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ARTICLE 10

Municipal Officers by Hand

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

To the Town Clerk of the Town of Ogunquit, Maine:

We hereby certify to you that the documents to which we have affixed this certificate are a true copy of the official text of an ordinance(s) entitled:

1. **Chapter 225 – Zoning Ordinance** including:

- **Article 3 – Nonconformance,** §225-3.3.E *Nonconforming structures*

Which is to be presented to the voters for their consideration on June 6, 2026.

Pursuant to 30-A M.R.S.A. § 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.

Approved on this 31st day of March 2026, by a majority of the Select Board

Michael Collins

Michael F. Collins, Chair

Carole Aaron

Carole J. Aaron, Vice-Chair

Richard Dolliver

Richard A. Dolliver

Scott A. Vogel

Robert M. Whitelaw

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Amendment for Nonconforming structures (§225-3.3)

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§ 225-3.3

E. Reconstruction. Any nonconforming structure ~~which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or the owner's agent~~ may be restored, rehabilitated or reconstructed, provided that the restoration, rehabilitation or reconstruction shall not enlarge the overall floor space or height of the building or cause the building to become more nonconforming. A permit for such reconstruction must be obtained and actual reconstruction must be commenced within 12 months and completed within 24 months. ~~of the damage or destruction. Nothing in this subsection shall prevent the demolition of the remains of any building so damaged or destroyed, or shall prevent the reconstruction or rehabilitation of accessory site features exempted from the definition of "structure" in this chapter.~~ Notwithstanding the foregoing, municipal structures that are nonconforming as to height may be reconstructed to a height within but not to exceed an additional 25% of the height of the municipal structure, regardless of the cause of the damage or destruction of the structure, for the purpose of retaining the historical character and aesthetics of said nonconforming structure. This exception is contingent upon the Code Enforcement Officer's approval of a detailed survey that includes the documented height of the original structure before damage or destruction. **[Amended 6-12-2012; 6-11-2024ATM by Art. 10]**

F. Discontinuance. Discontinuance of the use of a legally existing nonconforming structure shall not constitute abandonment of the structure. Conforming uses of the structure may be revived at any time, provided that the conforming uses comply with the requirements of Articles 8 and 9.

G. Nonconforming structures, lack of required parking or loading space. A structure which is nonconforming as to the requirements for off-street parking space shall not be enlarged or altered unless off street parking space is provided for the original structure sufficient to satisfy the requirements of this chapter and unless additional off street parking space is provided for such enlargement or alteration of the original structure sufficient to satisfy the requirements of this chapter. A structure which is nonconforming as to requirements for off-street loading space shall not be enlarged or altered unless off-street loading space is provided for the original structure or use sufficient to satisfy the requirements of this chapter and unless additional off-street loading space is provided for such enlargement or alteration of the original structure sufficient to satisfy the requirements of this chapter. This subsection shall not apply to changes in a permitted use that will not require additional parking nor to alterations that will not require additional parking.

H. Additional requirements in any Shoreland Zone. **[Amended 11-4-2008, effective 4-1-2009]**

(1) Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Table 703.1.[1] A nonconforming structure made be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with Subsection H(1)(a), (b), (c) and (d) below.

(a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even

1. Editor's Note: Table 703.1 is included as an attachment to this chapter.

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