



**TOWN OF OGUNQUIT
NOTICE OF PUBLIC HEARING**

This meeting is being held at the Dunaway Community Center. Members of the public may attend in person or remotely via Zoom using the link below.

*The Municipal Officers of the Town of Ogunquit will hold a Public Hearing at **6:00pm** on **Tuesday, March 29, 2022**, in the Auditorium of the Dunaway Community Center, 23 School Street, Ogunquit, Maine, for the purpose of conducting a **Public Hearing** on the proposed ordinances changes below:*

An Ordinance to Amend the Ogunquit Municipal Codes Chapter 225 Zoning Ordinance Violations – A Citation System.

An Ordinance to Amend the Ogunquit Municipal Codes Chapter 225- Tiny Homes.

An Ordinance to Amend the Zoning Ordinance and Official Zoning Map.

Copies of the Proposed changes can be viewed are available in the Town Clerk's Office and the Town's website (www.townofogunquit.org) for inspection, use and examination by the public.

Christine L. Murphy

Christine L. Murphy, Town Clerk

Patricia L. Arnaudin

Patricia Arnaudin, Police Chief

Posted: March 22, 2022

Dunaway Community Center, Ogunquit Post Office
Ogunquit Transfer Station, WOGT

Connecting by computer or mobile device: Register in advance or at the time of the meeting:

https://ogunquitpd-org.zoom.us/webinar/register/WN_KegPns1IQkuTDU5fmy5auQ

After registering, you will receive a confirmation e-mail with information to join the meeting.

Connecting by land line/telephone:

If you want to call in to the meeting, dial:1-312-626-6799 or 1-929-436-2866 Webinar ID:
816 0835 9304

Password: 641577

The public portions of this meeting will be live streamed on the Town website www.townhallstreams.com/towns/ogunquit_maine and recorded for future viewing

ZONING CODE VIOLATIONS
CITATION SYSTEM

ORDINANCE AMENDMENT

DRAFT

An Ordinance to Amend the Ogunquit Municipal Codes
Chapter 225 Zoning Code Violations
A Citation System

4.3. Fines (Amended 11/4/08, Effective 4/1/09)

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance, on conviction thereof, ~~shall~~ may also be penalized pursuant to 30-A, MRSA, §4452

A. Issuance of citation.

If appropriate action to correct the violation has not been taken within the period established by the enforcement official pursuant to this article, he may, as an alternative to initiating court action, issue a citation to the violator.

B. Contents of citation.

(1)

The citation provided for in this division shall be in writing, describe the nature of the violations, including the ordinance sections violated, and state the dates by which the violations were to have been corrected, that a civil penalty of \$150.00 has been imposed for the violation, the date by which the penalty must be paid and to whom, and the consequences of failing to pay within the period stated.

(2)

The number of days allowed by the enforcement official within which corrective action must be taken shall be reasonable given the notice period previously given to the violator, the nature of the violation to be corrected, and the time which the code enforcement official estimates will be required to perform the corrective work.

(3)

The citation shall also advise the violator of his right to request an extension of time to correct the violation as provided in this division. The citation shall state that an additional civil penalty of \$100.00 will be imposed and that further citations may be issued if the violation has not been corrected within the time specified.

C. Time limits for corrective action.

(1)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Immediate risk or nuisance means a condition or circumstance which poses an immediate threat to the health or safety of individuals or their property.

Long term risk or nuisance means a condition or circumstance which does not pose an immediate threat to the health or safety of individuals or their property, but could cause a hazard or create a physical or aesthetic nuisance if not corrected.

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Short term risk or nuisance means a condition or circumstance which, while posing a serious threat to the health or safety of individuals or their property, is not likely to occur so soon as to be an immediate danger.

(2)

Time periods which corrective action taken. The following time periods within which corrective action must be taken shall be presumed to be reasonable for purposes of this article:

<u>Description of risk</u>	<u>Corrective action time period</u>
<u>Immediate risk or nuisance</u>	<u>Zero hours to 24 hours</u>
<u>Short-term risk or nuisance</u>	<u>24 hours to one week</u>
<u>Long-term risk or nuisance</u>	<u>One week to 30 days</u>

D. Service of citation.

(1)

Citations issued pursuant to this division may be delivered in hand to the violator or left for him with a person of suitable age and discretion living in the same household. If the violator is a corporation, citations may be served on an authorized official, or, if none is available, upon any employee of the corporation.

(2)

Citations may also be served by certified mail, return receipt requested. If the return receipt is not signed, the citation shall be presumed to have been served if also sent by ordinary mail which has not been returned by the postal service.

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E . Amount of penalty.

(1) The penalties for violations punishable by citations under this division shall be as follows:

- (a) First violation: \$150.00
- (b) Second violation: \$300.00.
- (c) Third violation: \$500.00
- (d) Fourth violation: \$750.00.

(2) The fines imposed shall be cumulative.

F . Further citations.

If the corrective action required has not been taken within the time specified in the first citation issued under this division, the code enforcement official may issue a second citation. The second citation shall contain the same information set forth in the first citation regarding the nature of the violation, but may do so by reference to the first citation at in the discretion of the code enforcement official. It shall also state that, in addition to the previous civil penalties, a civil penalty of \$300.00 will be imposed and that further citations may be issued if the violation has not been corrected within the specified time. The time limit indicated may be the same as the time allowed in the first citation or may be altered if there has been a change in circumstances. The same procedure may be repeated by the issuance of a third citation punishable by a civil penalty of \$750.00 if the corrective action has not been taken within the time specified.

G. Interest on unpaid penalties:

All civil penalties imposed by citation under this division shall be due within five days after the date the corrective action specified was to be taken. Interest computed at the rate of 18 percent per annum shall be added to all unpaid civil penalties beginning five days after the date that the civil penalty became due. The code enforcement official or the city solicitor may initiate appropriate proceedings to collect any civil penalties which are not promptly paid, together with all outstanding interest.

H. Extension of time to correct violation.

In any case in which the violator asserts that there is good cause for extending the period during which the violation can be corrected under this division, he may request such an extension from the enforcement official in writing, setting forth the reasons for the request. The filing of such an application shall not suspend the running of the time limit specified. The enforcement official shall act upon the request within two working days of its being presented. The decision of the enforcement official shall be final.

4.4. Building Permit and Certificate Of Occupancy (Amended 11/4/08, Effective 4/1/09)

The Code Enforcement Officer shall be consulted before any buildings or other structure is erected, demolished, moved, replaced, or additions are made. This includes work done

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internally or externally. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed

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TINY HOMES

ORDINANCE AMENDMENT

DRAFT

Town Ordinances Part 1, Chapter 225 Zoning, Article 2.2 Definitions

Define Tiny Home:

Tiny home. "Tiny home" means a living space permanently constructed on a full foundation or frost wall and designed for use as permanent living quarters or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure. that:

A. Complies with the Maine Uniform Building Code (MUBC) standards for construction.

B. Does not exceed 400 square feet in size.

C. Tiny Homes do not have wheels and does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

Town Ordinances Part 1, Chapter 225 Zoning, Article 9 Standards for Specific Land Uses

Amend to include Tiny Homes as a specific land use:

A tiny home, as defined in Article 2 of this chapter, shall be permitted, provided all the following conditions are met:

- A. The structure is located on any lot where single-family dwellings are allowed.
- B. The structure shall meet the minimum dimensional requirements for the district in which it is located as detailed in 225-Attachment 2 Table 703.1
- C. The unit must be connected to the Ogunquit Sewer System, or an approved septic system approved by the Ogunquit Code Enforcement Officer and shall be connected to either an onsite well or public water supply.
- D. The tiny home must be located on a permanent foundation or frost wall.
- E. The tiny home must receive a design certificate as found in Article 225-11 Design Review Criteria
- F. A Tiny Home cannot be used as a Transient Accommodation Type 1(TA-1).

**Mackin 171 Berwick Road
(Map 16 Block 116)**

Boundary Line Relocation

Zoning Map Amendment

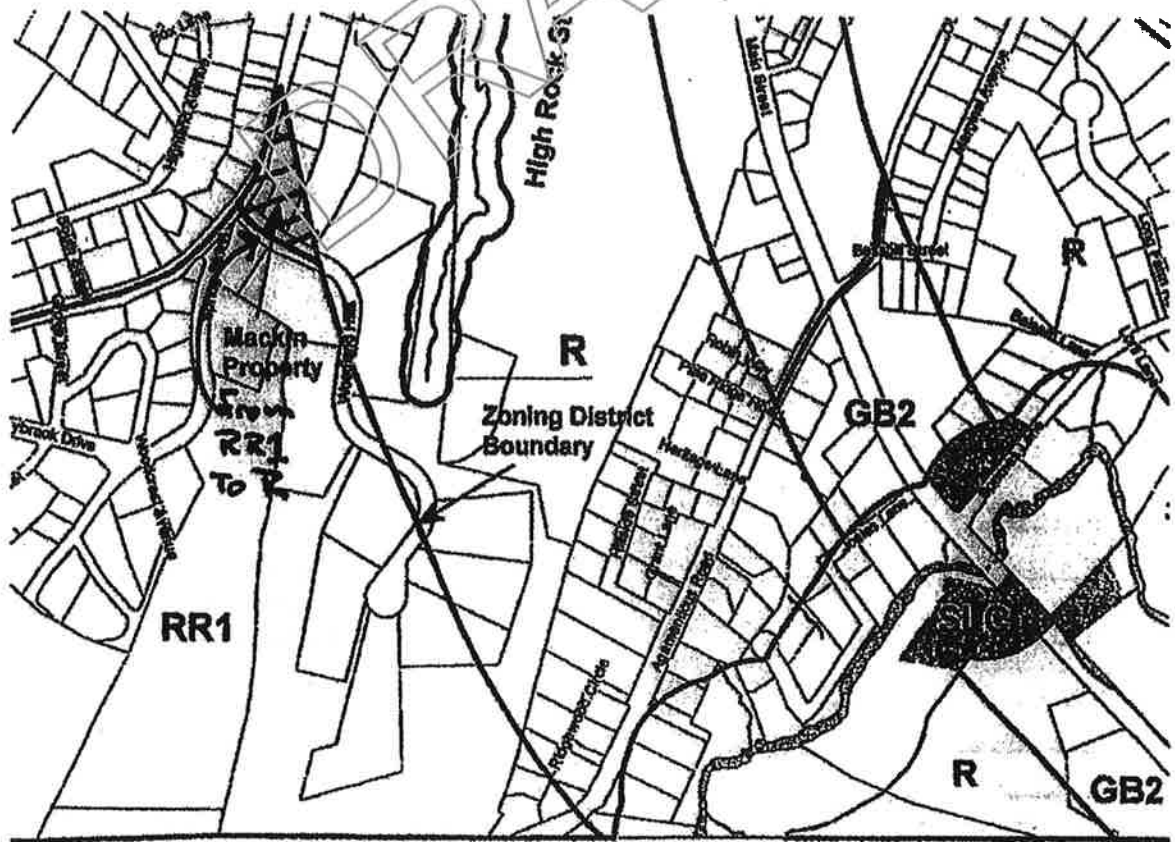
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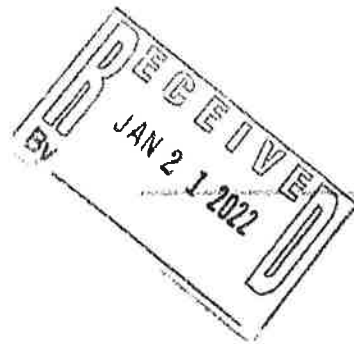


To: Ogunquit Select Board
From: Lee Jay Feldman, Contract Planner
Date: March 15, 2022
Re: Mackin Rezoning-171 Berwick Road

The Planning Board held a Public Hearing during the March 14 Planning Board meeting to seek input into a proposed Map amendment rezoning parcels 16-113A; 16-116-1; 16-114A from the RR1 to the R zone.

During the public Hearing 3 people from the neighboring area of the proposed rezoning spoke. They all supported this rezoning map request. I have provided my memo to the Planning board as well as a proposed map showing the change being requested. All of the attached documentation from the current Comprehensive Plan supports this requested change due to the emerging development in this area of town. The current comprehensive plan adopted in 2003 envisioned this area as a in-fill area supporting a higher density of development that currently exists.





To: Ogunquit Planning Board
From: Lee Jay Feldman, Contract Planner
Date:
Re: Rezoning Request of Bob & Eileen Mackin-171 Berwick Road

I. Proposal

The Mackins are proposing to rezone their property from the current zone of RR1 to R. Currently the property is split zoning between those two zones as you can see on the map provided as part of the application.

In reviewing the request, there are three other properties that will be affected in very minor ways since portions of those properties are also split zones and will all be placed in the R zone if the rezoning request is approved. Those Map and lots are:

16-113A
16-116-1
16-114A

Lot 16-116-1 is a small lot on the corner of Berwick Road and Woodland Heights and is shown on the tax card as unbuildable.

Below is the table of the current zones for that area so that the board can see current zone lot size requirements and that of the proposed zone request going from RR1 to R.

Currently this area of Berwick Road is serviced by both Sewer & Water suggesting that the minimum lot size for the Mackin parcel would go from 30,000 square feet to 12,500 square feet. The lot size for the parcel is shown at .89 acres or 38,768 square feet so the zone change does not present any



non-conformity issues. The same permitting process exists in both zones for whatever could occur on the property in the future.

CURRENT	R	RR1
With public sewer & water	12,500	30,000
Without public sewer & water	30,000	60,000

Below are the two purpose statements from the zoning ordinance for the two zones up for discussion. This area of the community is well established and built out and most resembles the Residential District (R) district more than the Rural Residential District 1 (RR1).

Residential District (R). To provide for areas within the Town of Ogunquit for future residential growth consistent with anticipated growth demands.

Rural Residential District 1 (RR1). To preserve the rural nature of large sections of the Town and to discourage large-scale development from occurring in areas of the Town of Ogunquit that cannot be readily serviced by public utilities.

II. Comprehensive Plan

As part of the rezoning request, it is important to consider the Comprehensive plan. This is the guiding document for the future decision making within the community. The plan has a Chapter called Future Land Use Plan which sets out the policies of the community in order to determine the patterns of development that should occur. Below is the section of the plan which sets out the general pattern of development which is part of the current plan. In review of these statements below I have highlighted section 5 for your consideration. This statement pertains to the portion of town where this rezoning request exists.

The other portion of the discussion in the plan suggests that this area of the community was designated as a "Growth" area. And further describes this area as a split between Village Residential and Single Family Residential, both designations suggest that 4 units per acre or 10,000 square feet per lot would be a supported density in the plan provided there are utilities in place.

A. General Pattern of Development

The Town of Ogunquit's Future Land Use Plan reflects the following guiding principles with respect to the general pattern of development:

1. Downtown Ogunquit should continue to be a vibrant, densely- developed, pedestrian-oriented, mixed-use community center that meets the needs of both residents and visitors. Within this area, the use of a personal automobile should be unnecessary and should be discouraged as should auto-dependent or auto- oriented uses.
2. The areas adjacent to Downtown along Route One and Shore Road should continue to be mixed-use areas that are predominantly pedestrian in character and that continue the style and scale of the downtown but at a lower intensity.
3. The older residential neighborhoods primarily east of Route One and along Shore Road should be maintained as high quality neighborhoods and protected from the introduction of incompatible commercial uses or higher density housing and from the adverse impacts of commercial development along Route One and Shore Road.
4. The outer portions of the Route One corridor should continue to serve as a location for transient housing such as motels and hotels along with other commercial activities but the quality of the development should continue to be improved as redevelopment or upgrading occurs including provisions for improved access management.
5. **The area west of Route One extending to the turnpike should continue to develop as good quality, moderate-density, residential neighborhoods that are served by public water and sewerage where feasible. Within this area, substantial amounts of open space should be permanently preserved as development occurs.**
6. The area west of the Maine Turnpike should remain a predominantly undeveloped rural area. Within this area,

Growth Areas

The Future Land Use Plan contains a number of designations that fall under the concept of "growth areas" as set forth above (See Map 2). This includes residential and commercial designations. The following sections describe these growth designations:

Village Residential - This designation is intended to accommodate "village style" residential development at a density of up to four units per acre with public water and sewerage and one and a half units per acre with on-site utilities. The designation applies to areas on both sides of Route One that are currently zoned Residential and are serviced with public sewerage and water or where facilities may be reasonably extended. Allowed uses should continue to include single-family and two-family homes as well as multifamily housing (with case by case review), community and public facilities, B&Bs, home occupations, and similar low impact uses. Commercial uses should continue to be restricted in these areas. The basic minimum lot size should continue to be 10,000 square feet with public water and sewerage and 30,000 square feet for homes that utilize on-site sewage disposal or water supply. In general, this designation mirrors the current Residential District in the Town's zoning.

Single-Family Residential - This designation is intended to maintain the character of established single-family residential neighborhoods primarily on the east side of Shore Road that are currently zoned One Family Residential and that are primarily serviced with public sewerage and water. Within these areas, residential uses should continue to be allowed at a density of up to four units per acre with public utilities. Residential uses should continue to be limited to single-family.

The Comprehensive Plan does not suggest zones but discusses the type of development that should occur by uses in sections of the community. Do not get caught up with zoning and uses allowed.

III. **Conclusion**

There is a lot of information between the Zoning Ordinance and the Comprehensive Plan that would suggest this rezoning request could be passed on to the Selectboard as a recommendation to change the designation from RR1 to R without significant impacts to the surrounding area.