

NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on March 2<sup>nd</sup>, 2021 at 6:30 p.m. to consider the following:

Shall the Town Council of the Town of Old Orchard Beach amend the Code of Ordinances, Chapter 50, Article III, Streets, 50-111, 50-113, 50-171, 50-172 and Chapter 78, Zoning Ordinance, Article VIII, Performance standards, 78-1467, 78-1468, 78-1492 and 78-1495. amending driveways, by adopting the underscored language and deleting the strikethrough language as follows:

DIVISION 2. - NAMING AND NUMBERING

Sec. 50-111. - Definitions.

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

*Driveway* means any vehicular accessway serving a parcel of land. ~~road to private property that is wholly contained within the boundaries of that property.~~

Sec. 50-113. - Enforcement and penalty.

This division shall be enforced by the ~~public safety director~~ police chief or their designee, who shall give written notice to any owner or person in charge of a dwelling, place of business or building, advising that person of a date by which the person or owner must comply with this division. If the person to whom the notice is addressed does not correct the violation by the compliance date, such person shall commit a civil violation.

(Ord. of 4-1-1997, § 9)

DIVISION 3. – EXCAVATIONS

Subdivision II. - Permit

Sec. 50-171. - Required.

(a) It shall be unlawful for any person to dig up, excavate, tunnel, undermine, or in any manner break up any street or to make or cause to be made any excavation in or under the surface of the street for any purpose or to place, deposit, or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person shall have first obtained an excavation permit from the public works department.

(b) It shall be unlawful for any person to remove, alter or construct any driveway without first obtaining a driveway permit from the code enforcement officer and public works department.

(Ord. of 9-18-1984, § I(a))

Sec. 50-172. - Application.

(a) No excavation permit shall be issued unless a written application for the issuance of the permit is submitted to the director of public works for review and approval.

(b) No driveway permit shall be issued unless a written application for the issuance of the permit is submitted to the code enforcement officer and public works director for review and approval.

(c) The application shall state the following:

- (1) The name, telephone number and address of the applicant;
- (2) The name, telephone number and address of the property owner
- (3) The nature, location and purpose of the excavation;
- (4) The date of commencement of the excavation; and
- (5) The date of completion of the excavation.

(d) The application shall be accompanied by a plan showing the extent of the proposed excavation work, including its location and the dimensions and elevations of the proposed excavated surfaces and such other information as may be reasonably required by the director of public works and code enforcement officer.

(e) The application shall be accompanied by proof of notice to the utilities as provided in 23 M.R.S.A. § 3360-A(3).

(Ord. of 9-18-1984, § II; Ord. of 12-18-1984; Ord. of 6-22-2011(1))

**Amendments to Chapter 78, Article VIII (new language underlined, deleted language ~~struck~~):**

DIVISION 4. - PARKING, OFF-STREET LOADING AND DRIVE-THROUGH FACILITIES

Subdivision II. - Access Standards for Single- and Two-Family Residences

Sec. 78-1467. - Driveway dimensions.

(a) For single- and two-family residences, widths of driveways ~~at the street as measured 20 feet from the street curbline shall not be less than 12 feet in width, with a minimum right-of-way clearance of 15 feet to accommodate emergency vehicle access.~~ shall be measured at the point where the driveway width meets the improved surface of the public or private road. Maximum driveway width at the curbline shall not exceed 20 24 feet. Minimum driveway width shall not be less than 12 feet, with a minimum clearance of 15 feet to accommodate emergency vehicle access.

(b) All driveways shall provide enough length, as determined by the code enforcement officer and public works director, to prevent vehicles parked in the driveway from blocking or interfering in any way with vehicle, bicycle and pedestrian passage on public or private roads and sidewalks and with snow removal.

(Ord. of 9-18-2001, § 5.3.1.2)

Sec. 78-1468. - Driveway design specifications.

(d) Driveway permit. No driveway shall be constructed without first securing a driveway permit from the code enforcement officer and public works director and posting a cash or security bond in the amount of \$1,000.00 with the public works director. No certificate of occupancy shall be issued until the code enforcement officer and public works director approves the completed driveway construction.

Subdivision III. - Access Standards for Multifamily and Nonresidential Uses

Sec. 78-1492. - Driveway dimensions.

(a) All driveways for multifamily and nonresidential uses shall be designed to accommodate the volume and physical turning characteristics of vehicles anticipated to use the off-street parking and/or loading facilities. Widths of driveways at the street should be minimized wherever possible. Minimum and maximum widths for driveways as shall be measured 20 feet from at the point where the driveway meets the improved surface of the public or private roads. the street curbline Minimum and maximum driveway widths are established as follows:

Use	One-Way Drives (feet)		Two-Way Drives (feet)		Curblin Radius (feet)	
	Min.	Max.	Min.	Max.	Min.	Max.
Multifamily (3—10 units)	10	12	20	<del>22</del> <u>26</u>	5	10
Commercial parking lots	10	12	20	<del>22</del> <u>24</u>	5	10
Multifamily (10 + units)	12	14	22	<del>24</del> <u>26</u>	5	10
Commercial uses	12	20	24	26	5	15
Industrial uses	15	25	26	30	10	20

(b) All driveways shall provide enough length, as determined by the code enforcement officer and public works director, to prevent vehicles parked in the driveway from blocking or interfering in any way with vehicle, bicycle and pedestrian passage on public or private roads and sidewalks.

(Ord. of 9-18-2001, § 5.3.2.2)

Sec. 78-1495. - Driveway permit.

No driveway shall be constructed without first securing a driveway permit from the code enforcement officer and public works director and posting a cash or security bond in the amount

of \$1,000.00 with the public works director. No certificate of occupancy shall be issued until the code enforcement officer and public works director approves the completed driveway construction.

Per Order of the Municipal Officers this 16<sup>th</sup> day of February, 2021.

A True Copy

Attest:

Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk