

WARRANT ARTICLE XIV - 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 the 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.