



Town of Mount Desert
Selectboard
Agenda

Special Meeting
Monday, March 11, 2024

Location: Meeting Room, Town Hall, Northeast Harbor; Meetings will continue to be offered via Zoom see final page for connection details. Per Maine CDC, COVID transmission rate is LOW; masks are not required.

The meeting will begin immediately following the Executive Session.

- I. **Call to order at 6:00 p.m.**
Public please hold comments until the Selectboard Chairman opens the agenda items for public comment. When addressing the Board, state your FULL NAME (both in person and on Zoom). It is suggested that you enter your full name as your ID on Zoom.
- II. **Executive Session**
 - A. *Pursuant to 1 MRS§405(6)(E) so the Board may confer with its legal counsel concerning the Board's rights and duties in a pending matter*
- III. **Public Hearing(s)**
 - A. *Town Meeting Proposed Warrant Articles for Ordinance Amendments, and Ordinances (Note: LUZO ordinance articles had public hearings on 2/14/2024 and 02/28/2024)*
- IV. **Post Public Hearing**
 - A. *Action if necessary*
- V. **New Business**
 - A. *Municipal Officer's Certifications of Official Text of Proposed Ordinances and Amendments (order that they appear on the ATM warrant)*
 1. *Alewife Ordinance*
 2. *Amendment to the Town of Mount Desert Consumer Fireworks Ordinance*
 3. *Amendment to the Town of Mount Desert Disbursement Warrant Ordinance*
 4. *Amendment to the Town of Mount Desert Special Amusement Permit Ordinance*
 5. *Amendments to the Town of Mount Desert Land Use Zoning Ordinance*
 - a. *Land Use Zoning Ordinance Article Section 6 Connections to Sewer*
 - b. *Land Use Zoning Ordinance Article Section 3 Little Echo Lake Setback*
 - c. *Land Use Zoning Ordinance Article Section 6 Individual Private Campsites*
 - d. *Land Use Zoning Ordinance Article Section 3 Residential Dwellings*
 - e. *Land Use Zoning Ordinance Article Section 5 Conditional Use Application Notices*
 - f. *Land Use Zoning Ordinance Article Section 6 Residential and Accessory Dwellings*
 - g. *Land Use Zoning Ordinance Article Section 7 CEO Permit Review Timeline*

- h. Land Use Zoning Ordinance Article Section 7 Certificates of Occupancy Approval*
 - i. Land Use Zoning Ordinance Article Section 6 Lot Access*
 - j. Land Use Zoning Ordinance Article Section 8 Additions and Revisions to Definitions*
 - k. Land Use Zoning Ordinance Article Section 5 Subdivision Ordinance Amendments*
 - l. Land Use Zoning Ordinance Article Section 3.4 Clarification on Marine and Freshwater Structures*
 - m. Land Use Zoning Ordinance Article Section 4 Revisions to the non-conforming section of the LUZO*
 - n. Land Use Zoning Ordinance Article Section 3.3 Map 10 Zone Change*
- 6. Short-Term/Vacation Rental Licensing Ordinance*

VI. Other Business *(Addendum items may be considered at the Selectboard's discretion via majority vote to do so under Other Business or out of order.)*

- A. Such other business as may be legally conducted*

VII. Adjournment

The next regularly scheduled meeting is at 6:30 p.m., Monday, March 18, 2024 in the Meeting Room, Town Hall, Northeast Harbor

The Town of Mount Desert is inviting you to a scheduled Zoom meeting. You can call in through any of the listed phone numbers or connect with a computer via the web link. You **will need to enter the meeting ID** to get access to the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/248566175?pwd=RmozZjBOVWhUTQrRXR5QzFEZEEyQT09>

Meeting ID: 248 566 175

Password: 919872

One tap mobile

+13126266799,,248566175#,,,0#,,919872# US (Chicago)

+16468769923,,248566175#,,,0#,,919872# US (New York)

Dial by your location

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Zoom security now requires a password on all zoom meetings, so the recurring BS meeting now has a password.

PUBLIC HEARINGS

State of Maine

Hancock County, ss

2024

To: David Kerns, a Constable in the Town of Mount Desert

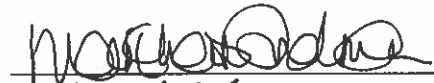
Greetings:

In the name of the State of Maine, you are hereby required to post this notice in order to notify and warn the inhabitants of the Town of Mount Desert that the municipal officers of the town will meet at the **Town Office Meeting Room; 21 Sea Street, Northeast Harbor at six-thirty in the evening on eleventh day of March AD 2024**, for the purpose of conducting a public hearing on proposed Warrant Articles regarding ordinances, and ordinance amendments for the May 6 & 7, 2024 Annual Town Meeting pursuant to 30-A M.R.S. § 2105.2:

Given under our hands at Mount Desert this 26th day of February 2024, the Selectboard of the Town of Mount Desert:



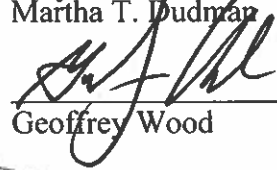
John B. Macauley, Chairman



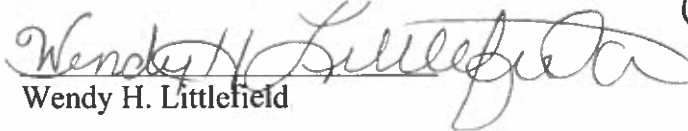
Martha T. Dudman



James F. Mooers



Geoffrey Wood



Wendy H. Littlefield

Attest: A True Copy

Town Clerk, Mount Desert

Town of Mount Desert
PUBLIC HEARINGS LEGAL NOTICE
March 11, 2024 (Ordinance and Ordinance Amendments)
March 18, 2024 (Appropriation of Funds)

Notice is hereby given that the Town of Mount Desert Board of Selectmen will hold a public hearing at a special meeting beginning 6:30 p.m., Monday, March 11, 2024 in the Meeting Room, Town Hall, 21 Sea Street, Northeast Harbor, and via Zoom Meeting to hear public comment on proposed Warrant Articles regarding ordinances, and ordinance amendments for the May 6 & 7, 2024 Annual Town Meeting. Members of the public are invited to attend and make comment.

Notice is hereby given that the Town of Mount Desert Board of Selectmen will hold a public hearing at its regular meeting beginning 6:30 p.m., Monday, March 18, 2024 in the Meeting Room, Town Hall, 21 Sea Street, Northeast Harbor, and via Zoom Meeting to hear public comment on proposed Warrant Articles regarding appropriation of funds for the May 6 & 7, 2024 Annual Town Meeting. Members of the public are invited to attend and make comment.

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RETURN ON THE PUBLIC HEARING NOTICE

Hancock County, ss

State of Maine

TO: The Municipal Officers of the Town of Mount Desert


I certify that I have notified the voters of the Town of Mount Desert of the time and place of the Public Hearing by posting an attested copy of the notice as follows:

<u>DATE</u>	<u>TIME</u>	<u>LOCATION OF POSTING</u>
03/01/24	1245	Town Office, Northeast Harbor - to Leaving
03/01/24	1310	Post Office, Northeast Harbor
03/01/24	1320	Post Office, Seal Harbor
03/01/24	1415	Post Office, Mount Desert

being public and conspicuous places in said Town and being at least ten (10) days prior to the date of the Public Hearing.

Dated at Town of Mount Desert: 3/1/24

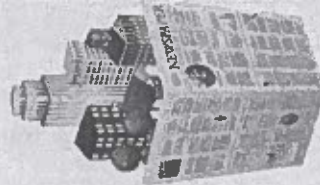
Attest:



David Kerns, Constable
Town of Mount Desert

MOUNT DESERT ISLAND

PUBLIC NOTICES Worth Noticing



requests for

and meeting on posted.

OFFICE

APPLICATIONS

Monday, March 4, 2024 to consider the follow-

Class 3a, three or more by Alex Maffucci. Request for Class 3a, three submitted by Alex Maf-

and the controlling town Clerk > Special Amuse-

PUBLIC NOTICE

HARBOR HIGHWAY DIVISION STING ANNOUNCEMENT

Highway Division is announcing that certain vehicle weight limits to prevent damage during weight limit for non-exempt registered vehicles is 23,000 pounds. Effective Friday, March 1, and will remain posted until further notice. Website at www.barharbormaine.gov for the list. If you have any questions, please feel free to call the office at 288-4681. Thank you in advance for your

TOWN OF MOUNT DESERT PUBLIC NOTICE

Town Office Closed for Presidential Primary Elections March 5, 2024

The Mount Desert Town Office will be closed Tuesday, March 5, 2024 for the Presidential Primary Election. Much of the administrative business can be done online (registrations, vital records requests, tax payments, tax bills, real estate property cards, etc.). The Registrar will be available 8am – 8pm at the polls.

The Assessor, Code Enforcement Officer, or Town Manager will be available by appointment only. Call 276-5531 to set up an appointment.

The office will re-open for regular business on Wednesday, March 6th.

Town of Mount Desert

PUBLIC HEARINGS LEGAL NOTICE March 11, 2024 (Ordinance and Ordinance Amendments) March 18, 2024 (Appropriation of Funds)

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PUBLIC NOTICE TOWN OF SOUTHWEST HARBOR ROAD POSTING

As of MARCH 1, 2024, the following roads are posted for no heavy traffic until APRIL 30, 2024:

- Freeman Ridge, East Ridge Rd., Salem Towne Woods Rd., Fernald Pt. Rd., Herrick Rd., High Rd., Dirigo Rd., Ocean House Ln., Robinson Ln., Forest Ave., Wesley Ave., Wood St., Alder Ln. to the Town dock, part of Shore Rd., Hinekey to Kings Ln.

TOWN OF MOUNT DESERT

PLANNING BOARD MEETING

Date: March 13, 2024 Time: 6:00PM

IN-PERSON LOCATION: Town Hall Meeting Room, 21 Sea Street, Northeast Harbor (MASKS MAY BE REQUIRED)

Meetings will continue to be offered via Zoom see below for connection details.

III. Court Remand judgement of January 9, 2024, for Harold MacQuinn Inc. & Freshwater Stone Brickwork, Inc., Tax Map 007 lot 075.

The Town of Mount Desert is inviting you to a scheduled Zoom meeting. To use the "live" link to the meeting, go to www.mtdesert.org, and search Planning Board under Boards and Committees. You can call in through any of the listed phone numbers or connect with a computer via the web link. You will need to enter the meeting ID to get access to the meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82850431734?pwd=aZVhK040STZcSStSHpnaEtrVVZTZz09>

Meeting ID: 828 5043 1734

Password: 016906

Dial by your location:

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“employee living quarters-2,” which would be allowed in 13 zoning districts. Employee living quarters-2 would be subject to Bar Harbor’s general review standards, in addition to certain design standards and density bonuses (lot coverage bonus). The definition of family would also be changed.

- **LAND USE ORDINANCE AMENDMENT – Shared Accommodations** – This amendment would increase housing opportunities by allowing more types of shared accommodations in 10 zoning districts where that use is not currently allowed. Shared accommodations is a housing type that includes individual rooms with shared dining facilities.
 - **LAND USE ORDINANCE AMENDMENT – Increased Housing Opportunities** – This amendment is necessary to comply with LD 2003 and LD 1706. It is part of a statewide effort to increase housing units by requiring municipalities to remove some regulatory barriers to housing production. It allows for a density bonus of 2.5 times the base density for affordable housing developments in certain areas. It generally allows between two and four housing units per lot where housing is permitted, as well as allowing accessory dwelling units to be located on the same lot as a single-family home, under certain conditions.
- Furthermore, the amendment would delete Bar Harbor’s “bonus dwelling unit” use because LD 2003 requires a comparable but more permissive use, referred to as accessory dwelling units. The amendment would also prohibit dwelling units expressly created under these provisions to be registered and/or used as short-term rentals.

- **LAND USE ORDINANCE AMENDMENT – Design Review** – This amendment would:
 - Update some properties’ names in Appendix A – Historic Properties in Design Review Overlay District
 - Amend a definition related to signage review.
 - Simplify the review process for signs.
 - Adjust the Design Review Overlay district boundaries and area names.
 - Minimize redundancy by removing Appendix B – Locally Significant Properties in Design Review Overlay District and all reference to it.
 - Allow more time for the Planning and Code Department to review Design Review Board applications.

The full text of each amendment and explanations are available at the Planning Department, in the Town Clerk’s office, or on the Town’s website, www.barharbormaine.gov under Latest News. For more information on the Council hearings, call the Town Clerk’s office at 207-288-4098.

LOCAL POLICE REPORTS

Check it out every week

CHECK OUT THE LETTERS PAGE FOR THOUGHTS AND OPINIONS FROM YOUR NEIGHBORS EVERY WEEK IN YOUR LOCAL NEWSPAPER

TOWN OF MOUNT DESERT

Notice of a public hearing for the proposed amendments to the Mount Desert Land Use Zoning and Subdivision Ordinances

You are hereby notified, under the requirements of the Mount Desert Land Use Zoning Ordinance Section 2.7, and Section 9 of the Subdivision Ordinance that the Mount Desert Planning Board will hold a public hearing on proposed amendments to the Towns Land Use Zoning and Subdivision Ordinances.

The public hearing will be held on **February 14, 2024, at 6:05PM In-Person**, at the Town Hall Meeting Room, 21 Sea Street, Northeast Harbor (Masks May Be Required) and via zoom. The Zoom Link, Meeting ID, Password, and Dial-in information are listed below.

Copies of the full text of the proposed amendments can be found at the Town Office, 21 Sea Street, Northeast Harbor, Maine. Proposed amendments will also be available on the Town website at www.mtdesert.org.

Questions or comments can be directed to Noel Musson, The Musson Group. He can be reached at (207) 244-1161, or by email to noel@themussongroup.com.

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TOWN OF BAR HARBOR

GARDENING A CONTRACTORS
The Bar Harbor High contractors who are of the several planters be experienced in landscape upon request. All can submitting a proposal PM. The Town reserves For a complete list 50 Public Works

www.mtdesert.org

Trees is accepted
Interested parties with any questions

Erin

Proposals are The School Committee

...process of rezoning districts. The amendment would also create a new use called "employee living quarters-2," which would be allowed in 13 zoning districts. Employee living quarters-2 would be subject to Bar Harbor's general review standards, in addition to certain design standards and density bonuses (lot coverage bonus). The definition of family would also be changed.

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KNOX COUNTY

Town of MOUNT DESERT

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CHECK OUT THE LETTERS PAGE

FOR THOUGHTS

AND OPINIONS

FROM

YOUR NEIGHBORS

EVERY WEEK

IN YOUR LOCAL

NEWSPAPER

TOWN OF B...

GARDENING A

The Bar Harbor Hic contractors who are of the several plantex be experienced in lan upon request. All can submitting a proposal PM. The Town reservi For a complete l 50 Public Works

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Proposals are The School Committee

NOTICE OF ANNUAL MEETING

The annual meeting of the members of the Bar Harbor Savings and Loan Association will be held at the office of the Association, 103 Main Street, Bar Harbor, Maine on Tuesday, February 20, 2024, at 4:30 P.M. for the following purposes:

1. To elect three members to the Board of Directors for a three-year term.
2. To elect one member to the Board of Directors for a one-year term
3. To consider approving proposed amendments to numerous articles of the by-laws of the Association. (The proposed amendments are available for review at the bank during regular business hours.)
4. To hear and act upon reports of the officers of the Association; and
5. To act on any other business that may properly come before the meeting.

February 1, 2024

William R. Weir, Jr., Clerk of the Board

LUZO Advisory Group & Planning Board

Public Meeting

DATE: Tuesday, February 20, 2024
TIME: 5:00 PM

IN-PERSON LOCATION: Town Hall Meeting Room,
21 Sea Street, Northeast Harbor. (Masks Optional)

Meetings will continue to be offered via Zoom see below for connection details.

AGENDA

1. Review draft LUZO Amendments for Feb 28 public meeting.
2. Review zoning map change request.
3. Subdivision ordinance review
4. Other items as needed.

The town of Mount Desert is inviting you to a scheduled Zoom meeting. You can call in through any of the listed phone numbers or connect with a computer via the web link. You will need to enter the meeting ID to get access to the meeting.

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Passcode: 388574

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Be sure to check out this week's YARD SALES! On Page 3!



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Jobs, careers, work wanted,
services offered...
find it all in the Classifieds.

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Jobs, careers, work wanted,
services offered...
find it all in the Classifieds.

Town of
Bar Harbor

PUBLIC HEARING

Town of Bar Harbor Notice of Public Hearing Proposed Land Use Ordinance Amendments

The Bar Harbor Town Council will hold public hearings to hear comments on four proposed amendments to the town's Land Use Ordinance Tuesday, February 20, 2024 at 6:30 p.m. in the Municipal Building Council Chambers at 93 Cottage Street in Bar Harbor. The public is invited and encouraged to attend and participate at these hearings, held pursuant to Section 125-9 of the Bar Harbor Land Use Ordinance to consider placing the amendments on the June 11, 2024 Town Meeting Warrant.

- **LAND USE ORDINANCE AMENDMENT - Employee Living Quarters** - This amendment would rename the existing employee living quarters use, allowed in 14 districts, to "employee living quarters-1." Employee living quarters-1 would be allowed in 11 zoning districts. The amendment would also create a new use called "employee living quarters-2," which would be allowed in 13 zoning districts. Employee living quarters-2 would be subject to Bar Harbor's general review standards, in addition to certain design standards and density bonuses (lot coverage bonus). The definition of family would also be changed.

Town of
MOUNT DESERT

TOWN OF MOUNT DESERT PUBLIC NOTICE ABSENTEE VOTING

The Town Clerk will conduct absentee voting for the March 5, 2024 Presidential Primary Election. You may request a ballot:

- online at <http://www.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl> (receive a record of your request and updates for when it is mailed and return ballot received by the clerk's office)
- call 276-5531 to have a ballot mailed to you
- visit the Town Office during office hours (M-F 9:00 a.m. to 4:30 p.m.)

NEW BUSINESS



Town of Mount Desert

Claire Woolfolk, Town Clerk
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5531 Fax 207-276-3232
E-mail townclerk@mtdesert.org Web Address www.mtdesert.org

MEMO

DATE: March 6, 2024

TO: Board of Selectmen

FROM: Town Clerk Claire Woolfolk

RE: Municipal Officer's Certification of Official Text of Proposed Ordinances

Maine law requires that the Municipal Officers certify to the Town Clerk the official text of any amended or new ordinances presented at Town Meeting. In turn, the Town Clerk must keep the certified copies on file and make them available for public inspection and must make copies available for distribution to the voters from the time they are certified. Furthermore, copies of the proposed ordinances must be made available at the Town Meeting. I will have the certificates with the official text for you to sign Monday night.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S.A. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled Town of Mount Desert Alewife Ordinance, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024,
a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

ALEWIFE ORDINANCE
TOWN OF MOUNT DESERT

Enacted December 3 & 8, 2007, Annual Town Meeting

Amended May 6, 2008 Annual Town Meeting
Amended May 5, 2009 Annual Town Meeting
Amended May 4, 2010 Annual Town Meeting
Amended May 3, 2011 Annual Town Meeting
Amended May 7, 2012 Annual Town Meeting
Amended May 6, 2013 Annual Town Meeting
Amended May 6, 2014 Annual Town Meeting
Amended May 5, 2015 Annual Town Meeting
Amended May 3, 2016 Annual Town Meeting
Amended May 2, 2017 Annual Town Meeting
Amended May 8, 2018 Annual Town Meeting
Amended May 7, 2019 Annual Town Meeting
Amended August 11, 2020 Annual Town Meeting
Amended May 4, 2021 Annual Town Meeting
Amended May 3, 2022 Annual Town Meeting
Amended May 2, 2023 Annual Town Meeting
Amended May 7, 2024 Annual Town Meeting

Regulations for the taking of alewives and blue back herring shall be as follows: For the year July 1, 2024 through June 30, 2025 there shall be no taking of Alewives and Blue Back Herring in the Town of Mount Desert.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled Consumer Fireworks Ordinance of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Given under our hands at Mount Desert the _____ day of _____ 2024,
a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

**Consumer Fireworks Ordinance
Town of Mount Desert
An Ordinance to Prohibit the Sale and Use of Consumer Fireworks**

Enacted May 8, 2012
Amended May 7, 2024

ARTICLE I Purpose.

This Ordinance governs and prohibits the sale and use of “consumer fireworks” to ensure the safety of the residents and property owners of the Town of Mount Desert and of the general public.

ARTICLE II Title and Authority

This Ordinance shall be known as the “Town of Mount Desert Consumer Fireworks Ordinance”.

ARTICLE III Definitions

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

“Consumer fireworks” The term “consumer fireworks” has the same meaning as in 8 M.R.S. § 221-A(1-A), as amended.

“Person” means any individual, combination of individuals, association, municipality, amusement park or other legal or commercial entity

“Possession” means the intentional or knowing possession of what the possessor knows or believes to be fireworks.

“Sale” or “sell” means any transfer or delivery of fireworks to a person for consideration.

“Town” means the Town of Mount Desert.

ARTICLE IV Sale of Consumer Fireworks Prohibited

No person or group of persons shall sell, possess with the intent to sell or offer for sale consumer fireworks within the Town of Mount Desert.

ARTICLE V Use of Consumer Fireworks Prohibited

No person or group of persons shall use, possess with intent to use, display, fire or cause to be exploded consumer fireworks within the Town of Mount Desert.

ARTICLE VI Violation and Enforcement

- A. **PENALTY FOR VIOLATION:** Any person who violates the provisions of this Ordinance shall commit a civil violation punishable by a penalty of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand Five Hundred Dollars (\$2,500) for each offense.

Each day such violation occurs or continues to occur shall constitute a separate violation. In addition, pursuant to the Maine Revised Statutes, Title 30-A, Part 2, Subpart 6-A, Chapter 187, Subchapter 5 (30-A M.R.S. § 4452), the Town may recover all costs of enforcement of this ordinance, including reasonable attorneys fees.

- B. **ENFORCEMENT:** This Ordinance shall be enforced by the Town of Mount Desert Police Department, or by any other duly appointed agents of the Town.
- C. **INJUNCTION:** In addition to any other remedies available at law or equity, the commission of acts prohibited by this Ordinance shall constitute a nuisance and the Town of Mount Desert, acting through its Town Manager, may apply to any court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance and to prohibit further and continued violation thereof.
- D. **SEIZURE & DISPOSAL OF CONSUMER FIREWORKS:** The Town may seize consumer fireworks that the Town has probable cause to believe are used or sold in violation of this Ordinance and shall forfeit seized consumer fireworks to the State for disposal.
- E. **EXCEPTIONS.** This section does not apply to a person issued a fireworks display permit by the Town of Mount Desert and/or by the State of Maine pursuant to 8 M.R.S. § 227-A to 237.

ARTICLE VII Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

ARTICLE VIII **Miscellaneous Provisions**

- A) This ordinance is adopted pursuant to the enabling provisions of the Maine Constitution, Maine Revised Statutes, Title 30-A, Part 2, Subpart 4, Chapter 141 (30-A M.R.S. § 3001, *et seq.*), and Title 8, Chapter 9-A, § 223-A(2) (8 M.R.S. § 223-A(2)).
- B) The effective date of this Ordinance is: May 7, 2024 ~~May 8, 2012~~.
- ~~C) This Ordinance shall expire and be of no force or effect on May 4, 2027.~~

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled Disbursement Warrant Ordinance of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024,
a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

TOWN OF MOUNT DESERT
DISBURSEMENT WARRANT ORDINANCE

Adopted May 3, 2011
Amended May 7, 2024

Section 1. Purpose.

The purpose of this ordinance is to provide an alternative to the statutory procedure for approval of warrants authorizing the treasurer to disburse money.

Section 2. Authority

This ordinance is enacted pursuant to 30A-MRS § 3001 (municipal home rule) and 5603(2) (A).

Section 3. Procedure for Approval.

The treasurer may disburse money only on the authority of a warrant drawn for the purpose, either (a) affirmatively voted and signed by a majority of the municipal officers at a duly called public meeting, (b) seen and signed by a majority of them acting individually and separately, or (c) signed as otherwise provided by law for the disbursement of employees' wages and benefits, payment of municipal education costs, and payment of state fees.

Section 4. The effective date of this Ordinance is May 7, 2024. ~~May 3, 2014~~

~~**Section 5.** This Ordinance shall expire and be of no force or effect on May 3, 2026.~~

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled Special Amusement Permit Ordinance of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024,
a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

TOWN OF MOUNT DESERT
SPECIAL AMUSEMENT PERMIT ORDINANCE

Enacted March 2, 2004
Amended March 8, 2005
Amended August 11, 2020
Amended May 7, 2024

Town of Mount Desert Special Amusement Permit Ordinance

1. Title, Purpose and Definitions

A. Title

This Ordinance shall be known and may be cited as the "Special Amusement Permit Ordinance of the Town of Mount Desert."

B. Purpose

The purpose of this Ordinance is to control, as required by Title 28-A §1054 MRS, the issuance of Special Permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor or malt liquor or wine for on-premises consumption in the Town of Mount Desert.

C. Definitions

1. Entertainment. For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.
2. Licensee. For purposes of this Ordinance, the term "Licensee" means the holder of a license for on-premises consumption of liquor, malt liquor or wine issued pursuant to the provisions of Title 28-A, MRS, Liguors, as amended; or any person, individual, partnership, firm, association, corporation or other legal entity acting as agent or employee of any holder of such license.

2. General Permit

A. Permit Required

1. No Licensee for the sale of liquor, malt liquor or wine to be consumed on a licensed premises situated in the Town of Mount Desert, shall permit on the licensed premises the following:
 - a. Any music, except radio or other mechanical device,
 - b. Any dancing, or
 - c. Entertainment of any sort;unless the Licensee shall have first obtained from the Board of Selectmen of Mount Desert, a Special Amusement Permit approved in accordance with this Ordinance and signed by at least a majority of the members of said Board.
2. Applications for all Special Amusement Permits shall be made in writing to the said Board of Selectmen and shall include the following:
 - a. The name of the applicant, if an individual. If the applicant is a corporation, partnership, Limited Liability Company or other legal entity, the application shall include the names and addresses of the entity's principal officers,

Town of Mount Desert Special Amusement Permit Ordinance

together with the names and state of residence of all principals. For this purpose, any person or entity owning or controlling a ten percent (10%) or greater ownership interest in the applicant, directly or indirectly, shall be deemed a principal of the applicant.

- b. The applicant's residence address, if an individual; or principal office address if a corporation, partnership, limited liability corporation, or other legal entity;
 - c. The name of the business to be conducted;
 - d. The applicant's business address, if an individual;
 - e. The nature of the applicant's business;
 - f. The location of the licensed premises;
 - g. All places of residence of the applicant during the past 5 years, if an individual;
 - h. Whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, a description of those circumstances specifically;
 - i. Whether the applicant, including all partners or corporate officers, has ever been convicted of a felony or liquor law violation in any jurisdiction, and, if so, a description of those specific circumstances;
 - j. Copies of all alcohol licenses currently held by the applicant for the premises concerned or, if a liquor license application is pending, a copy of the application; and
 - k. Any additional information as may be needed by the Board of Selectmen in the issuing of the permit including but not limited to a copy of the applicant's current liquor license.
3. No permit shall be issued under this Ordinance, unless the premises to be used for the purposes fully complies with all Ordinances, articles, bylaws, or rules and regulations of the Town of Mount Desert.
 4. The fee for a Special Amusement Permit shall be one hundred dollars (\$100) to cover administrative costs.
 5. Within 30 days of the date the request for a Special Amusement Permit is received, the Board of Selectmen shall, prior to granting a permit and after reasonable notice to the Town and the applicant, hold a public hearing. The testimony of the applicant and that of any interested members of the public shall be taken. For a new permit, reasonable notice shall mean notification to the abutting landowners as well as notice in a newspaper of general circulation at least 7 days prior to the Hearing. For renewals, the newspaper notification is considered reasonable ~ unless there have been complaints.
 6. The Board of Selectmen shall grant a Permit unless it finds that issuance of the Permit will be detrimental to the public health, safety or welfare, or would violate Town ordinances, or rules and regulations, articles, or bylaws.

Town of Mount Desert Special Amusement Permit Ordinance

7. A Permit shall be valid only for the license year of the applicant's existing liquor license.
- B. The application for a Special Amusement Permit shall set forth the type of music and entertainment intended by the applicant to be permitted on the licensed premises and whether the entertainment will include dancing.
- C. Classes of Permits. Special Amusement Permits granted by the Board of Selectmen shall be limited to the following classes:
 - Class A — Single Instrumentalist without mechanical amplification;
 - Class B — Single Instrumentalist and Vocalist without mechanical amplification;
 - Class C — One or more vocalists and/or instrumentalist without mechanical amplification;
 - Class D — Any one of the above with mechanical amplification;
 - Class E — Dancing with any of the above or accompanied by music produced by radio or other mechanical device;

and any Permit granted shall be for one of the above noted classes. A Licensee shall not permit on the Licensee's premises, any music, dancing or entertainment which exceeds that permitted by the Class of his Permit, during the period for which his Permit is valid as otherwise determined by this Ordinance.

- D. During the period for which the license is valid, the Licensee may reapply for a new Special Amusement Permit, if he elects to permit dancing, music or entertainment that exceeds that permitted by the current permit. Said reapplication shall be governed by all the provisions of this Ordinance with respect to applications for a Special Amusement Permit in general including the payment of the permit fee of One Hundred Dollars (\$100).
- E. Inspections
 1. The Board of Selectmen shall require an initial inspection of the premises and Licensee for overall ability to comply with the provisions of this Ordinance and for the purpose of imposing conditions on any Permit issued.
 2. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a Special Amusement Permit are provided for or required by Ordinance or State law, or are reasonably necessary to secure compliance with any Ordinance provision or State Law, it shall be the duty of the Licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town of Mount Desert authorized to make the inspection at any reasonable time that admission is requested.
 3. In addition to any other penalty, which may be provided, the Board of Selectmen may revoke the Special Amusement Permit of any Licensee in the Town who refuses to permit any such officer, official or employee to make an inspection or

Town of Mount Desert Special Amusement Permit Ordinance

take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty. Provided, that no license or Special Amusement Permit shall be revoked unless written demand for the inspection or sample is made upon the Licensee or person in charge of the premises, at the time it is sought to make the inspection.

G. Permit Procedures

1. Any Licensee requesting a Special Amusement Permit from the Board of Selectmen shall be notified in writing of its decision no later than fifteen (15) days from the date the application was heard.
2. In the event that a Licensee is denied a permit, the Licensee shall be provided with the reasons for the denial in writing.
3. The Licensee may not reapply for a permit within thirty (30) days after denial of an application, except with the consent of the Board of Selectmen. The reasons for denial must be corrected before reapplication.

H. Suspension or Revocation of a Permit

1. The Board of Selectmen may, after a public hearing preceded by notice to interested parties, suspend, or revoke any Special Amusement Permits which have been issued under this Ordinance on the grounds that the music, dancing or entertainment so permitted constitutes a detriment to the public health, safety or welfare, or violates any Town ordinances, articles, bylaws, or rules and regulations.

I. Rules and Regulations

1. The Board of Selectmen are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of Special Amusement Permits and placing other limitations on these activities required - to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.
2. Rules and regulations which may be adopted under this Ordinance include, but are not limited to, the following:
 - a. To require Licensee to have doors and windows closed at a particular time.
 - b. To require police officer attendance if necessary.
 - c. To require the Local Fire Inspector to inspect the premises prior to the issuance of a license.

Town of Mount Desert Special Amusement Permit Ordinance

J. Appeal Procedures

1. Any Licensee who has requested a Permit and has been denied, or whose Permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Mount Desert Zoning Board of Appeals as defined in Title 30A Section 2691, MRS, as amended.
2. The Zoning Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare; or that the denial, revocation or suspension was arbitrary or capricious or was not based by a preponderance of the evidence, on a violation of any Ordinance, article, bylaw, or rule or regulation of the Town.

3. Admission

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a Special Amusement Permit may charge admission in the designated areas approved by the Town.

4. Penalty, Separability

A. Penalty

1. Whoever violates any of the provisions of the Ordinance shall be deemed guilty of a civil violation and upon conviction thereof, shall be penalized by a fine of not more than \$500 for the first offense and \$1000 for subsequent offenses.
2. Any violation of this Ordinance or any provision thereof, shall be deemed a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.

B. Separability

The invalidity of any provision of this ordinance shall not invalidate any other part.

~~5. Period of Ordinance~~

~~This Ordinance shall remain in effect for a period of fifteen (15) years from the effective date, or the date of the latest amendment thereafter.~~

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance and the Town of Mount Desert Sewer Ordinance regarding exceptions to connecting to public sewer" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the ____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments to the Land Use Zoning Ordinance and the Town of Mount Desert Sewer Ordinance regarding exceptions to connecting to public sewer" be enacted as set forth below?

Explanation: -This Article corrects the reference in Section 6B.15 regarding which Board grants an exception to the requirement of connecting to the public sewer. It also amends the Town of Mount Desert Sewer Ordinance so that it correctly refers to the applicable section in the LUZO.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

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6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

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- .
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6B.15 Sanitary Standards

1. **Availability of public sewer.** All plumbing systems within two hundred (200) feet of a public sewer shall be connected to public sewer where available in accordance with local, state, and federal laws and regulations. The Planning Board may waive Board of Selectmen may grant an exception to this requirement if all other standards of Section 6A and the applicable standards of Section 6B are met in accordance with Article 2 of the Town of Mount Desert Sewer Ordinance.

TOWN OF MOUNT DESERT SEWER ORDINANCE

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Article 2 – USE OF PUBLIC SEWERS REQUIRED

- 2.01 The owner of any house, building or property used for human occupancy, employment, recreation, or other purpose, situated within the Town of Mount Desert and abutting on any street, alley or right-of-way, in which there is now located, or may in the future be located, a public sanitary sewer of the Town of Mount Desert, is hereby required, at property owner's expense, to install suitable toilet facilities therein, and to connect such facilities, if located within two hundred feet (200') in accordance with § 6.3(1) 6B.15.1 of the Mount Desert Land Use Zoning Ordinance, to the proper public sewer, in accordance with the provisions of these rules and regulations, within ninety (90) consecutive calendar days after the date of official notice to do so, provided that said public sewer is located opposite to any portion

of the frontage of the property to be served by said sewer. Provided, however, that where excavation of the public highway is otherwise prohibited by state law or regulation, or where unusual hardship exists due to the presence of ledge, incompatible elevations, or other causes, the Board of Selectmen may grant exceptions upon specific application of the owner or lessee of such properties, **whichwith** such conditions as the said Selectmen may impose.

2. **State standards.** All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning to modify the setback standards for lots around Little Echo Lake" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the ____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments to the Land Use Zoning Ordinance to modify the setback standards for lots around Little Echo Lake" be enacted as set forth below?

Explanation: *It has been determined by Maine DEP that Little Echo Lake was man-made and therefore does not require a 100 ft setback from the waterbody. This Article changes the setback designation of the remaining lots on Little Echo Lake that still have a 100 ft setback and reduces it to 75 ft which is consistent with Maine DEP standards.*

SECTION 3 LAND USE DISTRICTS

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- .

3.5 Dimensional Requirements for Districts: minimum area, width of lots, setbacks, etc

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- .
- .

(n) The setback from the normal high-water line of a great pond is 100 feet, except for these lots where the setback is 75 feet, indicated below.

Map-Lot IDs for 75 ft. setback

Map-Lot IDs for 100 ft. setback

Long Pond & Echo Lake:
All Lots

Little Round Pond:
012-018
012-019
012-019-001

Little Round Pond:
012-015-001
012-020

Round Pond:
011-120
011-122
011-123
011-124
012-013

Round Pond:
011-90
011-118
011-119

Little Echo Lake:
009-098
009-099
009-100
009-101
009-102
009-107
009-120-010
009-120-010-001
009-120-011
009-097

Little Echo Lake:
009-107
009-120-010
009-120-010-001
009-120-011
009-097
009-107-003

009-107-003

(Added November 16, 2009)
(Amended May 3, 2011)
(Amended May 8, 2018)
(Amended May 8, 2024)



Proposed Little Echo Lake Setback Change

- Setback from water body for highlighted lots will now be 75ft

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance regarding Individual Private Campsites" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments to the Land Use Zoning Ordinance regarding Individual Private Campsites" be enacted as set forth below?

Explanation: This Article amends the definition of individual private campsites by adding the number of people who can use one, adding specificity on what site improvements an individual private campsite entails, and clarifying the minimum lot area when they are located in the Shoreland Zone.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

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- .
- .

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

- .
- .
- .

6B.9 Individual Private Campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, ~~or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.~~
2. All individual private campsites on lots located wholly or partially within the shoreland zone shall be located on lots with at least 30,000 square feet of total area.
3. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
4. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
5. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a

gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

6. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
7. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
8. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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SECTION 8 DEFINITIONS

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INDIVIDUAL PRIVATE CAMPSITE: ~~An area of land which is not associated with a campground, but which is used for tent camping.~~ An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include, among other things, a gravel pad, parking area, fire pit, or tent platform.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance regarding Permitted, Conditional, and Excluded Uses for Residential Dwelling Units" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments to the Land Use Zoning Ordinance regarding Permitted, Conditional, and Excluded Uses for Residential Dwelling Units" be enacted as set forth below?

Explanation: *This Article amends the wording in Section 3.4 (Table of Allowed Uses) so that Residential Dwelling Units (specifically Residential Dwelling One Family, Residential Dwelling Two Family, and Residential Dwelling, Multi-Family) are consistent with the defined terms in Section 8 of the LUZO.*

SECTION 3 LAND USE DISTRICTS

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

- P** Use allowed without a permit (but the use must comply with all applicable land use standards)
- C** Use allowed with conditional use approval from the Planning Board Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit
- X** Use is prohibited
- CEO** Use allowed with a permit from the code enforcement officer

- VR1 VILLAGE RESIDENTIAL ONE
- VR2 VILLAGE RESIDENTIAL TWO
- VR3 VILLAGE RESIDENTIAL THREE
- R1 RESIDENTIAL ONE
- R2 RESIDENTIAL TWO
- SR1 SHORELAND RESIDENTIAL ONE
- SR2 SHORELAND RESIDENTIAL TWO
- SR3 SHORELAND RESIDENTIAL THREE
- SR5 SHORELAND RESIDENTIAL FIVE
- RW2 RURAL OR WOODLAND TWO
- RW3 RURAL OR WOODLAND THREE
- VC VILLAGE COMMERCIAL
- SC SHORELAND COMMERCIAL
- RP RESOURCE PROTECTION
- C CONSERVATION
- SP STREAM PROTECTION

Section 3.4 Permitted, Conditional, and Excluded Uses by District

DISTRICTS:			SR 1								
LAND USE:	VR 1 VR 2	R 1 R 2	SR 2 SR 3 SR 5	RW 2 RW 3	VC	SC	C	RP	SP	VR3	
RESIDENTIAL											
<u>Dwelling 1 & 2 Residential Dwelling One Family & Residential Dwelling Two Family</u>	CEO	CEO	CEO ^(d)	CEO	CEO	CEO ^(d)	C	C ⁸	C ⁴	X	
<u>Dwelling, Multiple Residential Dwelling, Multi-Family</u>	C	C	C	C	C	X	C	X	X	X	
<u>Accessory Residential Dwelling Unit</u>	CEO	CEO	CEO	CEO	CEO	C	C	C ⁸	C ⁴	C ^e	
<u>Accessory structures including structural additions and guest houses^(c)</u>	CEO	CEO	CEO	CEO	CEO	CEO	C	C ⁸	C ⁴	X	
<u>Cluster and Workforce Subdivisions</u>	C	C	X	C	C	X	X	X	X	X	
<u>Residential Storage Building/Shed</u>	CEO	CEO	CEO	CEO	CEO	CEO	C	C ⁸	C ⁴	X	
<u>Mobile Home Park</u>	C	X	X	X	X	X	X	X	X	X	

(c) A separate garage is an accessory structure. A separate garage with a dwelling unit shall be deemed a dwelling unit.

(d) See Section 6B.11.3 (Lots)

(e) Accessory residential dwellings in the VR3 District must be for staff housing only.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments section 5.4 of the Land Use Zoning Ordinance notification responsibility for conditional use approval process" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled “Amendments section 5.4 of the Land Use Zoning Ordinance notification responsibility for conditional use approval process” be enacted as set forth below?

Explanation: *This Article amends the wording in Section 5.4.3 to clarify that the Town is responsible for sending notices of public hearings for Conditional Use Applications rather than the Planning Board.*

SECTION 5 CONDITIONAL USE APPROVAL

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5.4 Review Procedures

Pre-Application Procedures – Prior to submitting a Conditional Use Approval Application an applicant or authorized agent may request to appear at a regular meeting of the Planning Board to discuss the proposed project. The pre-application review shall not be construed as representing either the pendency or the commencement of the application process per se.

Formal Application Procedures – The review procedures set forth below may, at the Planning Board’s discretion, be undertaken at a single meeting.

1. **Determination of completeness.** Following receipt of a formal Conditional Use Approval application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of this finding, shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted to the Board. These steps, except the notification requirements, shall be repeated until the application is found to be complete.
2. **Notification of completeness.** As soon as the Board determines that the application is complete, the Board shall notify the applicant of this finding and issue a dated receipt.
3. **Public hearing and notice of meeting.** On each application for Conditional Use Approval the Planning Board shall hold a public hearing not less than ten (10) days after public notice. The **Planning Board Town** shall send notice of each public hearing by first class mail to all abutting property owners and shall publish such notice in a newspaper with local circulation at the applicant’s expense. The notice shall include the date, time, and place of the meeting at which the application will be considered.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance regarding dimensional requirements for Residential Dwelling Units and Accessory Dwelling Units" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the ____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments to the Land Use Zoning Ordinance regarding dimensional requirements for Residential Dwelling Units and Accessory Dwelling Units" be enacted as set forth below?

Explanation: This Article amends Section 6B.11 to clarify the dimensional requirements for Residential Dwelling Units and be in compliance with State Law LD2003 (now 30-A MRS § 4364-A). It also adds standards for Accessory Dwelling Units (which are already allowed in Mount Desert) and clarifies that they are only allowed on lots where there is a single residential dwelling unit.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.11 Lots

3. Requirements for lots wholly outside the Shoreland Zone

1. **Lots abutting more than one road.** Lots which abut more than one road shall have the required setbacks along each road used as an entrance or exit.
2. ~~**Dimensional requirements one-family or two-family dwellings.** One family and two-family dwellings are allowed in all districts, as indicated in Section 3.4, subject to the following: All dimensional requirements shall be met separately for each and every one-family dwelling on a lot. All dimensional requirements shall be met separately for each and every two-family dwelling on a lot.~~

EXCEPTION:

~~For any existing or new lot that is wholly outside the Shoreland Zone, one accessory residential dwelling unit is allowed per lot without an increase in the minimum lot size requirement. Accessory residential dwelling units are incidental and subordinate to the principal use or structure and may be no more than 75 percent of the living area of the primary dwelling unit. The accessory residential dwelling shall meet town and state standards for wastewater disposal and the lot on which the accessory residential dwelling is located shall conform to current minimum lot size standards.~~

2. Residential Dwelling One-family, Two-family and Multi-family.

- a. All dimensional requirements shall be met separately for each and every Residential Dwelling one-family on a lot.

- b. A Residential Dwelling Two Family shall be considered a single structure and all dimensional requirements shall be met separately for each and every Residential Dwelling Two Family on a lot.
- c. Dimensional Standards shall be met for each residential dwelling unit in a Residential Dwelling Multi-Family.

3. Accessory Dwelling Units. For any existing or new lot with a Residential Dwelling One-Family that is wholly outside the Shoreland Zone, one accessory residential dwelling unit is allowed per lot without an increase in the minimum lot area requirement.

- a. Accessory residential dwelling units can be within the Residential Dwelling One-Family, attached to it, or in a new structure.
- b. An accessory dwelling unit must be a minimum of 190 square feet and may be no more than 75 percent of the living area of the primary dwelling unit.
- c. The accessory residential dwelling must have adequate water supply and shall meet town and state standards for wastewater disposal.
- d. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of the implementation date, the required setback requirements in local ordinance of the existing accessory or secondary building apply.

4. Requirements for Lots Wholly or Partially within the Shoreland Zone

- 4. **Multiple structures.** If more than one residential dwelling unit, principal governmental, institutional, commercial, or industrial structure or use, or combination thereof, is constructed or established on a single parcel that is wholly or partially within the Shoreland Zone, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

SECTION 8 DEFINITIONS

ACCESSORY RESIDENTIAL DWELLING UNIT: ~~A dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access.~~ A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

RESIDENTIAL DWELLING UNIT: A room or a group of rooms designed for permanent, seasonal, or temporary habitation by one family at a time that includes cooking, toilet, and sleeping facilities. The term shall include mobile homes, accessory dwelling units, and rental units that contain cooking,

toilet and sleeping facilities (regardless of the time period rented). Recreational vehicles are not residential dwelling units.

RESIDENTIAL DWELLING ONE-FAMILY: A structure or a portion of a structure designed for human habitation that includes facilities for cooking, eating, and sleeping for one family.

RESIDENTIAL DWELLING TWO-FAMILY: A single structure containing two attached dwelling units, each of which has independent access. The two dwelling units shall share a common floor, roof, or wall. A covered porch or enclosed breezeway measuring no longer than 12 feet in length between the two dwellings shall meet the requirement of a shared floor, roof, or wall.

RESIDENTIAL DWELLING MULTI-FAMILY: A structure or a portion of a structure designed for human habitation that includes facilities for cooking, eating, and sleeping for three or more families. The units may or may not have an internal connection to another unit or units.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments the Land Use Zoning Ordinance clarify the timing for approval of permits" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments the Land Use Zoning Ordinance clarify the timing for approval of permits" be enacted as set forth below?

Explanation: *This Article amends the procedure to administer permits (Section 7.5) by clarifying timelines for reviewing and issuing permits.*

SECTION 7 CODE ENFORCEMENT OFFICER

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7.3 Permits Required

It shall be unlawful, without first obtaining a permit from the appropriate reviewing authority, to engage in any activity or use of land or structure requiring approval in the district in which such activity or use would occur; or expand, change, **install** or replace an existing use or structure; or renew a discontinued nonconforming use. 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. Approval shall be required for:

1. **Activities requiring Code Enforcement Officer approval.** Any activity listed in Section 3.4 requiring approval from the Code Enforcement Officer.

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7.5 Procedure for Administering Permits

1. **Submission of Permit applications to Code Enforcement Officer**

1. **Determination of complete application.** Within 30 days of the date of receiving a written application for approval of either the Code Enforcement Officer or the Planning Board, the Code Enforcement Officer shall notify the applicant in writing either that the application has been accepted as a complete application or, if the application is incomplete, that specific additional material is needed to make the application complete.
2. **Code Enforcement Officer permits and approvals.** The Code Enforcement Officer shall within a period of ten (10) business days after determining an application is complete either approve, approve with conditions, or deny such applications in accordance with the provisions of this Ordinance.

23. Referrals. All applications which require Conditional Use Approval of the Planning Board or action by the Board of Appeals shall within a period of thirty (30) days of completeness be referred to the applicable board for action and public notice shall be given. After approval, with or without conditions by such Board, the Code Enforcement Officer shall issue a permit within ten (10) workingbusiness days after being notified of such approval.

~~3. Code Enforcement Officer permits and approvals. In all other cases involving approval by the Code Enforcement Officer, the Code Enforcement Officer shall within a period of ten (10) working days approve or deny such applications in accordance with the provisions of this Ordinance.~~

7.6 Violations. If, upon inspection or investigation, the CEO shall find what appears to be a violation, he/she shall notify in writing the person(s) believed to be responsible, within ten workingbusiness days. The notice shall describe the nature of the violation, and state what appeal procedures may be available.

The CEO shall order any necessary action to correct the violation, including discontinuance of the activity and/or removal of buildings, and abatement of nuisance conditions. The CEO shall maintain a copy of all such notices, which shall be available for public inspection during regular office hours. Each day that the violation occurs shall constitute a separate offense, beginning with the day following notification by the Code Enforcement Officer of such violation. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments the Land Use Zoning Ordinance to clarify the standards for certificates of occupancy" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE IX - Shall an ordinance dated May 7, 2024 and entitled "Amendments the Land Use Zoning Ordinance to clarify the standards for certificates of occupancy" be enacted as set forth below?

Explanation: This Article amends the LUZO procedure for administering permits to clarify the standards for certificates of occupancy.

SECTION 7 CODE ENFORCEMENT OFFICER

7.5 Procedure for Administering Permits

6. Certificate of Occupancy. No structure or portion of a structure that is regulated by this ordinance may be occupied until a Certificate of Occupancy has been issued by the Building Inspector/Code Enforcement Officer. Temporary Certificates of Occupancy are permitted provided no serious life safety hazard exists as judged by the Authority Having Jurisdiction/Code Enforcement Officer. Occupancy without written approval is a violation of the of the ordinance and subject to penalties as prescribed in Section 7.10 of the ordinance.

1. The National Fire Protection Association 101 Life Safety Codes, shall be enforced, as amended from time to time and adopted/approved by the State Fire Marshal's Office.
2. Contractors or Sub-contractors installing structural or mechanical parts of a building regulated, by a, b, c, & d below of this ordinance shall sign off on the Certificate of Occupancy that said installation is in accordance with the requirements contained in said section.
 - a. **Chimneys, Smoke Pipes or Flue Pipes.** Chimneys, smoke pipes and flue pipes shall conform with the requirements of the 1996 National Fire Protection Association 211 Code for Chimneys, Fireplace, Vents and Solid Fuel Burning Appliances, or as amended.
 - b. **Oil Burner Installation.** Oil burner installation and service shall conform to the requirements of the National Fire Protection Association 31 Oil Burning Equipment current edition as designated by the State of Maine Oil and Solid Fuel Board.
 - c. **LP Gas Equipment Installation.** LP Gas equipment installation and service shall conform to the requirements of the National Fire Protection Association 58 Liquefied Petroleum Gases, Storage and Handling, current edition as designated by the State of Maine Oil and Solid Fuel Board.

- d. **Electrical Installation.** The building shall have a safe and adequate electrical service and wiring, all of which shall conform to the requirements of the National Fire Protection Association 70 National Electrical Code, current edition as designated by the State of Maine Electricians Examining Board. All commercial work and residential service entrance work shall be done under the direction of a master electrician. Before any electrical service, wiring, and device is put into use, the Master Licensed Electrician responsible for the installation or a State of Maine Electrical Inspector shall give written notice to the Building Inspector that the installation adheres to the prescribed standards.
- 3. **Inspection Of Work Performed by Licensed Oil Burner Technicians, LP Gas Technicians and Electricians.** It is the responsibility of the licensed professional to perform work in accordance with applicable laws. The State of Maine provides random monitoring of work performed by these professionals and no further inspection is required. However, if during the course of a required inspection the Building Inspector should notice work, performed by licensed tradesmen that may be in violation of code, the Building Inspector may request an inspection by a State Inspector.
- 4. **Manufactured and/or Modular Homes** that are in compliance with the Manufactured Housing Act (Title 10 Maine Revised Statutes Chapter 951) are exempt from all state or other political subdivision codes, standards, rules, or regulations that regulate the same matters. M.R.S. Title 10 Subsection 9043(6)
 - a. **Inspection and certification.** Manufactured housing produced by a manufacturer approved in subsection 5, shall be inspected by an approval agency in accordance with this section, and certified by that agency as having been constructed in accordance with the standards adopted by the board provided the approval agency makes that determination. M.R.S. Title 10 Subsection 9043(4)
 - b. **Certification.** The manufacturer of that housing, regardless of the approval alternative used, shall certify that the manufactured housing conforms to all applicable standards whether adopted by the board (Manufactured Housing Board) and that manufacturer's certification must be permanently affixed to the manufactured housing in accordance with such requirements as the board may by rule prescribe. Affixation of a certificate to manufactured housing signifies the manufacturer's representation and warranty to all purchasers of the housing that the housing was manufactured in accordance with all applicable standards of the board in effect on the date of manufacture. Therefore, no Certificate of Occupancy shall be issued.
- 5. **Tiny homes.**
 - a. **Tiny homes constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a "dwelling unit" for human occupancy.**

The Secretary of State shall issue certificates of title for new tiny homes beginning with model year 2020. The Secretary of State shall issue a certificate of title for a used tiny home of any model year that was previously issued a State of Maine certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669. Therefore, no Certificate of Occupancy shall be issued.

- b. Tiny homes constructed on a site in a more traditional stick-built manner but meeting certain size standards established in the laws and codes adopted.

This type of tiny home would be a structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 SF. This is identified in the MUBEC rules under the IRC (Chapter 5) which would be allowed the use of Appendix V. Appendix V provides some code exceptions that have been approved to accommodate the limited size and deemed to provide an acceptable level of safety for the occupants. This type of construction would be subject to all other utility codes adopted by the State of Maine, to include but not limited to, the Maine Internal Plumbing code, State Electrical codes, and Fuel Gas codes.

- c. The Town of Mount Desert does not enforce the Maine Uniform Building & Energy Codes (MUBEC); therefore, a Third-Party Inspector would be required to conduct all inspections, at the property owners' expense of the Tiny Home to assure it meets all the requirements listed above and attached, and provide a report to the Code Enforcement Department, prior to issuing a Certificate of Occupancy.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance regarding access to lots" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the ____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments to the Land Use Zoning Ordinance regarding access to lots" be enacted as set forth below?

Explanation: This Article amends the access standards in Section 6B.11 so that they are more consistent with legally permissible standards and to clarify that lots need to have safe access for fire, police, and emergency vehicles.

SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS.

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.11 Lots

1. Minimum lot size. See section 3.5.

2. Access.

1. All lots must maintain safe access for fire, police, and emergency vehicles to an abutting public way or to another public way via a driveway, a right of way, or one or more private roads (or a combination of any of the foregoing) validly benefiting the lot.
2. Standards for new, extended, or modifications to an existing driveway are in Section 6B.6. Standards for new, extended, or modifications to an existing private road are in Section 5.14 of the Subdivision Ordinance.
3. For lots created before May 5, 2015, a pre-existing driveway that serves no more than 2 existing lots need not meet the requirements of Section 6B.6. For lots created before May 5, 2015, a pre-existing private road that serves 3 or more lots need not meet the requirements of Section 5.14 of the Subdivision Ordinance.

~~**1. Lots created on or after May 5, 2015.** No lot created on or after May 5, 2015, shall be built upon or otherwise developed unless it has a private road or driveway for access to a public or private way by a valid right of way benefiting the lot (or a combination of driveway and/or one or more private roads) or by ownership of land abutting the public way. If more than 2 lots are accessed by the same private road, then it must meet the Street Design and Construction Standards of Section 5.14 of the Subdivision Ordinance. If no more than 2 lots are accessed by the same~~

~~private road or driveway, then it must meet either the said Street Design and Construction Standards or the Driveway Construction standards of Section 6B.6 of this Ordinance. A pre-existing primary access drive that serves up to 2 existing lots need not meet the requirements of Section 6B.6. All such lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Code Enforcement Officer. In determining whether lots maintain safe access, the Code Enforcement Office may seek guidance from the Fire Chief.~~

~~**2. Lots created before May 5, 2015.** Any lot created before May 5, 2015, shall not be further built upon or otherwise further developed unless it has a private road or driveway for access to a public way by a valid right of way benefiting the lot (or a combination of driveway and/or one or more private roads) or by ownership of land abutting the public way, but the said private road or driveway need not meet the requirements of Section 6B.6 of the Land Use Zoning Ordinance. All such lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Code Enforcement Officer. In determining whether lots maintain safe access, the Code Enforcement Officer may seek guidance from the Fire Chief.~~

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance regarding Definitions" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled "Amendments to the Land Use Zoning Ordinance regarding Definitions" be enacted as set forth below?

Explanation: *This Article adds or amends definitions in section 8. Some of the definitions were missing from the ordinance.*

SECTION 8 DEFINITIONS

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AIR LANDING SITE: ~~An airport, seaplane port, helicopter landing place and accessory uses.~~

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BACK LOT: A lot that does not ~~have minimum lot width~~ abut on a public or private road and but has direct access to a public or private way that meets the standards of Section 6B.6.

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BULK STORAGE: The storage of chemicals, petroleum products, grains, and other materials in structures for subsequent resale to distributors or retail dealers or outlets. Bulk storage is a warehousing and wholesaling operation.

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CODE ENFORCEMENT OFFICER: A person appointed by the Municipal Officers to administer and enforce this Code.

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CONSTRUCTION EQUIPMENT: Heavy machinery and tools that are used to build and maintain various types of infrastructure and buildings. Construction equipment include bulldozers, excavators, cranes, backhoes, and dump trucks.

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EXCAVATION: The removal or recovery by any means whatsoever of soil, rock minerals, mineral substances, or organic substances other than vegetation from water or land, on or beneath the surface thereof or beneath the land surface, whether exposed or submerged.

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FILL: Sand, gravel, earth or other material of any composition placed or deposited.

FILLING: The process of depositing fill in a low-lying area. [

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MANUFACTURED HOMES OR HOUSING: These units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are fourteen (14) body feet or more in width and are seven hundred fifty (750) or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

MANUFACTURED HOMES/HOUSING: A structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building that is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. For purposes of this Act, 3 types of manufactured housing are included.

HUD code homes, which are those units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401.

State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with this Act and rules, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed

to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein. "Manufactured housing" does not include modular homes constructed at an educational facility by students pursuant to rules adopted by the board.

Pre HUD-code homes, which are those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

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MIXED-USE BUILDING: A building that contains a mixture of residential and non-residential uses.

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OFFICE BUILDING: A building used primarily for conducting the affairs of a business, profession, service, or industry.

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RETAIL STORE: An establishment engaging in the selling of goods and merchandise to the general public.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Subdivision Ordinance of the Town of Mount Desert regarding Affordable Housing Developments" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall the ordinance entitled "Amendments to the Subdivision Ordinance of the Town of Mount Desert regarding Affordable Housing Developments" be enacted in order to be in compliance with the standards of Title 30-A Section 4364.

Explanation: This Article will amend the existing Subdivision Ordinance by adding a new provision which will allow for density bonus credits for projects in which more than half of the units are designated as affordable. This change is required by State Law (Title 30-A Section 4364).

5. GENERAL REQUIREMENTS

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5.17 Affordable Housing Density Bonus

5.17.1 Purpose.

This section provides for a density bonus for the creation of affordable dwelling units pursuant to 30-A M.R.S. § 4364. Applicants can either use Section 15.17 or Section 15.16. They cannot use both.

15.17.2 Applicability

For projects that choose to use the provisions of Section 15.17, the standards of Section 15.16 do not apply.

15.17.3 Definitions.

1. Affordable Housing Development. A development composed of single-family dwellings, two-family dwellings, or multi-family dwellings and,
 1. For rental housing, in which a household whose income does not exceed 80% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs;
 2. For owned housing, in which a household whose income does not exceed 120% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.

3. For purposes of this definition, "housing costs" means: (a) for a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and (b) for an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

2. Area Median Income. For the purposes of this definition, "area median income" means the midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development ("HUD"). For purposes of this definition, "region" is considered Hancock County.

3. Base Density. The maximum number of units allowed on a lot not used for affordable housing based on the dimensional requirements listed for the zone(s) in which the lot is located. This does not include any other density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

15.17.4 Affordable Housing Density Bonus.

A residential or mixed-use development shall be allowed a maximum dwelling unit density of up to 2.5 times the base density permissible in the underlying land use district if, after completion of the project, more than half of the total dwelling units, existing and new, on the same lot are affordable (as defined above) for a period of at least 30 years. The density bonus may not be applied to non-conforming lots. If a fraction results when calculating the density bonus, the number of units shall be rounded down to the nearest whole number.

15.17.5 Location.

An affordable housing development must be located in a Growth Area defined in the Town's most recently adopted Comprehensive Plan, or served by a public, special district, or other centrally managed water system and a public, special district, or other comparable/engineered sewer system. Notwithstanding the foregoing requirement, the Town has no obligation to provide, install, or extend public sewer or water to any development.

15.17.6 Water and Wastewater Requirements.

1. The applicant must provide written verification that each proposed unit within the affordable housing development will be connected to adequate water and wastewater services.

2. The applicant must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable/engineered sewer systems, (iii) individual private wells, and (iv) public water systems proposed to serve the units within the affordable housing development, including a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

15.17.7 Minimum Lot Sizing for Septic.

The subject property complies with minimum lot size requirements in accordance with 12 M. R. S. Chapter 423-A, as amended, if subsurface wastewater disposal is proposed.

15.17.8 Parking.

No more than 2 off-street parking spaces are required for every 3 units.

15.17.9 Long-Term Affordability.

More than half of the total dwelling units in the affordable housing development must be designated as affordable rental units or affordable homeownership units. The owner of the affordable housing development must execute a restrictive covenant, in form acceptable to the Planning Board and for the benefit of and enforceable by the Town or a third party acceptable to the Planning Board, recorded in the Hancock County Registry of Deeds, to ensure that for at least 30 years after completion of construction, occupancy of all of the dwelling units designated affordable in the affordable housing development remains limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy. The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town and a third party acceptable to the Planning Board.

15.17.10 Phase Project.

For phased projects, the Town may issue Certificates of Occupancy for dwelling units in a phase of a project only if a sufficient number of affordable dwelling units, subject to an affordable housing agreement consistent with 15.17.8 above, are included in the phase so that more than one-half of the total number of dwelling units that will be approved for occupancy, as evidenced by Certificates of Occupancy, at the end of the phase constitute affordable dwelling units.

15.17.11 Shoreland Zoning.

An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, Chapter 3, and municipal shoreland zoning ordinances.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments the Land Use Zoning Ordinance for Marine and Freshwater structures" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled “Amendments the Land Use Zoning Ordinance for Marine and Freshwater structures” be enacted as set forth below?

Explanation: *This Article amends Section 6C.7 of the LUZO to eliminate conflicting language regarding what structures require a Conditional Use Permit.*

SECTION 3 LAND USE DISTRICTS

3.4 Permitted, Conditional, and Excluded Uses by District:

All land use activities, as indicated in the following table, shall conform with all of the applicable land use standards in Sections 6.A., 6.B., and 6.C. The district designation for a particular site shall be determined from the Official Land Use Zoning map.

- P Use allowed without a permit** (but the use must comply with all applicable land use standards)
- C Use allowed with conditional use approval from the Planning Board** Use allowed with conditional use approval from the Planning Board, except where the code enforcement officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit
- X Use is prohibited**
- CEO Use allowed with a permit from the code enforcement officer**

Section 3.4 Permitted, Conditional, and Excluded Uses by District

DISTRICTS:	SR 1									
	VR 1		R 1	SR 2	RW 2	VC	SC	C	RP	SP
LAND USE:	VR 1	R 1	SR 3	RW 2	VC	SC	C	RP	SP	VR3
	VR 2	R 2	SR 5	RW 3						
ESSENTIAL SERVICES										
Permanent Piers, Docks, Wharves, Bridges, and other Structures and Uses Extending over or below the Normal High-Water line or within a wetland	X	C	C	C	X	C	C	X	X	C ¹²

(refer to Section 6C.7) ¹³										
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Note: Some footnotes have been deleted. – namely 1,2,3 & 5.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals; otherwise, the setback is 75 feet. Any Excavation or Filling must be limited to that necessary for the construction of approved structures.

⁶ See further restrictions in Section 6C.5.2

⁷ Only as provided in Section 6C.9.3

⁸ Single family residential structures may be allowed by special exception only according to the provisions of Section 7.5.3, Special Exceptions. Two-family residential structures are prohibited.

⁹ Permit not required but must file a written “notice of intent to construct” with CEO.

¹⁰ Timber Harvesting is regulated by the Bureau of Forestry in the Department of Agriculture, Conservation and Forestry.

¹¹ Mobile Food Vendors are allowed to operate without a permit or license for limited time events (up to three consecutive days and maximum of two events per year on the same property). However, written property owner authorization is required to be posted for any Mobile Food Vendor activity on private property, regardless of whether or not a permit is required.

¹² Uses only allowed if associated with hotel/motel use

¹³ Marine structures that are less than 10 feet in length and which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months only require a permit from the Code Enforcement Officer (state and federal permits may still be needed).

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SHORELAND ZONING STANDARDS

Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

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6C.7 Marine and Freshwater Structure Performance Standards Piers, Docks, Wharves, Bridges, and other Structures and Uses Extending over or below the Normal High-Water line or within a wetland

Requirement. ~~All marine structures shall require Conditional Use Approval of the Planning Board and compliance with the performance standards below before Conditional Use Approval will be granted.~~ The Planning Board or Code

Enforcement Office may require the submission of an environmental impact assessment on natural areas and may require mitigation measures such as 1.) Changes in the design and/or location of the marine structure, and/or 2.) Changes in the magnitude of activities on the marine structure. Bridges and other crossings not involving earthwork, do not require a permit.

The performance standards are as follows:

Commercial and public marine structures are exempt from requirements 13 through 16.

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8. **Height limit.** Except in the Shoreland Commercial District, structures built on, over or abutting a pier, dock, wharf, or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.

9. **Conditional use permit required.** Piers, docks, floats, wharves, breakwaters, causeways, marinas, bridges more than 20 feet in length, and permanent uses projecting into water bodies from normal high water line shall require Conditional Use Approval of the Planning Board. The Planning Board may issue guidelines to ensure compliance with state laws.

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SECTION 8 DEFINITIONS.

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MARINE STRUCTURE: Piers, docks, floats, wharves, bridges over ten (10) feet in length, and other marine structures extending over or below the normal high-water line of a water body or within a wetland.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance to modify related to non-conformities" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024 and entitled “Amendments to the Land Use Zoning Ordinance to modify related to non-conformities” be enacted as set forth below?

Explanation: *This Article amends Section 4 to clarify that the CEO has jurisdiction to determine conformity outside the waterbody (Great Pond, stream, tributary streams, coastal and freshwater wetlands) setback within the Shoreland Zone.*

SECTION 4 NON-CONFORMITIES

4.1 Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 4. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

4.2 General

- 1. Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- 2. Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.
- 3. Structures made non-conforming because they fail to meet the setback:** Any principal structure or accessory structures made non-conforming by adoption or amendment of the Land Use Zoning Ordinance of the Town of Mount Desert which is non-conforming because of a failure to meet the setback requirements of Section 3.5 may be reconstructed, or extended, providing that such work otherwise complies with all provisions of this Ordinance.

4. Determination of Conformity. In all districts the Code Enforcement Officer is responsible for determining whether conformity is met to the greatest practical extent except, in the shoreland zone the Planning Board is responsible for determining whether conformity to waterbody setbacks are is met to the greatest practical extent. In all other districts the Code Enforcement Officer is responsible for determining whether conformity is met to the greatest practical extent.

**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled "Amendments to the Land Use Zoning Ordinance to change the Land Use District designation of Tax Map 010: Lots 048-001 through Lot 019 and a portion of Tax Map 010: Lot 048" of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024, a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

WARRANT ARTICLE - Shall an ordinance dated May 7, 2024, entitled "Amendments to the Land Use Zoning Ordinance to change the Land Use District designation of Tax Map 010: Lots 048-001 through Lot 019 and a portion of Tax Map 010: Lot 048" be enacted as set forth below?

Explanation: This Article changes the zoning of the lots noted above from Residential 1 (R1) to Village Residential 2 (VR2).

SECTION 3 LAND USE DISTRICTS

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3.3 Map Changes: Amended at:

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Town Meeting of May 7, 2024: change Tax Map 010: Lots 048-001 through Lot 019 and a portion of Tax Map 010: Lot 048 from Residential 1 (R1) to Village Residential 2 (VR2).

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See draft map on following page

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**MUNICIPAL OFFICER'S CERTIFICATION OF
OFFICIAL TEXT OF A PROPOSED ORDINANCE
[30-A M.R.S. § 3002(2)]**

To the Town Clerk of the Town of Mount Desert:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of amendments to an ordinance entitled Short Term Rental Ordinance of the Town of Mount, which is to be presented to the voters for their consideration on May 7, 2024.

Pursuant to 30-A M.R.S. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Giver under our hands at Mount Desert the _____ day of _____ 2024,
a majority of the Selectmen of the Town of Mount Desert:

John B. Macauley, Chairman

Wendy H. Littlefield, Vice Chairman

Geoffrey Wood, Secretary

Martha T. Dudman

James F. Mooers

Town of Mount Desert
Short-Term/Vacation Rental Licensing Ordinance

I. Purpose

The Town of Mount Desert recognizes that the ability for some year-round property owners to rent their residential dwelling unit and/or accessory dwelling unit as a short-term rental has contributed to their ability to remain as a year-round resident of the Town of Mount Desert. At the same time, there are legitimate concerns about the increase in number of vacation rentals and the undue impacts they can have on the year-round community and quality of life of the Town. The purpose of this ordinance is to establish a licensing program to enable the Town of Mount Desert to monitor, track, and regulate short-term rentals and vacation rentals in the Town and to institute performance standards intended to protect property owners, renters, and neighbors from potential negative impacts.

II. Applicability

- A. This Ordinance only regulates business licensing of rental units [and does not constitute land use regulation.
- B. Permitted short-term rentals and vacation rentals. Residential dwelling units may be used as short-term rentals or vacation rentals upon the issuance of a short-term rental or vacation rental license for the premises in accordance with the requirements of this ordinance.
- C. Prohibited short-term rentals and vacation rentals. No person may offer for rent, operate, or otherwise use any residential dwelling unit in the Town of Mount Desert for short-term rentals or vacation rentals if such person has not secured and maintained a valid short-term rental or vacation rental license for the premises.
- D. Lodging establishments exempt. The following lodging establishment uses are exempt from the licensing requirements and standards of this chapter: hotels, motels, bed-and-breakfasts, boarding houses, and inns.
- E. A short-term rental or vacation rental does not include dwelling units that are rented for less than a total of 15 days in a calendar year or when relatives and friends stay for no monetary compensation.

III. Validity and Severability

If any provision of this chapter shall be found to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this chapter and, to that end, the provisions of this chapter are hereby declared severable.

IV. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

LICENSEE – The holder of a license to operate a short-term rental or vacation rental.

OWNER — An individual person or persons or an entity that is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the Hancock County Registry of Deeds or Registry of Probate.

RESIDENTIAL DWELLING UNIT — This term shall have the meaning provided for that term in the Town of Mount Desert Land Use Zoning Ordinance, as may be amended from time to time.

SEASONAL VACATION RENTAL - The rental of a dwelling unit, or portion thereof, for occupancy for dwelling, sleeping or lodging purposes for fewer than twenty-eight (28) consecutive nights, for compensation, directly or indirectly. These structures are occupied only seasonally, typically have water service available only seasonally, do not contain insulation, or whole house heating, ventilation, and air conditioning (HVAC) systems, do not have a year-round subsurface wastewater disposal system installed, and the electric service is limited a 100 AMP system. Any heating appliance shall not have a fuel supply attached capable of heating the structure for more than 24 hours. For the purposes of this ordinance a seasonal vacation rental shall be treated the same as a short-term rental.

SHORT-TERM RENTAL — The rental of a dwelling unit, or portion thereof, for occupancy for dwelling, sleeping or lodging purposes for fewer than twenty-eight (28) consecutive nights, for compensation, directly or indirectly. A short-term rental is owned by the licensee as their primary residence.

PRIMARY RESIDENCE – The dwelling unit a person or persons registers as their address for tax and government identification purposes, and where he or she resides for more than half of the year.

VACATION RENTAL – A residential dwelling unit, or portion thereof, that is not a primary residence and is rented to guests for dwelling, sleeping or lodging purposes for fewer than twenty-eight (28) consecutive nights, for compensation, directly or indirectly, excluding motels, hotels, bed-and-breakfasts, boarding houses, and inns.

V. Requirements

- A. For the purposes of this ordinance a seasonal vacation rental shall be treated the same as a short-term rental.
- B. No short-term rental or vacation rental shall be advertised, rented, or operated without the owner first obtaining a short-term rental or vacation rental license. No short-term

rental or vacation rental license shall be issued to an owner unless and until the short-term rental or vacation rental is in compliance with the requirements and standards of this ordinance.

- C. A short-term rental or vacation rental license shall be valid only for the calendar year in which the license is issued (i.e. all short-term rental and vacation rental licenses expire on December 31 of each year).
- D. The applicant shall provide all the information requested on the short-term rental or vacation rental license application form(s).
- E. A short-term rental or vacation rental may only be registered by the legal owner of the property or an authorized representative designated in writing.
- F. Non-refundable fees for a short-term rental licenses or vacation rental licenses shall be as adopted by order of the Board of Selectmen for the Town of Mount Desert, as may be amended from time to time. Such fee must be submitted with the application form at the time of registration and/or renewal.
- G. A registration number will be given to each unit registered. Registrations are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

VI. License Application

- A. All applications for short-term rental and vacation rental licenses shall be filed with the Town on forms provided for this purpose.
- B. At a minimum, each applicant for a short-term rental or a vacation rental license shall provide the following information:
 - 1. The street address of the property and unit number, if applicable.
 - 2. The name of the owner of the property and the owner's address or the owner's representative address and contact information.
 - 3. The number of short-term rental guests or vacation rental guests allowed.
 - 4. Emergency contact information.
 - 5. Whether the license is for a short-term rental or a vacation rental.

VII. License Procedure – Short-Term Rentals

- A. The first effective license cycle of this Ordinance will be from January 1, 2025 until December 31, 2025. Thereafter, short-term rental license renewals shall be required on an annual basis.

- B. Initial Annual License Cycle Application Period. Prior to the first effective license cycle, short-term rental license applications may be submitted to the Town any time prior to March 1, 2025.
- C. License Renewals. Short-term rental licenses shall expire on December 31 of each calendar year. Short-term rental license holders may renew such license by submitting a renewal application, via a renewal process established by the Town. Applications for renewals will be accepted until March 1 of each calendar year. Any renewal applications received after March 1 will be considered late and will be subject to a late fee at a rate established by the Mount Desert Board of Selectmen.
- D. First time applications following March 1, 2025. First time license applications after March 1, 2025, may be completed at any time during a calendar year. For the purposes of this Ordinance “first time applications” shall include property owners wishing to license their short-term rental units for the first time, or after more than one year’s lapse of a previously issued license.

VIII. License Procedure – Vacation Rentals.

- A. The first effective license cycle of this Ordinance will be from January 1, 2025 until December 31, 2025. Thereafter, vacation rental license renewals shall be required on an annual basis.
- B. Initial Annual Registration Cycle. The first effective license cycle of this Ordinance will be from January 1, 2025 until December 31, 2025. License applications for vacation rentals may be submitted to the Town any time prior to March 1, 2025. Applications received after March 1, 2025 will be processed as first-time applications, per Section VIII.C on a space available basis until the limits described in Section VIII.E have been reached. After the initial registration cycle, any duly licensed vacation rental may continue operating as long as the license is current and renewed for the current calendar. If the license is not renewed by the expiration date, then the license expires, and the unit then loses the licensed protection provided by the registration.
- C. First time Applications. After the initial annual registration cycle, subject to the availability of vacation rental licenses, first time license applications may be submitted for processing at any time during a calendar year. For the purposes of this Ordinance, “first time applications” shall include property owners wishing to license their vacation rental units for the first time, or after more than one year’s lapse of a previously issued license.
- D. License Renewals. Vacation rental license holders may renew such license by submitting a renewal application, via a renewal process established by the Town. Applications for renewals will be accepted until March 1 of each calendar year. Any renewal applications received after March 1 will be considered late and will be subject to a late fee at a rate

established by the Mount Desert Board of Selectmen. Late renewal applications will be processed with first-time applications on a space available basis until the limits described in Section VIII.E have been reached.

E. Maximum number of vacation rental registrations.

1. The Town-wide maximum number of vacation rental licenses that may be issued shall not exceed 10% of the Town's total number of dwelling units. The total number of dwelling units shall be determined by the Assessor as of April 1 of each year.
2. In the event that more applications are received during the initial registration cycle (as described in Section VIII.B above) than the allowable number of licenses, the Board of Selectmen will increase the number of registrations issued, during the first registration cycle only, by order. After the initial registration cycle, any duly licensed vacation rental may continue operating as long as the license is current and renewed for the current calendar. If the license is not renewed by the expiration date, then the license expires, and the unit then loses the licensed protection provided by the registration.
3. In the event that the Board of Selectmen receives more applications during any subsequent registration cycle than the allowable number of licenses the town shall establish a wait list. First priority shall be given to renewal applicants who submit a late renewal registration application and shall be awarded on a space available basis based on the order in which the renewal applications were received. First-time applications will be given second priority and shall be awarded on a space available basis through a lottery process held by the Board of Selectmen after timely renewal and late renewal applications have been approved.

IX. Transferability.

- A. Short-term Rental Licenses. Short-term rental licenses issued under this ordinance shall be transferable to a new owner as of the day the new owner acquires possession of the property and shall expire at the end of that same calendar year, and shall be subject to treatment as a new "vacation rental" if the ownership and use by the new owner meets the definition of that term.
- B. Vacation Rental Licenses. Vacation rental licenses issued under this ordinance shall not be transferable to a new owner or location. Any change of ownership shall require a new license, except transfers of the real estate and related license in a permitted transfer.
 1. A "permitted transfer" is a transfer of the subject real estate and the related license to a permitted transferee. A "permitted transferee" includes 1) another current owner of the subject real estate; 2) the spouse, child(ren) and/or grandchild(ren) of a current owner; 3) a trust for the benefit of a current owner, a

current owner's spouse, a current owner's child(ren) and/or grandchild(ren) of a current owner; or 4) for estate planning purposes, a trust, limited-liability company (LLC), corporation or other entity, as long as the beneficiaries of the trust or owners of the entity, as applicable, are a current owner, a current owner's spouse, a current owner's child(ren) and/or grandchild(ren) of a current owner. In the case of a transfer to a permitted transferee, the permitted transferee shall become a "licensee" and an "owner," and the definition of "permitted transferee" shall apply to the new licensee/owner.

- C. Licensees/owners shall be required to certify that they comply with the provisions of this section annually and that they have not engaged in any transfers, or been transferees in any transfers, that are not permitted transfers.
- D. Licenses are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

X. Inspection.

- A. Any time that a short-term rental or vacation rental application is submitted for a property, the applicant shall certify on the application that the proposed short-term rental or vacation rental property complies with the standards in this ordinance and with applicable Building Code requirements. The Code Enforcement Officer or designee may inspect the licensed premises to determine compliance with the short-term standards of this ordinance. However, said inspection shall not be required as a condition of license issuance.

XI. Notice.

- A. The licensee must post a notice that identifies the short-term rental or vacation rental license number and the name, address, telephone number(s), and email address of the owner's local contact person, and the maximum number of short-term rental or vacation rental guests allowed. This notice shall be readily available inside each dwelling being used as a short-term rental or vacation rental.

VI. Standards

At the time of issuance of a license, and at all times during the continuance of a short-term rental or vacation rental license, the following minimum standards shall be met.

- A. The property taxes and any other applicable town fees associated with the short-term rental or vacation rental property shall not be in arrears;
- B. Street numbers, if applicable, shall be compliant with Town 911 standards.

- C. Smoke alarms. Smoke alarms shall be installed in each bedroom, outside each separate area used for sleeping, and on each story of the short-term rental unit (including in basements and in habitable attics).
- D. Carbon Monoxide Detectors. Carbon monoxide detectors shall be installed in compliance with Title 25 of the Maine Revised Statutes, as may be amended from time to time (25 M.R.S. § 2468, as amended).
- E. Fuel Gas Detectors. Fuel gas detectors shall be installed in compliance with 25 M.R.S. § 2469, as amended.
- F. Subsurface wastewater disposal system. The short-term rental or vacation rental must have a subsurface wastewater disposal system that complies with all applicable standards of the Subsurface Wastewater Disposal Rules.
- G. Portable fire extinguishers. At least one appropriately sized portable fire extinguisher shall be mounted in a prominent location within the short-term rental or vacation rental unit.
- H. Parking. Short-term rental or vacation rental guests and their guests are prohibited from parking in a manner that impedes access by emergency vehicles to the property or any other property in the neighborhood. The owner must provide sufficient off-street parking for all overnight guest vehicles. The number of guest vehicles allowed at the short-term rental or vacation rental shall be limited to the number of off-site parking spaces designated by the applicant. Garage parking spaces not allowed for short-term rental or vacation rental guest use shall not be used to meet this parking requirement.
- I. Advertising. It shall be unlawful to advertise occupancy or use of a short-term rental or vacation rental that has not been licensed. Licensed short-term rentals or vacation rentals in good standing may advertise for use or occupancy beyond the current licensing year. For the purposes of this section, the term "advertise" shall mean any form of communication for marketing that is used to encourage, persuade, or direct viewers, readers or listeners to contract for units, goods and/or services as may be viewed through various media included, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages. The short-term rental or vacation rental advertising must be consistent with the terms of the short-term/vacation rental license.
- J. Trash shall be removed from the short-term rental or vacation rental unit on at least a weekly basis while the property is being rented as a short-term/vacation rental.
- K. Occupancy limits. The maximum occupancy of a short-term rental or a vacation rental shall be limited to no more than two guests per bedroom, plus two additional guests total for the entire dwelling unit. By way of example, the maximum capacity for a three-

bedroom dwelling short-term rental or vacation rental is eight guests (i.e., three bedrooms multiplied by two short-term rental or vacation rental guests, plus an additional two short-term rental or vacation rental guests, for a total of eight short-term rental or vacation rental guests).

VII. Violations and Enforcement

A. Violations and Enforcement

1. Violation of operation without a registration. It shall be a violation of this Ordinance for any person to advertise for rent, rent, or operate a short-term rental or vacation rental without a valid license.
2. Violation of registration. The Code Enforcement Department shall enforce the provisions of this Ordinance and the terms and conditions of licenses issued hereunder, and the Code Enforcement Officer or designee shall have authority to investigate all alleged violations of this Ordinance or of said licenses. If after investigation, the Code Enforcement Officer or designee finds that any provision of this ordinance or any term or condition of any such license is being violated, written notice of such violation shall be given to the owner and/or to any other person responsible for such violation by certified mail, return receipt requested. Such a notice shall describe the nature of the violation and the action that needs to be taken within a reasonable time (as determined by the Code Enforcement Officer or designee) to correct the violation, including discontinuance of the illegal use of land, buildings, structures or units. A copy of such notice shall be submitted to the Select Board and shall be maintained as a permanent record.

B. Enforcement; Fines and Penalties

If, after notice given by the Code Enforcement Officer or designee, the violation is not abated or corrected, any person who continues to violate any provision of the Ordinance or license issued hereunder shall be subject to fines and penalties as set forth in a penalty schedule established by the Board of Selectmen. Each day of each violation shall be considered a separate violation. Any such fines or penalties may be in addition to any suspension or revocation imposed in accordance with other provisions of this ordinance. The Board of Selectmen or its authorized agent(s) are hereby authorized to enter into administrative consent agreements for the purposes of eliminating violations of this Ordinance.

In addition to local administrative proceedings to address violations of this Ordinance, the Town may also institute, or cause to be instituted, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. In any administrative enforcement or court action, the Town may seek injunctive relief in addition to fines and penalties. The Town shall be entitled to recover

its costs of enforcement, including its reasonable attorneys' fees, court costs, and out-of-pocket expenses.

C. Appeals

The Board of Appeals may, upon written application of an aggrieved party received by the Town Office within 30 days of any decision or enforcement action by a municipal official or municipal body that interprets or applies this Ordinance, hear appeals from such decision. For purposes of this section, the term "decision" is limited to an order, decision, or enforcement action made in writing by the Code Enforcement Officer or designee.