

Proposed Amendments to the Arundel Land Use Ordinance 2020

Item 1: Amend LUO § 1.8.2.c as follows:

c. Citizen Petition: The petitioner shall be a registered voter from the Town of Arundel and shall submit an application to the Town Clerk specifying the full text of the proposed ordinance or ordinance revision. The completed application must contain the names, addresses and signatures of five (5) voters registered in the Town of Arundel, in addition to the applicant, who are designated to receive any notices related to the processing of the application. The voter submitting the application must sign it in the presence of the Town Clerk or the Clerk's designee, or a notary public.

(1) **Referral to Town Attorney:** Within ten (10) days of receipt of the application, the Town Clerk shall forward the proposed Ordinance language and citations to the Town Attorney for review of coherent language construction, compliance with state and federal law, and compatibility with other related Ordinances and laws of the Town of Arundel.

(2) **Review for proper form:** The Town Attorney shall review the proposed law for a direct initiative of legislation within thirty (30) business days after receipt of the application and either reject the application or provide a first revised draft of the initiative legislation to the applicant within that time. Basis of rejection of proposed text shall be attributable to one or more of the following:

- a) Incorrect allocation, numbering, or integration with existing Town Ordinances, regulations, or codes;
- b) Confusing, contradictory, or unclear language;
- c) Legal conflicts with existing Federal or State laws or other Town Ordinances, regulations, or codes;
- d) Provisions that describe intent or make testimonial statements without creating a legal requirement or duty.

Subsequent amendments by the applicant to proposed ordinance amendments shall be reviewed by the Town Attorney within thirty (30) days of receipt from the Town Clerk.

- e) **Issuance of Petitions:** Upon receipt of the proposed legislation approved by the Town Attorney, the Town Clerk will issue to the applicant petition forms that contain the full text of the proposed zoning amendment(s) and are affixed with the Town Clerk's original signature. Any additional petition forms requested by the applicant shall bear the original signature of the Town Clerk.
- f) **Petition Signatures and Submission:** Petition forms requesting amendment of this ordinance shall be deemed valid for 180 days after issuance by the Town Clerk. Completed citizen petition forms shall be filed with the Town Clerk, signed by at least ten percent (10%) of the registered voters of the town based on the latest gubernatorial election. The Town Clerk shall verify the voter signatures.
- g) **Referral to Town Meeting:** If the Clerk verifies that the signatures are valid, the Town Clerk shall notify the Board of Selectmen and Planning Board of the proposed amendment for consideration at the next town meeting. The Planning Board shall then carry out the other procedural requirements of this section.

Item 2: Amend LUO §3.2 Definitions as follows:

3.2 **AUTOMOBILE AND WATER CRAFT SALES:** A business that sells new and/or used automobiles, trucks, construction or farm equipment, all terrain and universal terrain vehicles, snowmobiles, watercraft, marine equipment, and similar modes of transportation.

3.2 **DELETE Arterial Collector Street definition and add the following:**

ARTERIAL (STREET): A street or highway which serves as a major traffic way for travel through Arundel and to adjoining municipalities, including the following streets:

<u>US Route 1 (Portland Road)</u>	<u>Limerick Road</u>
<u>Maine Route 111 (Alfred Road)</u>	<u>Log Cabin Road</u>
<u>Maine Route 35</u>	

COLLECTOR (STREET): A local street or highway which serves as a major collector route for minor streets and private ways, including the following:

<u>Brimstone Road</u>	<u>Irving Road</u>	<u>River Road</u>
<u>Campground Road</u>	<u>Lombard Road</u>	<u>Sinnott Road</u>
<u>Curtis Road, west of Irving Road</u>	<u>Mountain Road</u>	<u>Thompson Road</u>
<u>Downing Road</u>	<u>New Road</u>	
<u>Hill Road</u>	<u>Old Post Road</u>	

3.2 **LIVERY OPERATION:** A motor vehicle or watercraft regularly engaged in the business of carrying passengers for hire and not operated on a fixed route. Taxis, limousines, vans, and private medical transport vehicles are examples of livery operations. Bus depots shall be categorized as Truck Terminals.

3.2 **MEDICAL MARIJUANA-CAREGIVER PRODUCTION FACILITY:** A facility used by a designated *“Primary Caregiver”* licensed by the State of Maine to cultivate, prepare, and distribute medical marijuana to no more than six (6) qualified patients under the regulatory specifications and rules of 22 MRSA §2423. A person or an assistant of that person who provides care for a qualifying patient who is registered by the State of Maine pursuant to 22 MRSA §2425-A.

3.2 **STAFF REVIEW COMMITTEE:** A committee comprised of the Code Enforcement Officer, Town Planner, Road Foreman, ~~and~~ Fire Chief, and Town Assessor, or their designee.

3.2 **RETAIL:** The sale of goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail sale business ~~shall not be~~ does not include automobile service station, automobile and watercraft sales, a garden center, a farm stand or a restaurant.

Item 3: Amend LUO § 5.5- Private Ways as follows:

5.5.5. Principal Driveway Entrance : The designated 50-foot access strip shall be used as the principal driveway entrance into an estate lot, except where the Planning Board grants a Special Exception where multiple legally-nonconforming residences exist on a parcel or where access to a common driveway, as defined in §1.3 of the Street Design and Construction Ordinance, would result in significantly-reduced environmental impact.

Item 4: Amend 6.6.2 Conditional Uses in the Business, Office Park, and Industrial District (BI) by adding the following and renumber the section:

12. Livery Operations

Item 5: Amend Section 6.9.3 Space and Bulk Requirements for the Townhouse Corner District as follows:

Zoning Standards	All Uses with Public Water or Sewer	All Uses Without Public Water
• Minimum Lot Size	20,000 sf NDD*	1 acre NDD*
• Minimum Net Lot Area per Family Unit	20,000 SF	1 acre
• <u>Minimum Net Lot Area per Multifamily Unit</u>	<u>10,000 SF</u>	<u>20,000 SF</u>
• Minimum Lot Frontage	100 feet	100 feet

Item 6: Amend Item 6.4.2.12 as follows:

12. Medical Marijuana-Caregiver Production Facility, *provided the facility is located no less than one thousand (1,000) feet from any church, school, Day Care Facility, ~~any other Medical Marijuana Caregiver Production Facility.~~ and limited to one caregiver facility per lot.*

Item 7: Amend Section 8.0 Shoreland Zoning as follows:

8.6.2.5. Criteria for Granting Special Exceptions:

The Planning Board may grant a special exception of the 50-foot setback from forested and shrub-scrub wetlands in the Shoreland Overlay District cited in section 8.6.2.4 above provided that the all of the following criteria are met:

- a. The affected parcel must be a lot of record prior to June 14, 2017 and has no alternative site for a single-family dwelling unit on the property
- b. The forested wetland must be an isolated wetland less than 4 acres in non-contiguous area and must not be a part of a larger non-forested wetland nor wetlands associated with a stream.
- c. The wetland must not be a significant vernal pool.
- d. The gradient of the bordering upland is pitched away from the wetland.
- e. There are no slopes exceeding 20% in the SO setback area.

AMEND 8.6.1.4. Space & Bulk Requirements for the Resource Protection District

Dimensional Standards	Min/Max.	Use
Shore Frontage <u>on Brimstone Pond or Kennebunk River</u> for Residential and Recreational Uses	Minimum	200 feet
Shore Frontage for Commercial & Institutional Uses	Minimum	300 feet

AMEND 8.6.2.4. Space & Bulk Requirements for the Shoreland Overlay District

Dimensional Standards	Min/Max.	Use
Shore Frontage <u>on Brimstone Pond or Kennebunk River</u> for Residential and Recreational Uses	Minimum	200 feet
Shore Frontage for Commercial & Institutional Uses	Minimum	300 feet

AMEND 8.6.3.4. Space & Bulk Requirements for the Stream Protection District

Dimensional Standards	Min/Max.	Use
Shore Frontage <u>on Brimstone Pond or Kennebunk River</u> for Residential and Recreational Uses	Minimum	200 feet
Shore Frontage for Commercial & Institutional Uses	Minimum	300 feet