

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 June 4th, 2019 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 78 - Zoning, Article VII – Conditional Uses, Division 2 – Conditions, and Section 78-1272 – Accessory Dwelling Unit by adding the underscored language and deleting the strikethrough language:

Sec. 78-1272. – Accessory Dwelling Unit

(1) Purpose. The purpose of the sections concerning Accessory Dwelling Units is to provide a diversity of housing for residents while protecting the single-family character of residential neighborhoods. Accessory Dwelling Units are permissible as conditional uses ~~in all residential districts and shall comply with the following conditions:~~ provided they meet the performance standards described in this section.

(2) Performance Standards.

(a) The Owner of the lot on which the principal structure is located must reside in the principal structure or the Accessory Dwelling Unit, either of which residence may be seasonal. An Accessory Dwelling Unit may be located on a lot which the owner occupies as a seasonal residence, however, neither the Accessory Dwelling Unit nor the single-family dwelling shall be rented.

(b) The person occupying the Accessory Dwelling Unit shall be a first, second, or third degree relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, or grandparent) of the principal occupant of the single family dwelling by blood or by marriage and the burden of proof of this relationship shall be on the homeowner.

- (c) To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the York County Registry of Deeds a covenant in a form acceptable to the Town that the existence of the Accessory Dwelling Unit is predicated upon the occupancy of either the Accessory Dwelling Unit or principal dwelling by a person who owns the property. It is also required that any owner of the property must notify a prospective buyer of the limitations of this section. Violations of the terms of this covenant shall result in the loss of the Accessory Dwelling Unit permit. Said covenant shall be provided to the Town prior to the issuance of an occupancy permit for the Accessory Dwelling Unit.
- (d) The primary entrance into the accessory dwelling unit shall be accessed via the living area of the primary structure. ~~and all other entrances to the accessory dwelling unit shall appear subordinate to the main entrance. Any proposed additions to the main structure or accessory structures shall be designed to be subordinate in scale and mass to that of the main structure and compatible with the architectural style and quality of the main structure.~~ A secondary entrance may be permitted to the Accessory Dwelling Unit provided it is not visible from the street view of the principal or accessory dwelling. The Accessory Dwelling Units stairways shall not be constructed on the front or side of the principal or accessory dwelling unit.
- (e) To improve compatibility with single-family neighborhoods, new Accessory Dwelling Units shall be built with an orientation, scale, and architectural style that reflects the predominant pattern existing in the neighborhood, preserves privacy for neighbors and for the occupants of the primary and accessory dwelling units.
- (f) The accessory dwelling unit shall have at least 500 square feet of floor area but shall not exceed 50 percent of the floor area of the main dwelling unit.

Floor area measurements shall not include unfinished attic, basement or cellar spaces nor public hallways or other common areas. The floor area of the Accessory Dwelling Unit shall not exceed 1,000 square feet and the unit shall not contain more than two bedrooms. Total floor area of an Accessory Dwelling Unit shall be measured from the interior faces of the inside walls.

(g) Provisions for one additional off-street parking space shall be made, however, no additional curb cuts or driveways may be created to facilitate the creation of the Accessory Dwelling Unit. Any expanded driveway entrance curb cut on the property shall not exceed 24 feet in width.

(h) The dwelling shall be served by a single electrical and water service meter, if served by public water.

(i) All Accessory Dwelling Units on properties with private sewer shall comply with the State of Maine Subsurface Wastewater Disposal Rules for new or expanded systems, as applicable.

(j) Only one ~~a~~Accessory apartment Dwelling Unit shall be permitted per lot. It shall be made part of the ~~main residence~~ primary dwelling.

(k) ~~Accessory apartments~~ Dwelling Units shall not be permitted for any nonconforming ~~structure or use. where nonconformity is due to the use of the premises, as opposed to nonconforming dimensional requirements.~~

(3) Definitions. As used in this Section, the terms listed below have meanings set forth below, whether or not such terms are otherwise defined elsewhere in this chapter. Terms not listed below have the same meanings as Section 78-1 of this chapter.

(a) Accessory Dwelling Unit means a separate dwelling unit which is contained entirely within the confines of a building which otherwise retains the design and

appearance of a detached, single-family home. The Accessory Dwelling unit shall have separate living, sleeping, sanitary and kitchen facilities for the exclusive use of the unit occupants. The Accessory Dwelling Unit shall not be rented.

(b) Living Area means the interior habitable area of a dwelling unit including finished basements but does not include a garage or any accessory structure.

(c) Owner-Occupied means that either the principal dwelling unit or the Accessory Dwelling Unit is occupied by a person who has the primary or residuary title to property.

(d) Seasonal use means any three consecutive months during a twelve month period.

Per Order of the Municipal Officers this 21st day of May, 2019.

A True Copy
Attest:

s/Kim M. McLaughlin
Kim M. McLaughlin, Town Clerk