, or whether located on private or public property. Signs shall be regulated by the provisions of section 8.12, and fences shall be regulated by the provisions of section 8.6.

Any material changes other than those expressly exempted by this subsection shall be subject to a Design Review by the Planning Board.

11.5 Planning Board Review

* * * * *

- C. The Board shall, at its regular meetings, review applications for Design Certificates. All meetings of the Board shall be open to the public and a public record shall be kept of the Board's resolutions and decisions. The Land Use Office shall notify the Ogunquit Historic Preservation Commission (OHPC) of any application for activities required to obtain a Design Review Certificate under section 11.3, that affect buildings ~~existing~~ within the District ~~in~~ constructed prior to December 31, 1930. The OHPC shall be requested to comment on whether the application meets the standards of section 11.6 of this Ordinance and the Ogunquit Historic Preservation Ordinance. Members of the OHPC shall be invited to participate in any scheduled hearings or meetings on the application.
- D. The Board may hold a public hearing on an application. Public notice requirements shall be as follows:
1. If the Board decides to hold a public hearing prior to making a decision on a design review application, the Planning Board Chairman shall notify, by U.S. First Class Mail, the applicant and the owners of all abutting properties, at least ten (10) days in advance of the hearing. ~~Abutting properties shall include those directly across a public right-of-way including waterways.~~ Notification shall include the nature of the application, and the time and place of the public hearing. Notice of the hearing shall also be published twice in a newspaper of local circulation, with the first advertisement appearing at least seven (7) days in advance of the hearing. In addition, the notice of the hearing shall be posted in at least three prominent public places within the Town at least ten (10) days prior to the hearing. (Amended 4-05-08 ATM)

* * * * *

11.7 Design Guidelines (Amended 4-01-06)

- A. Activities Required to Obtain a Design Review Certificate under section 11.3, and Affecting Buildings Existing Within the District ~~in~~ on December 31, 1930
1. Reconstructing, Altering or Maintaining Buildings Existing within the District ~~in~~ on December 31, 1930.
Any building, or any part or appurtenance thereof, shall be reconstructed, altered or maintained only in a manner that will preserve its historical and architectural significance. When making that determination, recognition shall be given to the design and past relationship with surrounding buildings.
 2. Demolition, Removal or Relocation of Buildings Existing within the District ~~in~~ on December 31, 1930.

* * * * *

- B. Activities Required to Obtain a Design Review Certificate under section 11.3, and Affecting Buildings Which Did Not Exist ~~in~~ on December 31, 1930

The construction, reconstruction, alteration or moving of any building and its appurtenances built after 1930 shall be generally of such design, size, building material, texture, and location on the lot as will be compatible with other buildings in the District and particularly those in existence ~~in~~ on December 31, 1930. The intent of this Article is not to require that a contemporary or post-1930 building be constructed or altered to meet a specific architectural style (i.e., colonial, federal, etc.). Rather, compatibility with other buildings shall be determined by factors such as: type and style of buildings previously on the parcel, historical design of the buildings and relationship with surrounding buildings.

C. Design Guidelines for all Buildings within the District Required to Obtain a Design Review Certificate under Section 11.3

Newly constructed buildings, reconstructed buildings and existing buildings, as well as their appurtenances which have been altered, repaired or moved, shall be visually compatible with the buildings, squares and places to which they are visually related, and particularly with nearby or adjacent buildings in existence ~~in~~ on December 31, 1930, in terms of the following factors:

* * * * *

10. Architectural, Historical or Neighborhood Significance. These factors shall be considered with regard to buildings existing ~~in~~ on December 31, 1930. The reconstruction, alteration, maintaining or moving of such buildings should be done in a manner as to preserve their architectural, historical or neighborhood significance. The construction, reconstruction, maintenance or moving of post-1930 buildings should be done in a manner which is visually compatible with the architectural, historical or neighborhood significance of buildings existing ~~in~~ on December 31, 1930.

ARTICLE 14 – CONDOMINIUM CONVERSION ORDINANCE

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14.5 Procedure and Fee

The Code Enforcement Officer, with the assistance of the Town Attorney and the Town's Planning Consultant, shall review the proposed Condominium Declaration and any drawings or supporting documents and shall only approve the Condominium Conversion Permit upon finding that the declaration is worded in a way that will insure that the prospective condominium owner will be thoroughly informed of the permitted use of their property and any restrictions placed upon its use by the Zoning Ordinance, Subdivision Regulations, Planning Board conditions of approval or other Town Codes or Town license restrictions. The permit application fee for a condominium conversion permit shall be set annually in a fee schedule adopted by the Board of Selectmen Two Hundred Fifty (\$250.00) Dollars. ~~In addition, the applicant shall pay a fee of One Thousand Five Hundred (\$1,500.00) Dollars to be deposited in a special account designated for that Condominium Conversion Permit Application, to be used by the Code~~

Enforcement Officer for hiring independent consulting services to review the application. If the cost of hiring legal and planning consultants exceeds the initial application fee, ~~balance in this special account is drawn down by seventy-five (75%) percent,~~ the Code Enforcement Officer shall notify the applicant and require that an additional, Seven Hundred Fifty (\$750.00) Dollars supplemental application fee be deposited by the applicant. ~~The Code Enforcement Officer shall continue to notify the applicant and require an additional Seven Hundred Fifty (\$750.00) Dollars to be deposited as necessary whenever the balance of the account is drawn down by seventy-five (75%) percent of the original deposit. Any balance in the account remaining after a decision on the Condominium Conversion Permit Application by the Code Enforcement Officer shall be returned to the applicant.~~

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