

CHAPTER 19

Zoning and Planning

ARTICLE I Planning Board

Sections:

- 19-101 Establishment of Board
- 19-102 Organization; Term
- 19-103 Director of Planning
- 19-104 City Council; Planning and Zoning Powers
- 19-105 Platting Approval
- 19-106 Official Maps

ARTICLE II Board of Appeals

- 19-201 Board Established; Membership
- 19-202 Powers and Duties; Conduct of Appeals

ARTICLE III Zoning Ordinance

- 19-301 Zones Authorized, Bounded, and Defined; Rules of Construction
- 19-302 Words and Phrases Defined
- 19-303 General Provisions
- 19-304 Zone Regulations
- 19-305 Regulations of Mobile Homes; House Trailers; and Mobile Home Parks
- 19-306 Clustered Housing
- 19-307 Off-Street Parking
- 19-308 Non-Conformance
- 19-309 Exceptions and Exemptions
- 19-310 Reserved
- 19-311 Change of Use
- 19-312 Violations; Enforcement
- 19-313 Reserved
- 19-314 Directional Sign Ordinance
- 19-315 Signs
- 19-316 Performance Standards
- 19-317 Design Standards

ARTICLE IV Comprehensive Plan

- 19-401 Comprehensive Planning
- 19-402 Establishment of Commission
- 19-403 Organization; Term
- 19-404 Duties of Comprehensive Planning Commission
- 19-405 Communication

ARTICLE V Energy Advisory Committee

- 19-501 Establishment of Committee
- 19-502 Organization; Term
- 19-503 Duties of the Energy Advisory Committee

ARTICLE VI Floodplain Management Ordinance

CHAPTER 19

Zoning and Planning

ARTICLE I Planning Board

Sec. 19-101 Establishment of Board

A Planning Board is hereby established as authorized by and in accordance with the terms of the Revised Statutes of Maine and by any subsequent amendments thereto.

Sec. 19-102 Organization; Term

The Board shall consist of five (5) members who shall be appointed by the Mayor and confirmed by the City Council, none of whom shall hold any other public office or position in the City. The City Manager and Mayor shall serve as ex-officio members of the Board. The Board shall annually elect its Chairman and Secretary from among its appointive members, except that after the appointment of a Director of Planning he may be designated to serve as Secretary. The term of the appointive members shall be three (3) years, except that of the five (5) first appointed, one (1) shall be appointed for a term of one (1) year, two (2) for two (2) years, and two (2) for three (3) years. There shall also be two (2) alternate members appointed by the Mayor and confirmed by the City Council who shall be required to attend at least 75% of the regular meetings of the Board and who shall fill in for absent Board members. The alternate members shall be appointed to fulfill any vacancies on the Board. Eff: 4/7/93

Sec. 19-103 Director of Planning

The City Manager may appoint a Director of Planning, to be confirmed by the City Council, who shall be the regular technical advisor to the Board, may also be designated its Executive Secretary, and shall have such other authority, duties and responsibilities under the direction and control of the City Manager as the City Manager may require and establish. Eff: 4/14/88

Sec. 19-104 City Council; Planning and Zoning Powers

To provide for the preparation by the Comprehensive Planning Commission of coordinated plans for the development of the City and for their enforcement, the City Council may, in such measure as is deemed reasonably necessary in the interest of health, safety, or the general welfare, regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence or other purpose; the height, number of stories, area, bulk, and construction of buildings and other structures; the size and width of lots and of yards and other open spaces thereon; the density of population; the setback of buildings along streets, parks, or public waters; the subdivision and development of land; and the erection of buildings within the lines of streets, ways, or parks shown on an official map or not abutting on approved streets. For the purpose of any such regulation it may adopt a zoning plan dividing the City into zones of such number, shape, and extent, and may establish an official map or maps and development plans of the whole or any portion of the area of the City, as may be deemed best suited to carry out the purpose of this Section. Such regulations may include requirements as to the extent to which and the manner in which streets shall be improved and drainage and utilities shall be installed or assured as a condition precedent to the approval of a plat or subdivision. Eff: 1/11/95

All such regulations shall be worked out as parts of a comprehensive plan for the development of the City, and shall be designed, among other things, to encourage the most appropriate use of land throughout the City; to lessen traffic accidents and congestion; to secure safety from fire and other dangers; to provide adequate light and air; to prevent overcrowding of land and population; to promote a wholesome and agreeable home environment; to prevent the development of unsanitary areas for housing purposes; to secure a well-articulated and adequate street system; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve natural resources; or to facilitate the adequate provision of transportation, water, sewerage, and other public utilities, services, and requisites.

The City Council may rezone property under this Chapter pursuant to the provisions for conditional and contract zoning outlined in 30-A M.R.S. § 4352(8). The following requirements must be met:

- a. All conditional or contract rezoning must be consistent with the comprehensive plan established under Article IV of this Chapter, and not incompatible with existing and permitted uses within the original zones.
- b. Only conditions and restrictions relating to the physical development or operation of the property may be imposed under this section.
- c. The Planning Board must conduct a public hearing before any property is rezoned by the City Council under this section, and the notice of this hearing must be posted in the municipal office at least 13 days before the public hearing.

- d. Notice of this hearing must also be published at least two times in a newspaper having general circulation in Rockland, the first publication to be at least 7 days before the hearing.
- e. Notice must be sent to the owners of all property to be rezoned and to the owners of all property abutting the property to be rezoned, which notice shall contain a copy of the proposed conditions and restrictions, and a map indicating the property to be rezoned.
- f. The Planning Board shall have reported back its recommendations in regard to the proposed rezoning under this section or be deemed to have approved the rezoning pursuant to Section 19-107, before the City Council shall take final action.
- g. Fees – Applicants seeking conditional or contract rezoning shall pay an application fee to be established by Order of the City Council to defray the expense associated with publication of the required notices, and pay the City for legal services provided by the City Attorney for drafting the proposed ordinance amendment, representing the City at Planning Board and/or Comprehensive Planning Commission reviews of the proposed ordinance amendment, and other necessary legal services necessitated by the application, at the hourly rate established for the City Attorney by Order of the City Council. Eff: 08/10/11

Regulations enacted under the provisions of this section shall not apply to structures and the use thereof existing at the time they are enacted but shall apply to alterations in structure or use made thereafter.

Sec. 19-105 Platting Approval

Land subdivisions within the City of Rockland shall be governed by the provisions of Title 30-A § 4401 et seq. of the Maine Revised Statutes and the Rockland Subdivision Ordinance. Eff: 9/12/90

Sec. 19-106 Official Maps

The City Council may establish an official map of the City showing the location of the public streets and parks and ways used in common by more than two (2) owners, and the boundaries of zones, theretofore established. The lines of public streets and parks and the boundaries of zones thereafter established and the lines of streets, ways, and parks there after approved under the provisions of Section 19-105 of this Article shall by such actions become parts of the official map. Eff: 9/12/90

After the City Council shall have adopted a master plan prepared under the provisions of Section 19-105, the City Council may place on the official map, the lines of planned new streets, parks and street and park extensions and widenings. The placing of any street, park, or line upon the official map shall not be deemed to constitute the opening or establishment of any street or park or the taking or acceptance of any land for street or park purposes. No permit shall be issued for any building or structure, except as authorized under the provisions of the Revised Statutes of Maine, or part thereof on any land located between the mapped lines of any street, way or park as shown on the official map except on appeal under the provisions of Article II of this Chapter.

No pavement, public water facility, sewer, or other public utility or improvement shall be constructed along any street not on such map. No permit for the erection of any dwelling, or of any other building requiring access from a street, shall be issued unless a street or way giving access thereto appears on such map or is approved for such purpose by the City Council.

ARTICLE II Zoning Board of Appeals

Sec. 19-201 Board Established; Membership

A Zoning Board of Appeals is hereby created, consisting of five (5) members to be appointed by the Mayor and confirmed by City Council for a term of three (3) years. This Board shall annually elect its own Chairman and Secretary from among its members and determine its own rules of procedure. In addition, one (1) alternate member shall be appointed for a term of three (3) years, to act thereon in place of any member unable to act, due to interest, absence from the State or physical incapacity.

A Municipal Officer may not be a member or alternate of the Zoning Board of Appeals. Such Board, by vote of not less than a majority of its full membership after a public hearing in each case, is hereby authorized to interpret the details of the application of ordinances and regulations enacted under such sections in accordance with general rules set forth in such ordinances or regulations including the power to determine appeals from the erroneous refusal of building permits and to permit exceptions to, or variations from, regulations in the classes of cases or situations and in accordance with the principles, conditions, and procedure specified therein and so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent of plans and regulations made under such sections.

State Law Reference: 30-A M.R.S. §§ 2691, 4353.

Sec. 19-202 Powers and Duties; Conduct of Appeals

The Zoning Board of Appeals shall have the following powers and duties exercised by vote of not less than a majority of its full membership, after public notice and hearing: A. To hear and decide appeals arising from a determination or interpretation of a zoning regulation, or the issuance or failure to issue a building or occupancy permit by the Code Enforcement Officer or his authorized agent.

1. Standing. Any person having a potential direct and personal injury, and any owner or lessee of abutting property or of parcels located entirely or partially within 300 feet of property that is the subject of any decision, action, or inaction of the Code Enforcement Officer, may appeal such decision, action, or failure to act to the Zoning Board of Appeals, and may appeal a decision of such Board to the Superior Court, as provided by law or rule of civil procedure.

2. Appeal Procedure. Except when a person having standing to appeal demonstrates good cause, an appeal must be filed with the Code Enforcement Office within thirty (30) days of the decision that is the subject of the appeal. The person taking the appeal shall file with the Code Enforcement Office a notice of appeal on a form provided for that purpose by the Code Enforcement Office, and, pay to the City the administrative appeal fee as prescribed in the Code of Ordinances or by Order of the City Council, which fee is calculated to cover the various costs to the City including, but not limited to, publishing notice of hearing, notifying abutting land owners, and reviewing the appeal. The Code Enforcement Officer shall forthwith transmit to the Board a copy of the notice of appeal and of all papers constituting the record of the action that is the subject of the appeal. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal; may require that the appellant(s) submit a narrative summary of the appeal and of the grounds therefor; and at least one (1) week prior to the hearing, shall give public notice of such hearing by publication in at least one (1) issue of a newspaper published in the City. The appellant and applicant may appear in person, or by attorney or other agent.

3. Standard of Review / Burden of Proof. When acting in an appellate capacity, the Zoning Board of Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision was contrary to specific provisions of the Rockland Code of Ordinances, or contrary to the facts presented to the Code Enforcement Officer at or prior to his decision. The Board may remand the matter to the Code Enforcement Officer for further consideration, specifying the information to be obtained and/or considered upon remand, or may sustain the decision of the Code Enforcement Officer or grant the appeal and vacate or modify the decision that is the subject of the appeal. The person filing the appeal shall have the burden of proof as to all matters in the appeal.

B. Variances. A variance from a dimensional requirement or limitation imposed in Chapter 19, Section 19-304 may be granted by the Board only where strict application of the Article, or a provision thereof, to the petitioner and his property would cause undue hardship. A variance may not be granted to permit a use otherwise prohibited by Section 19-304. The phrase "undue hardship" as used in this subsection shall mean:

(1) That the land in question cannot yield a reasonable return unless a variance is granted;

(2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(3) That the granting of a variance will not alter the essential character of the locality; and

(4) That the hardship is not the result of action taken by the applicant or a prior owner.

The work or change involving the variance shall be commenced within six (6) months of the granting of the variance and shall be substantially completed within one (1) year of the date on which the variance is granted unless the Board grants an extension of either period. The variance shall provide by its terms that rights thereunder will cease unless work is thus commenced and substantially completed. No variance shall be granted for a use not allowed within the zone in which the property is located.

C. Administration. To make the following determinations and grant the following permits:

(1) Determine precise zone boundary lines to the extent authorized by Section 19-303.3.

(2) Adjust yard requirements for group housing to provide equivalent amount of open space as provided by Section 19-304.3.D(8).

(3) Prescribe conditions for certain uses in a Zone E as authorized by Section 19-304.8.A.

(4) Grant a permit for special classes as provided by Section 19-309.1.

(5) Grant a permit for a temporary building as provided by Section 19-309.3.

Eff: 01/13/10

ARTICLE III Zoning Ordinance

Sec. 19-301 Zones Authorized, Bounded, And Defined; Rules of Construction

1. Short Title. This Article shall be known and may be cited as the "Zoning Ordinance"; it shall be, and be cited as, Chapter 19, Article III of the Revised Ordinances of the City of Rockland (1983), and be included as such in the "General Code".

2. Zone Divisions.

In accordance with the laws of the State of Maine and for the purpose of promoting the health, comfort, safety, and general welfare of the community, the City of Rockland is hereby divided into the following classes of zones:

- (1) Residential A Zone
- (2) Residential AA Zone
- (3) Residential B Zone
- (4) Elderly Residential B-1 Zone
- (5) Rural Residential Zone 1 RR1 Zone
- (6) Transitional Business 1 TB1 Zone
- (7) Transitional Business 2 TB2 Zone
- (8) Transitional Business 3 TB3 Zone
- (8A) Transitional Business 4 TB4 Zone
- (9) Resort RT Zone
- (10) Commercial C1 Zone
- (11) Commercial C2 Zone
- (12) Commercial C3 Zone
- (13) Plaza Commercial PC Zone
- (14) Downtown DT Zone
- (15) Neighborhood Commercial NC Zone
- (16) Business Park BP Zone
- (17) Industrial I Zone
- (18) Woodland & Wildlife G Zone
- (19) Recreation R Zone
- (20) Shoreland Zone
- (21) Chickawaukie Watershed Regulations
- (22) Waterfront Zones (7/11/90)
- (23) Tillson Avenue Area Overlay Zone

3. Zoning Map.

A. Establishment of Zoning Map. The location and boundaries of the designated zones as established by the City Council are indicated on a map or maps entitled "Zoning Map of the City of Rockland". The map may also be cited as the "Zoning Map". The zoning map, with all explanatory material thereon and all subsequent amendments thereto, is hereby incorporated by reference and declared to be a part of this Ordinance. The original reproducible map shall be drawn to scale on durable, permanent material and shall be kept on file in the office of the Assessor. The original reproducible map shall be signed and dated by the City Council members who approved it. It shall be certified by the City Clerk.

B. Copies. Copies of the original map shall be on display and available at all reasonable times for public inspection in the office of the Assessor, in the office of the Code Enforcement Officer and in the City Council Chambers. Copies shall also be available for sale to the public.

C. File of Zone Boundaries. The location and boundaries of the designated zones as shown on the "Zoning Map" are more particularly described in records maintained in a special file by the City Clerk.

D. Amendments. All amendments to the "Zoning Map" shall entered upon the City of Rockland geographic information system database by a person designated by the City Manager, and a Zoning Map thus amended printed on durable, permanent material within thirty (30) days of the effective date of the amendment. Each zone location or boundary shall be identified on the Zoning Map and the effective date of each amendment shall be recorded on a ledger appearing on or affixed to the Zoning Map for that purpose. The City Clerk shall certify each amendment on the map or the affixed ledger, after the map has been amended. New copies of the amended "Zoning Map" shall be displayed in the location named in paragraph B. Eff: 2/13/08

E. Establishment of New Zoning Map. The City Council may cause a new original reproducible map to be created when it deems necessary. This new original shall incorporate all amendments made since the last original map was established. It shall be signed and dated by the Councilors who approved it and certified by the City Clerk as described above. Eff: 9/12/90

4. Zone Boundary Lines

The boundaries of the zones as provided in this Section and as shown on the "Zoning Map" are intended in most cases to follow property and lot lines, as they exist at the effective date of this Article. Where a boundary obviously does not coincide with a lot line or where it is not designated by dimension or otherwise definitely on the Zoning Map, it shall be deemed to be one

hundred twenty (120) feet back from the nearest street line parallel to which it is drawn. Questions concerning the exact location of a zone boundary line shall be determined by the Zoning Board of Appeals in accordance with rules and regulations which the Board may adopt subject to the zone boundary descriptions on file with the City Clerk.

5. Rules of Construction.

A. Minimum Requirements. In their interpretation and application, the provisions of this Article shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever any provision of this Article imposes greater restrictions than are imposed by another ordinance of the City of Rockland, the provisions of this Article shall govern. Where, however, the provisions of any other ordinance of the City of Rockland imposes greater restrictions than are imposed by this Article, the provisions of the other ordinance shall govern.

B. Limited Applicability. It is not intended by this Article to repeal, abrogate, annul or in any way impair or interfere with the provisions contained in any other Chapter of this Code or any lawful regulations issued thereunder.

C. Word Tenses. Words used in the present tense include the future.

D. Singular, Plural References. The singular number includes the plural and the plural the singular.

E. Mandatory "Shall". The word "shall" is used in the mandatory and not in the discretionary sense.

F. Statutory References. Whenever the Statutes of Maine are cited, such citation includes all acts additional thereto and amendatory thereof.

G. Separability. If any portion of this Article shall be held to be invalid, the intent of the City Council is that such decision does not affect the validity of the remaining portions thereof.

State Law Reference: 30-A M.R.S. § 2691, § 2342(9), § 4452

Eff: 01/13/10

Sec. 19-302 Words and Phrases Defined

(Updated: May, 2006)

For the purpose of this Article certain words and phrases are defined as follows:

Accessory Apartment: A second dwelling unit within or attached to a single-family residence. The accessory apartment shall not be considered an additional dwelling unit for purposes of the minimum lot size zoning standards. The accessory apartment will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:

- a. The principal unit and the accessory apartment shall remain under common ownership and one of the units shall be owner-occupied at all times.
- b. The accessory apartment shall not alter the basic character of the building as a single-family dwelling.
- c. One (1) driveway shall service both dwelling units. Off-street parking for both units must be provided with two (2) spaces for the principal dwelling unit and one (1) space for the accessory apartment.
- d. The accessory apartment shall include its own kitchen, three (3) fixture bath, and no more than one (1) bedroom. The floor area of the apartment must be at least four hundred and twenty-five (425) square feet and cannot exceed eight hundred (800) square feet and thirty-three (33) percent of the floor area of the existing home.
- e. The accessory apartment shall comply with all applicable codes and ordinances.

Eff: 05/10/06

Accessory Buildings. An "accessory building" is a building subordinate to the main building on a lot, and used for purposes customarily incidental to those of the main building.

Accessory Use. An "accessory use" is a use subordinate and incidental to a principal use located on the same lot.

Assisted Living Facility. A residential facility consisting of dwelling units occupied by elderly or disabled persons in buildings that include a common dining area, where licensed assisted living services are provided to such occupants as needed, irrespective of the level of licensure obtained by the service provider. Assisted living services may include, without limitation, housing, on-site assistance with activities of daily living, personal supervision, protection from environmental hazards, diet and nutritional care, food preparation, supervision and assistance in the administration of medications, diversional or motivational activities, bathing and hygiene care, physical exercise, and/or nursing services. Such assisted living services must be provided at the Assisted Living Facility either directly by the Facility or indirectly through contracts with persons, entities, or agencies. Eff: 04/11/12

Automobile Body Shops. Any premises where motor vehicle repair activities such as motor vehicle painting and body and fender work is conducted.

Automobile Repair. Any premises where motor vehicle maintenance, repair or servicing activities such as engine tuneups, lubrication, carburetor cleaning and activities such as engine and mechanical overhauls are conducted. Motor vehicle repair shall not include activities such as motor vehicle painting and body or fender work.

Automobile Sales, Small-Scale Used. Any facility where twelve (12) or fewer vehicles are kept on premises for sale.

Automobile Service Stations. Any premises where the primary use is the retail supply, installation and/or dispensing of gasoline and/or other motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

Bed and Breakfast Establishments.

- a. The following definition shall apply: Bed and Breakfast. Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation for less than one week. This property shall also be the full-time, permanent residence of its owner during periods of operation. There shall be no provisions for cooking in any individual guest room.
- b. No food or drink of any kind shall be sold to the general public. Eff: 4/10/02
- c. For a Bed and Breakfast in a residential zone, no more than eight (8) rooms may be rented unless the property has multiple buildings existing prior to April 10, 2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of twelve (12) rooms on the property. The expansion must be made wholly within the building existing as of April 10, 2002. Eff: 4/10/02

Unless presented together initially, each multiple existing building being opened as a Bed and Breakfast Inn will require its own Site Plan Review and approval from the Planning Commission. Eff: 4/10/02

Building. A "building" is any structure having a roof supported by columns or walls intended for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with attached or free standing decks, platforms and similar structures. Buildings separated only by party walls, without openings, shall be deemed to be separate buildings. Eff: 10/10/90

Building Coverage. The horizontal area measured at the outside of the exterior walls of all principal and accessory buildings on a lot.

Building or Structure Height. The "height" of a building or structure is the vertical distance from the mean elevation of the original grade or existing street level, whichever is higher, around the perimeter of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridges for gable, hip and gambrel roofs. Height limitations shall not apply to chimneys, steeples, water stand-pipes, or spires, but these structures shall be set back from all lot lines a distance of not less than the height (from the finished grade) of such building or structure. For the purposes of this paragraph, the following shall be the meaning of "original grade" and "average original grade":

- a. Original Grade. The grade of the land that exists prior to the beginning of the proposed construction; provided, however, that if the grade has been altered in the twelve months prior to the application for a building permit for the proposed construction, the original grade shall be the average grade of the land that existed prior to the alteration.

- b. Average Original Grade. Shall be calculated by taking the original grade elevations every ten (10) feet along the perimeter of the foundation or proposed foundation, beginning at the lowest point. The average of all of these elevations shall be the average original grade from which the height of the building is measured.

Business Services. An establishment furnishing services to businesses including advertising, consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies; mailing, reproduction, commercial art and photography, and stenographic services; news syndicates; employment services; and computer and data processing services.

Café, Incidental Retail: An area within a retail establishment where patrons can consume beverages, snacks and sandwiches, but which is incidental and subordinate to the retail business. An incidental retail café may provide no more than 10 **total** seats for customers within the retail establishment. There shall be no consumption of alcohol, no live entertainment and no drive-through windows associated with an incidental retail café. Eff: 06/10/09

Camping Area. Camping area shall have the meaning provided in Title 22 § 2491 of the Maine Revised Statutes Annotated.

Clinic. An establishment primarily engaged in the provision of personal health services on an outpatient basis ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis-services, including human health services, but excludes sole source pharmacy. It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004. Eff: 01/12/05

Community and Civic Buildings and Uses. A facility for a public purpose, such as an auditorium, library, museum, or government building, which is operated by a non-profit organization or a governmental agency.

Construction Services. An establishment furnishing construction services including general building contractors; highway and street construction contractors; heavy construction contractors; plumbing, heating and air conditioning contractors; painting, paper hanging, and decorating contractors; electrical contractors; masonry, stonework, tile setting, and plastering contractors; flooring contractors; roofing and sheet metal contractors; concrete work contractors; water well drilling, and miscellaneous special trade contractors.

Corner Lot, and/or Through Lot: A lot that abuts more than one street. Front setbacks apply to those lot lines abutting streets, side setbacks apply to the other lot lines. Corner lots have no rear setback.

Daycare Business. A facility in which more than three (3) clients at one time receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) for less than 24 hours per day. Eff: 11/13/09

Daycare Home, Small. A daycare business in which not more than three (3) clients at one time receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) within a dwelling unit. A *small daycare home* shall not be regulated as a home occupation. Eff: 11/13/09

Daycare Home. A daycare business in which more than three (3), but not more than twelve (12), clients at one time receive care, maintenance, and supervision by other than their relative(s) or legal guardian(s) within a dwelling unit. Eff: 11/13/09

Dwelling Unit: A room or suite of rooms that is used as a habitation, which is separate from other such rooms or suites of rooms, and which contains living, cooking, and sleeping facilities, includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums. Eff: 05/10/06

Dwelling, One-Family or Dwelling, Single-Family: A building containing not more than one (1) dwelling unit in which the dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms, with exceptions as mandated in Title 30-A Section 4357-A: Community living arrangements, as amended. Eff: 05/10/06

Dwelling, Two-Family: A building containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) outsiders, if any, accommodated in rented rooms. Eff: 05/10/06

Dwelling; Multiple. A "multiple dwelling" means a building or portion thereof used or intended to be used or occupied as a permanent residence, more or less, by three (3) or more families living independently of each other, including apartment houses and apartment hotels, but excluding boarding houses, lodging houses, hotels and motels. The latter terms shall mean a building or buildings divided into individual rooms or suites of rooms which are rented or used or designed to be used primarily for sleeping purposes where the building(s) has only general kitchen and dining facilities or where the rooms which are rented contain no extensive cooking facilities.

Family. "Family" means one (1) or more persons living, sleeping, cooking and eating on the same premises as a single house-keeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.

Fence. "Fence" means an enclosing structure about a field or other space, or about any object, composed of wood, iron or other material, and intended to prevent intrusion from without or straying from within.

Financial Services. An establishment furnishing services including banking, other credit agencies, security and commodity brokers and services, insurance, real estate, and investment offices.

Fowl. "Fowl" means any large, edible bird, including chickens, turkeys, and game birds, but excluding pigeons and birds commonly kept as household pets.

Frontage. Frontage, as used in this Article, is that portion of a lot which extends along a public street. Only one (1) side of a lot that extends along more than one (1) street shall be considered frontage for the purpose of frontage requirements in this Article. Eff: 2/10/90

Frontage, Street: That continuous portion of a lot along one (1) street. The minimum street frontage dimension shall be maintained as far back as the front setback requirement for a structure. Eff: 05/10/06

Garage, Private. A "Private Garage" is an accessory building used for automobile storage purposes, in which no automobile repairing or any other business is conducted, and in which no more than four automobiles or other motor vehicles may be stored.

Half Story. "Half Story" means that portion of a building immediately beneath a sloping roof and in which is less than four (4) feet vertically between the floor and the intersections of the bottoms of the rafters at the plate with the interior faces of the walls. A half story may be as completely used for any purpose as a full story.

Handicap Ramp. A "Handicap Ramp" is a ramp with a running slope greater than 1:20, designed and constructed solely for the purpose of allowing safe access to buildings by people who are unable to use stairs. Such ramps, along with necessary attached landings, railings and curbs shall be constructed in such a way that those using the structure for its intended purpose shall not be in danger of injury. Any part of a handicap ramp which extends into the yard requirements of this Chapter shall be limited in size to the minimum dimensions required by the Building Code or other regulations. Eff: 10/10/90

Health and Fitness Facility: A facility used for the purpose of personal training, sports conditioning, and/or fitness. Such facilities may include, but are not limited to, basketball, tennis, racquetball, and squash courts, indoor swimming pool, indoor track, exercise studio, and strength training equipment. These facilities may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. Eff: 05/10/06

Home Occupations: The purpose of the home occupation provisions is to allow the conduct of those businesses that are compatible with the zones in which they are allowed. A permit is required for a home occupation. Home occupations are limited to those uses that may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure. Home occupations shall be situated in the dwelling in which the proprietor of the business resides or in a building accessory thereto and located on the same lot. Eff: 05/10/06

Home Occupation Level 1 shall have no visible outdoor evidence of the occupational use. Occupations might include the offices and workspace for resident authors, people involved with telecommunications, computer programming, single-pupil instruction or the like. There shall be no employees outside the immediate family-in-residence, no face-to-face sales or services conducted on the premises except for single-pupil instruction. Single-pupil instruction shall be limited to 9 a.m. to 5

p.m. Any deliveries shall be made by mail, UPS, or similar services. Noise limitations contained in Sec. 19-316.D. pertaining to residential zones shall apply. No signs are allowed. Eff: 05/10/06; Amended 12/13/06, 10/10/12

Home Occupation Level 2 shall have very low impacts. Occupations might include any uses allowed in Home Occupation Level 1 as well as the offices of a single physician, realtor, insurance broker, accountant, artist, beautician, lawyer, or other professional. There may be one (1) onsite employee from outside of the immediate family-in-residence. Noise limitations contained in Sec. 19-316.D. pertaining to residential zones shall apply. The home occupation shall be limited to twenty (20) percent of the combined floor area of the principal and accessory structures. Hours of operation shall be limited to 9 a.m. to 5 p.m. No more than three (3) parking spaces dedicated to the home occupation shall be allowed. Employee parking shall be provided onsite only. Lighting and fencing shall be residential in character. No outdoor storage shall be allowed. Clients may come to the home for face-to-face interaction, however, only incidental sales shall be allowed. Deliveries shall be made by mail, UPS, or similar services. One (1) sign not exceeding four (4) square feet shall be allowed. One (1) commercially registered vehicle, related to the home occupation, with a Gross Vehicle Weight Rating or Gross Combination Weight Rating not exceeding seven thousand (7,000) pounds shall be allowed onsite, including for example a van, minivan, SUV, pickup truck, small utility trailer or the like. Eff: 05/10/06; Amended 11/10/06, 10/10/12

Home Occupation Level 3 shall have moderate impacts of use. Occupations might include any uses allowed in Home Occupation Levels 1 and 2 as well as a daycare home, tradesmen shops, studios, or minor repair excluding motor vehicle repair. There may be up to three (3) onsite employees from outside the immediate family-in-residence. Noise limitations contained in Sec. 19-316.D. pertaining to residential zones shall apply. The home occupation shall be limited to thirty (30) percent of the combined floor area of the principal and accessory structures. Hours of operation shall be limited to 8 a.m. to 6 p.m. Hours of operation shall not apply to daycare homes except that the use of exterior play areas associated with daycare homes shall be limited to 8 a.m. to 6 p.m. No more than six (6) parking spaces shall be allowed and they shall be dedicated to the home occupation. Lighting and fencing shall be residential in character. Employee parking shall be provided onsite only. Clients may come to the home for face-to-face interaction, however, except for items produced as part of the home occupation, only incidental sales shall be allowed. One (1) sign not exceeding four (4) square feet shall be allowed. Outdoor storage is restricted to small areas that are screened so that the materials stored are not visible from other lots or roadways. Two (2) commercially registered vehicles related to the home occupation shall be allowed onsite: one (1) with a Gross Vehicle Weight Rating or Gross Combination Weight Rating not exceeding seven thousand (7,000) pounds and the other commercially registered vehicle with a Gross Vehicle Weight Rating or Gross Combination Weight Rating not exceeding ten thousand (10,000) pounds. Vehicles include for example a van, minivan, SUV, pickup truck, small utility trailer or the like. Eff: 05/10/06; Amended 11/10/06, 11/13/09, 10/10/12

Hotel: A building or groups of buildings under the same management in which there are sleeping accommodations for more than sixteen (16) persons and primarily used by transients for lodging with or without meals. Eff: 05/10/06

Human Health Services. An out-patient establishment furnishing medical and fitness services, including the offices of physicians, dentists, and other health care professionals and practitioners, clinics, medical laboratories and blood banks, but excludes sole source pharmacy. It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004. Eff: 01/12/05

Light Assembly. The assembly, packaging, or processing of finished products which is part of an allowed use and performed predominantly by hand and the accessory equipment thereto. Eff: 01/13/99

Light Industrial Uses. Industrial activities involving the manufacturing, fabricating, packaging, processing, or assembly of finished products from previously prepared materials, including by way of example: wholesale bakery products, bottling, printing and publishing and allied industries, pharmaceutical preparations, machine shops, precision tools and instruments, watch-making, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical or electronic components, canteen services, tool and die shops. Light industrial uses shall not include the processing of raw materials or salvaging operations. The processing and packaging of food for off premises consumption shall also be allowed.

Lodging Facilities. A facility that offers accommodations for a fee.

Lodging or Rooming House: Buildings that provide sleeping accommodations for sixteen (16) or fewer persons on either a transient or permanent basis, with or without meals, but without separate cooking facilities for individual occupants. Eff: 05/10/06

Lot: "Lot" means a parcel of land, not divided by streets, which is devoted or to be devoted to a particular use and occupied or capable of being occupied by a building and its accessory buildings together, including any required open space. Eff: 2/10/90

A lot shall have frontage on a public street, with exceptions for back lots and flag lots, as noted in the definitions for those types of lots. Eff: 05/10/06

Structures to be used for commercial or industrial purposes shall be built only on lots with frontage on a public street, nor shall a change of use be granted allowing a single-family dwelling served only by a right-of-way to be converted to commercial or

industrial use. This prohibition shall not apply to dwellings in which a home occupation or profession, as defined above, is carried out. Eff: 8/9/95

Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. No person shall reduce the size of a lot upon which structures served by subsurface waste disposal systems are located to a size or frontage less than allowed in the applicable zone under this Article. Contiguous lots in the same ownership shall be considered as one lot. Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street. Eff: 05/10/06

Lot, Flag: A lot located generally to the rear of another lot, but with a narrow access portion of the lot extending to the public street. The narrow access portion of the lot and the interior portion of the lot shall be in common ownership or permanently deeded right of way, and shall be suitable for ingress and egress. Flag lots shall not be required to meet minimum street frontage. Eff: 07/14/10.

Lot Coverage. That portion of the lot that is covered by buildings, structures, and built improvements on the ground surface such as paving, driveways, parking areas, walkways and other improvements similar in nature.

Lot Line: A line that forms a boundary of a property dividing one lot from another, or from a street or water body or other public space. Eff: 05/10/06

Manufacturing. "Manufacturing" means converting processed raw materials into a finished product, complete and ready for final use for which it is intended, or so completed that in the ordinary course of business of the concern it is ready to be put on the market for sale to any person wishing to buy it.

Measurement. The distance from a building to a lot line is always measured in right angles to such line. A basement or cellar shall not be counted as a story for the purpose of height measurement.

Mixed Use. The co-existence in one building or structure of a residential use and one or more non-residential uses. Eff: 05/08/13

Mobile Home. "Mobile Home" shall have the meanings provided in Section 19-305(4) Definitions. A mobile home shall not include a self-propelled recreational vehicle, commonly known as a motor home, of whatever size.

Neighborhood Retail Establishment. An establishment in a Neighborhood Commercial Zone that occupies less than 2,000 square feet of total floor space, of which at least sixty percent (60%) is dedicated to retail sales of groceries and within which no alcoholic beverages are consumed.

Non-Conforming Lot. A "non-conforming lot" is a single lot of record which, at the effective date of adoption or amendment to this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located. Eff: 9/11/96

Non-Conforming Structure. A "non-conforming structure" is a structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. Eff: 9/11/96

Non-Conforming Use. A "non-conforming use" is the use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect. Eff: 9/11/96

Nursing Home. A facility which is operated in connection with a hospital, or in which nursing care and medical services are prescribed by or performed under the general direction of persons licensed to practice medicine or surgery in this State, for the accommodation of convalescent or other persons who are not acutely ill and not in need of hospital care, but who do require skilled nursing care and related medical services. The term "nursing home" or "nursing facility" is restricted to those facilities, the purpose of which is to provide skilled nursing care and related medical services for a period of not less than 24 hours per day to individuals admitted because of illness, disease or physical or mental infirmity and which provides a community service. Eff: 04/11/12

Office Building. A building used for the providing of business services, financial services, human health services, professional services or social services.

Parking Lot. A "Parking Lot" is a parcel of land designed for the parking of motor vehicles and for such accessory uses as are for the immediate comfort and convenience of motorists, not including, a trailer camp.

Personal Services. An establishment furnishing services including by way of example: laundry and cleaning services, photography studios, shoe repair shops, barber shops and beauty salons, pet grooming services, health and fitness facilities, and similar services to the general public. Eff: 8/9/06

Private Non-Medical Institutes and Residential Care Facilities, Large. A house or other place that, for consideration, is maintained wholly or partly and licensed for the purpose of providing more than six (6) residents with assisted housing services or assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. The term does not include a nursing home or a supported living arrangement licensed or certified as such by the Maine Department of Health and Human Services. Eff: 04/11/12

Private Non-Medical Institutes and Residential Care Facilities, Small. A house or other place that, for consideration, is maintained wholly or partly and licensed for the purpose of providing no more than six (6) residents with assisted housing services or assisted living services. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. The term does not include a nursing home or a supported living arrangement licensed or certified as such by the Maine Department of Health and Human Services. Eff: 04/11/12

Processing. "Processing" means that phase of a manufacturing operation which produces a chemical or physical change in a raw material to enable that material to be used to manufacture a finished product. In certain instances, processing and manufacturing may be synonymous.

Professional Services. An establishment furnishing services other than health care or financial services requiring a professional degree such as engineering, architectural, and surveying services; non-commercial educational, scientific, and research organizations; accounting, auditing, and bookkeeping services; and similar services.

Public Street. A public street for the purposes of Chapter 19 is a street or road which has been accepted by the City as a public street, or a private way which is located in an approved subdivision, or a private road in existence prior to December 1, 1989. This does not include undeveloped roads reserved in unapproved subdivisions or undeveloped roads reserved in deeds or other conveyances. Eff: 12/10/90

Public Service Corporations. "Public Service Corporation" is a corporation which is regulated by the Public Utilities Board.

Public Utility. "Public Utility" includes facilities such as, but not limited to substations, pumping stations, sewer treatment facilities, water treatment facilities, transmission lines, pipelines, studios, transmitters, receivers, signal towers, and other buildings, structures or uses necessary or accessory to the operation, or conduct of activities regulated by the Public Utilities Board and businesses or activities which are not so regulated but which provide a public service to the City of Rockland, including voice, image or data transmission, radio, television and cable television that are available for use by the general public.

Quasi-Public Uses: Those essential public services, such as, but not limited to, water, electricity, telephone, natural gas, and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Board, the Maine Department of Transportation, or Federal Communications Board. Eff: 05/10/06

Residence Quarters. "Residence quarters" means those quarters on a business premises where the proprietor or caretaker and members of his or her family reside as their principal residence for the purpose of carrying out the duties of the caretaker or business proprietor.

Retail Business. The selling of goods or merchandise to the general public for personal or household consumption or to businesses which will be customers or end-users of the goods. A retail business may offer incidental services to the sale of such goods, including but not limited to the sale of prepared food for consumption off the premises, and an incidental retail cafe. A retail business does not include motor vehicle sales and service or motor vehicle service station, restaurants or lodging facilities. Eff: 06/10/09

Roll-off container. A box container that can be left on site, separate from a truck. Usually available in several sizes, from 10 cubic yards to 40 cubic yards. Eff: 1/8/03

Semi-trailer. Truck trailer equipped with one or more axles and constructed so that the front end rests upon a truck tractor. Eff: 1/8/03

[Note: the following SETBACK definitions are to replace the YARD definitions]

Setback, Front: The distance from the property line bordering any street frontage extending the width of the frontage to the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. Front setback and front yard are synonymous. Note: Handicapped ramps are exempt from setback calculations. Eff: 05/10/06

Setback, Rear: The distance from the rear line of the lot, extending the full width of the lot to the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. Back or rear setback and back or rear yard are synonymous. Note: Corner lots have no rear setback. Eff: 05/10/06

Setback, Side: The distance from the side property line to the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. Any lot line not a rear lot line or a front lot line shall be deemed a side lot line. Side setback and side yard are synonymous. Eff: 05/10/06

Sign. "Sign" means a picture, symbol, emblem, letter, object, flag or decorative device or combination of these, whether illuminated or not, which is designed to be seen from outside a building. A sign may convey a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person or organization, or may be purely decorative. "Sign" does not include the flag, pennant or insignia of any nation, State, or political subdivision. Nor shall it include the type of signs described in Title 23 § 1913 (1) of the Maine Revised Statutes Annotated.

Signs Measurement. All signs shall be measured by the outside area required to place the complete sign. In the case of a protruding sign, both sides shall be considered as sign area.

Signs on Premises Advertising. On premises advertising shall mean to include identify of the firm or advertising of services or products for sale or produced on the premises.

Social Services. An establishment furnishing services including individual and family social services, job training and vocational rehabilitation services, child care services, residential care services, and miscellaneous social services.

Sole Source Pharmacy. A facility where the primary purpose is to dispense or sell a single source of medication that has been recommended by a physician. These facilities have no retail sales component associated with the use and are not engaged in selling multiple goods or merchandise to the general public for personal or household consumption. Typical uses include methadone clinics and other similar facilities. It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004. Eff: 01/12/05

Start of Construction, Substantial Start of Construction. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, replacement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on the site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Eff: 9/11/96

Story. "Story" means that portion of a building other than a basement, included between the surface of any floor and the surface of any floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Structure: Any structure, including a building, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any use thereof. Eff: 05/10/06

Structure, Accessory: A structure, other than a dwelling unit, including a building, which (1) is subordinate in area, extent and purpose to the principal structure or use served, (2) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure. Eff: 05/10/06

Structural Alterations. By "Structural alterations" is meant change in the supporting members of a building, such as supporting walls, columns, beams and girders.

Structure, Principal: A structure, including a building, in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located. Eff: 05/10/06

Studio. Workroom or rooms of a painter, sculptor, photographer, other artist, crafts-person or musician. Room or rooms in which a music teacher, dramatic coach or other artist or crafts-person gives lessons.

Substantial Renovation. "Substantial renovation" means any reconstruction, rehabilitation, addition or other improvement of a structure within any five year period of time, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction within the same five year period. "Market value", for the purposes of this definition, shall be estimated by the Rockland City Assessor, and appeals of the value set by the Assessor before the start of construction shall be heard by the Rockland Board of Assessment Review. For the purpose of this definition, the start of construction shall mean the date the building permit was issued provided the actual start of construction or the alteration of any wall, ceiling, floor or structural part of the building was commenced within six months of the date of the permit. Substantial renovation includes work on structures which have sustained damage of any origin in which the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred, regardless of the actual repair work performed. This term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure. Eff: 4/10/91

Swimming Pool. "Swimming pool" means an outdoor body of water enclosed in an artificial receptacle or other container, whether in or above the ground, used or intended to be used for swimming or bathing and designed for a water depth of 24 inches or more. Eff: 11/28/85

Tradesman's or Craftsman's Offices, Shops, and Showrooms. The shop of a person in a skilled trade or craft, including by way of example: artisans, plumbing, heating, and air conditioning contractors; painting, paper hanging, and decorating contractors; electrical contractors; masonry, stonework, tile setting, and plastering contractors; carpeting and flooring contractors; roofing and sheet metal contractors; drilling, and miscellaneous special trade contractors. The total office, shop, and showroom space shall not exceed four thousand (4,000) square feet of total floor area.

Use. The purpose for which land or structures thereon are designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased. Eff: 05/11/11

Yard. A "yard" is an existing or required open space on the same lot with the main building and lying along the adjacent lot line, open and unobstructed from the ground upwards except as indicated for a rear yard, and of uniform depth or width

measured horizontally at right angles to such lot lines.

Yard; Front. A "front yard" is a yard between the front lot line and the nearest part of any building on the lot, extending the full width of the lot. A handicap ramp, even if attached to a building, shall not be accounted "part of any building" for the purpose of front yard setback requirements. Eff: 12/14/01

Yard; Rear. A "rear yard" is a yard between the rear lot line and the nearest part of any building on the lot (other than an accessory building not over eighteen (18) feet high (to its highest point) which does not occupy more than twenty-five percent (25%) of the yard), and further provided that such accessory building be setback a minimum of five (5) feet from the rear property line and that it also meet the required side yard setback within the rear yard, extending the full width of the lot. A handicap ramp, even if attached to a building, shall not be accounted "part of any building" for the purposes of rear yard setback requirements. Eff: 01/07/04

Yard; Side. A "side yard" is a yard between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear yard. A handicap ramp, even if attached to a building, shall not be accounted "part of any building" for the purposes of side yard setback requirements.

Sec. 19-303 General Provisions

1. Amendments. All proposed amendments to the zoning map or one or more zoning regulations shall be referred by the City Council to the Comprehensive Planning Commission for report within thirty (30) days. The Comprehensive Planning Commission shall report an advisory opinion to the City Council as to whether the proposed amendment(s) are consistent with the Comprehensive Plan. No amendments shall be enacted into law until the Comprehensive Planning Commission has reported or until thirty (30) days has elapsed, whichever first occurs. If the Comprehensive Planning Commission fails to report within thirty (30) days after submission to it of a proposed action, it shall be deemed to have approved such action. Eff: 4/10/96

2. Corner Clearance.

A. Residence & Transitional Zones. Between the line of intersecting streets and a line joining points on such lines twenty (20) feet distant from their point of intersection or in the case of a rounded street corner the point of intersection of their tangents no building or structure may be erected and no vegetation other than shade trees may be maintained above a height of three (3) feet above the plane through their curb grades. Notwithstanding anything to the contrary herein, the Police Chief and Public Works Director, or one of them may order or cause to be removed any non-structural obstruction that they determine creates an unsafe condition for the public in an adjacent right of way.

B. Commercial Zones. Between the lines of intersecting streets and a line joining points on such lines ten (10) feet distant from their point of intersection or in the case of a rounded street corner the point of intersection of their tangents no building or structure may be erected and no vegetation may be maintained above a height three (3) feet above the plane through their curb grades. Notwithstanding anything to the contrary herein, the Police Chief and Public Works Director, or one of them may order or cause to be removed any non-structural obstruction that they determine creates an unsafe condition for the public in an adjacent right of way.

3. Height Exceptions. Chimneys, elevators, cupolas, poles, tanks, towers, monuments, domes, spires, parapet walls, and other projections not used for human occupancy, and necessary mechanical appurtenances, may be erected to any height not exceeding 75 feet, if approved by the Planning Board applying the conditional use standards for that zone. Towers higher than 75 feet that house equipment for voice, image, or data transmissions or radio, television, cable television, or wireless internet signals or broadcasts that are available for use by the general public may be permitted pursuant to the procedures for special exceptions set forth in Section 19-309. Eff: 08/08/01.

4. Parking of trailers and motor vehicles on residential properties. Parking of any semi-trailer or roll-off container or POD on residential properties where residential uses are permitted as a primary use shall be prohibited except for the following purposes:

A. A semi-trailer or container shall be permitted to be placed on any such residential property for a limited time (up to 60 days with the option to renew) with a building permit from the Code Enforcement Officer where new construction or renovations necessitates storage of materials or household items or demolition and construction materials during such construction or renovation. The Code Enforcement Officer shall supervise the placement of the trailer or container to ensure that it does not create a safety hazard or adversely affect abutting properties.

B. Temporary parking of a semi-trailer shall be permitted when making a delivery or moving furniture and household items to or from the residence, for not more than 48 hours.

C. Other regulations notwithstanding, any motor vehicle or trailer other than a semi-trailer or roll-off container parked on residential property where residential uses are permitted as a primary use and which is used for storage, shall be subject to the setback and yard requirements of the zone in which the property is located. Such motor vehicle or trailer shall be registered, maintained in good condition and inspected if applicable.

The provisions of this section shall be retroactive. Eff: 2/12/03

5. Nuisance. As provided by, and subject to the terms of the Revised Statutes of Maine, any building or structure or part thereof, constructed, altered, maintained, repaired, or used, and any equipment therein, thereon, or in connection therewith, installed, altered, maintained, repaired or used contrary to the provisions of this Article, is a nuisance.

6. Prohibited Acts. No person shall erect, alter or use any building, structure or land for any use except as permitted in the zone in which it is located; nor shall any person, except as otherwise provided in this Article, put any existing building or land to a use substantially different from the use of such building or land at the time of the effective date of this Article except in a zone where in such new use is permitted nor shall any person so reduce the setback or other open space of any lot that they shall be smaller than prescribed by this Article.

7. Restoring Unsafe Buildings. Nothing in this Article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the Fire Chief, or from complying with the lawful requirement of either such public official.

8. Transition Zoning Provisions; Use.

Where a zone boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty (30) feet in the more restricted portion, provided that the major portion of the lot is located in, and the lot has at least twenty (20) feet of frontage on a street in, the less restricted zone. Such extended use shall be deemed to be conforming. Eff: 01/13/10

9. Flag Lots.

Where permitted by the applicable zone regulations, the development or redevelopment of existing or new Flag Lots shall adhere to the following requirements, in addition to any conditions imposed by the Planning Board upon review pursuant to Chapter 16:

A. Development Standards. The access road of flag lots must contain a minimum depth of fifteen (15) inches of bank-run gravel, and must have drainage, ditches and culverts at all appropriate points. If a flag lot is used for residential purposes, only a single-family detached dwelling shall be allowed on the flag lot; if for commercial purposes, only a single commercial use and occupant shall be permitted. The access portion of flag lots used for commercial purposes shall be landscaped and buffered from adjacent residential parcels and residential zones and shall also provide access to the adjacent parcel behind which the flag lot is primarily located (the "Front Lot"), either through common ownership or deeded right of way, and such Front Lot shall not have other access to or from the street.

B. Dimensional Standards. The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of fifteen (15) feet for a residential use or eighteen (18) feet for other uses, and must be approved by the Fire Chief or his designee with regard to the safe passage of fire-fighting and other emergency equipment over it. The minimum lot area of a flag lot exclusive of the narrow access portion of the lot used for ingress and egress shall be the minimum lot size of the district in which the lot is located. No part of the narrow access portion of the lot shall be less than thirty (30) feet in width or greater than fifty (50) feet in width for residential uses, and no less than fifty (50) feet in width for commercial uses. No buildings or structures shall be constructed within the narrow access portion of the lot and such portion shall not be considered in determining required setbacks. The front setback requirement shall apply to all setbacks (side and rear) of a flag lot used for residential purposes, unless such side or rear setback is greater than the front setback in that zone, in which case the setback shall be the greater of the three. Eff: 07/14/10

10. Non-Permitted Uses. Uses that are not expressly listed as either permitted uses or conditional uses in a zone are prohibited in that zone. Eff: 05/11/11

Sec. 19-304 Zone Regulations

1. RESIDENTIAL ZONE "A"

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

A. Permitted Uses

RESIDENTIAL ZONE "A" PERMITTED USES	
(1)	One-family dwelling;
(2)	Two-family dwellings;
(3)	Accessory Apartments
(4)	Home Occupations, Level 1 and Level 2, and home occupations similar in scale and impact to Level 1 and Level 2 Home Occupations.
(5)	Parcel 22-D-2 on the Assessor's Map on Summer Street and owned by Regional School Unit #13 may be used for any school purpose now enjoyed by the RSU #13 system on the adjacent property but only as long as the parcel also known as the Bradford Lot, is owned by the school system. If the parcel is ever sold, conveyed, given,

	or otherwise disposed of or if the school system ceases to exist, then the use of the parcel would revert back to the other permitted uses in the zone in which it is located.
(6)	Accessory uses customarily incident to other permitted uses including private garages, and Level 1 home occupations, provided, however, that such home occupations shall be situated in the dwelling in which the proprietor of the business resides, or in a building accessory thereto and located on the same lot. Eff: 11/10/89

B. Conditional Uses

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II):

RESIDENTIAL ZONE “A” CONDITIONAL USES	
(1)	<p>Bed and Breakfast Establishments.</p> <p>(a) Parking and Buffering. Off-street parking shall be provided for all vehicles of both owners and guests in either the side or rear yards of the lot. Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.</p>
(2)	<p>Churches, Expansion of Existing, and Uses Accessory to Existing Churches.</p> <p>(a) For the purposes of this section, uses accessory to existing churches shall be limited to the following:</p> <ul style="list-style-type: none"> (i) Meetings of church organizations. (ii) Religious education classes and child development programs. (iii) Food pantries. <p>(b) In its review, the Planning Board shall take into consideration the following factors and impose conditions accordingly: location; character and natural features of the site and adjoining property; fencing and screening; landscaping; topography and natural drainage; traffic hazards, vehicular access, circulation and parking; lighting; hours of operation.</p>
(3)	Flag Lots
(4)	<p>Funeral Homes, Expansion of Existing, and Uses Accessory to Existing Funeral Homes.</p> <p>(a) The Planning Board shall take into consideration the following factors and impose conditions accordingly in its review of any proposed expansion of an existing funeral home and/or uses accessory to an existing funeral home: location; character and natural features of the site and adjoining property; fencing and screening; landscaping; topography and natural drainage; traffic hazards, vehicular access, circulation and parking; lighting; and hours of operation. Eff: 11/14/97</p>
(5)	<p>Golf Courses, Expansion of existing onto contiguous property with the following conditions:</p> <ul style="list-style-type: none"> (a) No building(s) may be erected; (b) No parking space(s) may be created that are associated with the golf course use; (c) No artificial lighting may be installed or otherwise created for the use of the golf course. Eff: 2/25/98
(6)	Home Occupation, Level 3, and home occupations similar in scale and impact to Level 3 Home Occupations
(7)	Private Non-Medical Institutes and Residential Care Facilities, Small. Eff: 04/11/12
(8)	<p>Public school buildings, discontinued, used for cultural and educational purposes; public access or local governmental affairs television studios and local non-profit community radio stations and studios broadcasting at no more than 100 watts horizontal radiated power, provided that broadcasting equipment, if any, shall be either remote or via one roof-mounted whip antenna not exceeding 35 feet in height, provided that the total height of the discontinued school building and roof-mounted antenna does not exceed the total height limit set forth in Section 19-313(4); and/or elderly assisted living housing of no more than 30 units. The above-referenced use is permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances. Eff: 07/09/08</p>

Notice Required. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing at least 10 days prior to consideration of the conditional use by the Planning Board. Eff: 4/24/94; Amended 6/8/94

C. Prohibited Uses

RESIDENTIAL ZONE “A” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited.
(2)	Animal Restriction: No person shall keep any farm animals including but not limited to fowl, mule, donkey, sheep, goat, cattle, or swine, or non-domesticated animal, and no person shall keep any dogs or rabbits for breeding or commercial purposes, on any premises in this zone.

D. Standards

(1). The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE “A” STANDARDS	
Minimum Lot Size	10,000 square feet sewerer lots; 20,000 square feet for non-sewered lots
Maximum Building Coverage	40% (includes Principal and Accessory structures)
Minimum First Floor Area (Principal Structure)	750 square feet
Minimum Continuous Street Frontage along one street	100 feet (Excludes Cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	25 feet**
Minimum Rear Setback	25 feet (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	8 feet
Minimum Side Setback (Accessory Structures)	5 feet
Maximum Building Height	35 feet and 2 ½ stories

Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** In the case of an infill lot, the minimum front setback may be less than 25 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

2. RESIDENTIAL ZONE "AA"

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

A. Permitted Uses

RESIDENTIAL ZONE “AA” PERMITTED USES	
(1)	One-family dwelling
(2)	Accessory Apartments
(3)	Home Occupation, Level 1, and home occupations similar in scale and impact to a Level 1 Home Occupation.

(4)	Accessory uses customarily incident to other permitted uses including private garages.
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B. Conditional Uses

RESIDENTIAL ZONE “AA” CONDITIONAL USES	
(1)	Flag Lots

C. Prohibited Uses

RESIDENTIAL ZONE “AA” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited.
(2)	Home Occupation, Level 2 and Level 3
(3)	Home Occupation similar in scale and impact to Level 2 and Level 3 Home Occupations
(4)	No person shall keep any farm animals including but not limited to fowl, sheep, goat, cattle, swine, horses, mule, donkey or other non-domesticated animal except domestic house pets, and no person shall keep any dogs or rabbits for breeding or commercial purposes, on any premises in this zone.

D. Standards

(1). The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE “AA” STANDARDS	
Minimum Lot Size	20,000 square feet sewerer lots; 20,000 square feet for non-sewered lots
Maximum Building Coverage	40% (includes Principal and Accessory Structures)
Minimum First Floor Area (Principal Structure)	750 square feet
Minimum Continuous Street Frontage along one street	125 feet (Excludes Cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)	35 feet**
Minimum Rear Setback	25 feet (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	10 feet
Minimum Side Setback (Accessory Structures)	5 feet
Maximum Building Height	35 feet and 2 ½ stories **

Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** In the case of an infill lot, the minimum front setback may be less than 35 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

3. RESIDENTIAL ZONE "B"

Purpose: The purpose of this district is to protect the existing density and character of residential development, as well as limited home based businesses, while providing an area of the community for similar development.

A. Permitted Uses

RESIDENTIAL ZONE “B” PERMITTED USES	
(1)	One-family dwellings, two-family dwellings, multi-unit dwellings
(2)	Accessory Apartments
(3)	Home Occupation, Level 1 and Level 2, or a home occupation similar in scale and impact to a Level 1 or Level 2 Home Occupation
(4)	Churches, convents
(5)	Flag Lots
(6)	Golf courses, parks, playgrounds, municipal recreation use
(7)	Trailer parks Eff: 7/12/87
(8)	Accessory uses customarily incident to other permitted uses

B. Conditional Uses

The following are permissible with the approval of the Planning Board. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography, and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; and compliance with applicable requirements of all City ordinances. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing, at the applicant’s expense, at least 7 days prior to consideration of the conditional use by the Planning Board. Eff: 09/09/09

RESIDENTIAL ZONE “B” CONDITIONAL USES	
(1)	Bed and Breakfast Establishments
(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line
(6)	Farming
(7)	Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions: <ul style="list-style-type: none"> (a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception. (b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation. (c) No parking spaces shall be rented for profit. (d) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business. Eff: 10/12/94
(8)	Private Non-Medical Institutes and Residential Care Facilities, Small. Eff: 04/11/12
(9)	Schools and Day Care Facilities Eff: 07/11/07
(10)	Quasi-Public Uses
(11)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(12)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility. Eff: 09/09/09

C. Prohibited Uses

RESIDENTIAL ZONE “B” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise or vibration is prohibited

D. Standards

(1). The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE “B” STANDARDS	
Minimum Lot Size	6,400 square feet for sewerred lots 20,000 square feet for non-sewered lots
Required Lot Area for Dwellings with two or more units	Sewered lots, except Assisted Living Facilities: 5,000 square feet for each unit; Non-sewered lots: 20,000 square feet for the first unit, plus 10,000 for each additional unit. Eff: 8/9/06
Maximum Building Height	35 feet and 2½ stories
Maximum Building Coverage	60% (includes Principal and Accessory Structures)
Minimum Floor Area (Principal Structure Total Floor Area)	750 square feet Eff: 04/11/12
Minimum Continuous Street Frontage along one street	80 feet (Excludes cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	15 feet**
Minimum Rear Setback	20 feet (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	5 feet
Minimum Side Setback (Accessory Structures)	5 feet

Notes:

* See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** In the case of an infill lot, the minimum front setback may be less than 15 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

4. ELDERLY RESIDENTIAL ZONE "B-1"

Purpose: The purpose of this district is to protect and provide for affordable elderly housing development.

A. Uses and Standards

(1). The following space and bulk standards shall apply to all lots and/or parcels of land:

RESIDENTIAL ZONE “B-1” USES AND STANDARDS
Elderly Residential Zone "B-1" shall be governed by all standards, uses, restrictions and criteria presently governing residential zone "B", except that the following restrictions and criteria shall specifically apply to Elderly Residential Zone "B-1" and shall supersede those applicable to residential zone "B" where they are in conflict

RESIDENTIAL ZONE “B-1” USES AND STANDARDS	
Minimum Floor Area.	Multiple dwellings which provide housing solely for the elderly and/or the handicapped shall provide not less than 600 square feet of the lot area per family where such a family shall consist of no more 2 individuals.
Minimum Setbacks	The corner setback on Park Street and Broadway shall be not less than 25 feet each. The side and rear setbacks may be less than 25 feet, providing that no building shall be erected closer than 50 feet from any existing building on an adjoining lot.
Maximum Building Height.	55 feet and 5 stories

Eff: 05/19/06

5. RURAL RESIDENTIAL 1 ZONE "RR1"

Purpose: The purpose of the Rural Residential 1 Zone is to protect sensitive natural resources and the rural nature of this area. Since this area is largely non-sewered, nor is sewer extension likely in the near future, the area should allow residential uses and limited commercial activities, including only limited merchandizing. The area is presently mixed residential with some commercial. Outdoor storage and motor vehicle repair should be allowed with screening. Large lots should be retained to maintain the rural character of the area.

A. Permitted Uses

In a Rural Residential 1 Zone "RR1" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

RESIDENTIAL ZONE “RR1” PERMITTED USES	
(1)	Residential uses, single, 2-family and multifamily
(2)	Accessory Apartments
(3)	Home occupations, all levels
(4)	Agriculture, including but not limited to: cattle, sheep, goats, swine, fowl, or horses kept for commercial or personal purposes
(5)	Bed and breakfast Establishments
(6)	Churches
(7)	Flag Lots
(8)	Funeral homes
(9)	Monument and stone works
(10)	Nurseries, greenhouses and landscaping businesses
(11)	Office buildings Eff: 3/24/99
(12)	Personal Services
(13)	Public utilities Eff: 9/11/96
(14)	Schools and Day care centers
(15)	Service clubs and fraternal or veterans' organizations
(16)	Small engine repair
(17)	Social Service building, existing on 5/14/97, may be expanded up to 2,000 square feet in area
(18)	Tradesmen's offices, shops, and showrooms

RESIDENTIAL ZONE “RR1” PERMITTED USES	
(19)	Veterinarians
(20)	Accessory uses

B. Conditional Uses

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances, including the Performance Standards of Section 19-316.

RESIDENTIAL ZONE “RR1” CONDITIONAL USES	
Automobile Body Shops, Automobile Repair and Farm Equipment businesses must not keep outdoors, or on a regular basis, any more than 12 vehicles or pieces of machinery awaiting repair, undergoing repair, or awaiting pick up after repair. These vehicles must be screened as required by Section 19-316.H & I. This number may be increased to 20 vehicles if the site plan which is presented shows that the additional vehicles, machinery or equipment will not be visible from other properties.	
(1)	Automobile Body Shop, new or expanded
(2)	Automobile Sales, Small-Scale Used, new or expanded. The Planning Board may allow the number of vehicles displayed on any lot in a RR1 zone to be increased up to a maximum of 30 vehicles according to the following: <ul style="list-style-type: none"> (i) 1 additional vehicle can be displayed for each 10,000 square feet of undeveloped lot size which exceeds the minimum required lot size in this zone; and (ii) 1 additional vehicle can be displayed for each 10 feet of street frontage (on a public street) exceeding the minimum required frontage in this zone.
(3)	Automobile Repair businesses, new or expanded
(4)	Commercial outdoor recreational uses Eff: 9/9/98
(5)	Farm Equipment sales, new or expanded Eff: 3/11/98
(6)	Schools

C. Prohibited Uses

RESIDENTIAL ZONE “RR1” PROHIBITED USES	
(1)	Any use which is obnoxious, annoying, unsightly, detrimental, injurious or dangerous to the health, comfort, or property of individuals, or of the public, by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration
(2)	Ammonia, bleaching powder, or chlorine manufacturing or refining, hydrochloric, nitric, picric, sulfuric, or sulfurous acid manufacture
(3)	Asphalt manufacture, heating, mixing, or refining, creosote manufacture
(4)	Blast furnace; melting or ore reduction or smelting; hot rolling mill
(5)	Cement, gypsum, or plaster of Paris manufacture or rock crushing
(6)	Dextrin, glucose, or starch manufacture
(7)	Drive-up windows and drive-throughs

RESIDENTIAL ZONE “RR1” PROHIBITED USES	
(8)	Dye, or match manufacture
(9)	Explosives or fireworks manufacture, or storage in excess of five hundred (500) pounds
(10)	Fat, grease, lard, or tallow manufacture, refining, or rendering
(11)	Fish rendering
(12)	Incineration, reduction, or dumping of dead animals, garbage, offal, or refuse
(13)	Linoleum or oilcloth manufacture, production or refining of petroleum or other inflammable liquids
(14)	Rubber manufacture, or treatment involving offensive odor
(15)	Slaughtering, or operation of stock yards
(16)	Tanning or curing of raw hides or skins
(17)	Tar distillation or manufacture, turpentine or varnish manufacture
(18)	Any process similar in character to any of the uses specified above or those uses which have been declared a nuisance in any court record

D. Standards

(1) The standards of Section 19-316 shall be observed.

RESIDENTIAL ZONE “RR1” STANDARDS		
	SEWERED USE	NON-SEWERED USE
<i>Minimum Lot Size</i>	20,000 square feet	43,560 square feet
Required Lot Area for each Additional Dwelling Unit	20,000 square feet	43,560 square feet
Minimum First Floor Area Per Building	600 square feet	
Minimum Continuous Street Frontage along one street	200 feet (Excludes Cul-de-sacs)*	
Minimum Setbacks**		
Front	35 feet	50 feet
Side (Principal Structure)	25 feet	25 feet
Rear	20 feet (Excludes corner lots, see definition)	30 feet (Excludes corner lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	10 feet	
Side and rear setbacks for commercial or mixed use abutting a residential zone or use	40 feet	
Minimum Side Setback (Accessory Structures)	10 feet	
Maximum Building Coverage	20% (includes principal and accessory buildings)	
Maximum Lot Coverage	30% (includes impervious surfaces)	
Maximum Building Height	35 feet and 2½ stories	
Minimum Distance Between Curb Cuts	200 feet along a public way or 100 feet along an internal private road, but at least one allowed per lot. These provisions may be waived if compliance is physically impossible or would create a	

RESIDENTIAL ZONE “RR1” STANDARDS	
	safety hazard; the intent is to maximize distance between cuts.

Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

6. TRANSITIONAL BUSINESS 1 ZONE “TB1”

Purpose: The purpose of the Transitional Business 1 Zone is to offer the opportunity for nonresidential uses while protecting adjoining residential neighborhoods and zones. Consequently, the permitted and conditional uses and the development standards for this zone are intended to encourage small-scale operations and uses that are compatible with residential uses. This Zone should be used as a buffer between residential areas and adjoining commercial or industrial zones. Eff: 05/08/13

A. Permitted Uses

TRANSITIONAL BUSINESS 1 ZONE “TB1” PERMITTED USES	
(1)	Single, two family and multifamily residential uses
(2)	Accessory Apartments
(3)	Assisted Living Facilities Eff: 04/11/12
(4)	Home occupations, all levels
(5)	Accessory uses
(6)	Art galleries
(7)	Bed and Breakfast Establishments
(8)	Business services
(9)	Churches
(10)	Community and civic buildings and uses
(11)	Financial services
(12)	Funeral homes
(13)	Health and fitness
(14)	Human health services
(15)	Museums
(16)	Nursing homes
(17)	Office buildings
(18)	Parks and playgrounds
(19)	Personal services
(20)	Professional service
(21)	Private Non-Medical Institutes and Residential Care Facilities, Small Eff: 04/11/12
(22)	Private Non-Medical Institutes and Residential Care Facilities, Large Eff: 04/11/12
(23)	Publishing of newspapers, magazines, and books (excluding printing plants)
(24)	Quasi-public uses
(25)	Retail sales in space under 1,200 square feet; (The collective floor area of showroom, office, sales floor, storage, etc., used to conduct the sale of goods directly to the consumer)
(26)	Schools and day care center
(27)	Social Services
(28)	Tradesmen's offices, shops and showrooms

B. Conditional Uses

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II). In granting, denying, and/or imposing conditions, the Planning Board shall follow the process and apply the standards set forth in Chapter 16, Sections 16-201 through 16-206 for site plan review, and shall include a review of the following factors: location, character and natural features of the side and adjoining property; fencing and

screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; compliance with application requirements of all City Ordinances, including the Performance Standards of Section 19-316. Eff: 05/08/13

TRANSITIONAL BUSINESS 1 ZONE “TB1” CONDITIONAL USES	
(1)	Change of use of an existing structure from an exclusively residential use to a Mixed Use, on an existing lot of record as of March 11, 2013, which lot does not meet the dimensional standards for Mixed Uses.

Eff: 05/08/13

C. Prohibited Uses

TRANSITIONAL BUSINESS 1 ZONE “TB1” PROHIBITED USES	
(1)	Any use which is obnoxious, unsightly, annoying, dangerous, detrimental or injurious to the health, comfort, or property of individuals, or of the public, by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration
(2)	Any use specifically named in Residential Zone “RR1” Prohibited Uses
(3)	Flag Lots
(4)	Outdoor sales or display

D. Standards

(1) The standards of Section 19-316 shall be observed.

(2) The following space and bulk standards shall apply to all lots and/or parcels of land:

TRANSITIONAL BUSINESS 1 ZONE “TB1” STANDARDS	
Minimum Lot Size Non-Residential and Mixed Use ¹	10,000 square sewered; 20,000 square feet non-sewered
Minimum Lot Size Residential Use	5,000 square feet sewered; 20,000 square feet non-sewered
Required Lot Area for each Additional Dwelling Unit	5,000 square feet for sewered lots; 10,000 square feet for non-sewered lots
Minimum First Floor Area Per Building	600 square feet
Minimum Continuous Street Frontage along one street	80 feet (Excludes Cul-de-sacs) ^{2*}
Minimum Setbacks ^{3**}	
Front	20 feet
Side	15 feet
Rear	20 feet (Excludes Corner Lots, see definition)
Side and rear setbacks for nonresidential or mixed use abutting a residential zone or use	30 feet
Minimum Rear Setback for an Accessory Structure over 700 square feet or portion thereof over 700 square feet)	20 feet
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Maximum Building Coverage	40%
Maximum Lot Coverage	60%
Maximum Building Height	35 feet and 2½ stories
Minimum Distance Between Curb Cuts	50 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts

Notes:

¹ Except as provided in B. Conditional Uses (above).

²*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

³** In the case of an infill lot, the minimum front setback may be less than 20 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots. Eff: 05/08/13

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

7. TRANSITIONAL BUSINESS 2 ZONE “TB2”

Purpose: The purpose of the Transitional Business 2 Zone is to offer the opportunity for non-residential uses while protecting the adjoining residential neighborhoods and zones. Consequently, the permitted and conditional uses and development standards for this zone are intended to encourage small-scale operations and uses which are compatible with residential uses. This Zone should be used as a buffer between residential areas and adjoining commercial or industrial zones. Retail (except incidental sales) is not allowed in order to minimize additional traffic congestion and improve traffic safety, to protect the viability of Downtown, and to protect adjacent residential neighborhoods. Eff: 05/08/13

A. Permitted Uses

TRANSITIONAL BUSINESS 2 ZONE “TB2” PERMITTED USES	
(1)	Uses allowed in Transitional Business 1 Zone, excluding retail sales (except incidental sales)

B. Conditional Uses

The following conditional uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II). In granting, denying, and/or imposing conditions, the Planning Board shall follow the process and apply the standards set forth in Chapter 16, Sections 16-201 through 16-206 for site plan review, and shall include a review of the following factors: location, character and natural features of the side and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; signage, and lighting; compatibility with existing uses; availability of necessary public services; compliance with application requirements of all City Ordinances, including the Performance Standards of Section 19-316. Eff: 05/08/13

TRANSITIONAL BUSINESS 2 ZONE “TB2” CONDITIONAL USES	
(1)	Existing automobile dealerships (including outdoor sales and display).
(2)	Change of use of an existing structure from an exclusively residential use to a Mixed Use, on an existing lot of record as of March 11, 2013, which lot does not meet the dimensional standards of Mixed Use. Eff: 05/08/13

C. Prohibited Uses

TRANSITIONAL BUSINESS 2 ZONE “TB2” PROHIBITED USES	
(1)	Any use specifically named in Residential Zone “RR1” Prohibited Uses
(2)	Any use which is annoying, detrimental, obnoxious, unsightly, injurious or dangerous to the health, comfort, or property of individuals, or of the public, by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration
(3)	Drive-up windows and drive-throughs
(4)	Flag Lots
(5)	Outdoor sales or display

D. Standards

- (1) The standards of Section 19-316 Performance Standards shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

TRANSITIONAL BUSINESS 2 ZONE “TB2” STANDARDS	
Minimum Lot Size Non-Residential and Mixed Use ¹	10,000 square feet sewerer; 20,000 square feet non-sewerer
Minimum Lot Size Residential Use	5,000 square feet sewerer; 20,000 square feet non-sewerer
Required Lot Area for each Additional Dwelling Unit	5,000 square feet for sewerer lots; 10,000 square feet for non-sewerer lots
Minimum First Floor Area Per Building	600 square feet
Minimum Continuous Street Frontage along one street	80 feet (Excludes Cul-de-sacs) ^{2*}

TRANSITIONAL BUSINESS 2 ZONE “TB2” STANDARDS	
Minimum Setbacks ^{3**}	
Front	30 feet
Side	15 feet
Rear	20 feet (Excludes Corner Lots, see definition)
Side and rear setbacks for nonresidential or mixed use abutting a residential zone or use	20 feet
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Maximum Building Coverage	40%
Maximum Lot Coverage	60%
Maximum Building Height	35 feet and 2½ stories
Minimum Distance Between Curb Cuts	150 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts

Notes:

Eff: 05/08/13

¹ Except as provided in B. Conditional Uses (above)

²*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

^{3**} In the case of an infill lot, the minimum front setback may be less than 30 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots. Eff: 05/08/13

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

8. TRANSITIONAL BUSINESS 3 ZONE “TB3”

Purpose: The purpose of the Transitional Business 3 Zone is to offer the opportunity for non-residential uses while protecting adjoining residential neighborhoods and zones. This Zone is different from the Transitional Business 2 Zone in that it is mostly made up of larger parcels which should be preserved to encourage planned development.

A. Permitted Uses

TRANSITIONAL BUSINESS 3 ZONE “TB3” PERMITTED USES	
(1)	Residential uses, single, two-family and multifamily
(2)	Accessory Apartments
(3)	Assisted Living Facilities Eff: 04/11/12
(4)	Home occupations, all levels
(5)	Accessory uses
(6)	Art galleries
(7)	Churches
(8)	Elderly housing
(9)	Funeral homes
(10)	Human health services
(11)	Libraries;
(12)	Lodging facilities (hotels, motels, and B&B's);
(13)	Museums
(14)	Nurseries and greenhouses
(15)	Nursing homes
(16)	Office buildings

TRANSITIONAL BUSINESS 3 ZONE “TB3” PERMITTED USES	
(17)	Professional services
(18)	Private Non-Medical Institutes and Residential Care Facilities, Small Eff: 04/11/12
(19)	Private Non-Medical Institutes and Residential Care Facilities, Large Eff: 04/11/12
(20)	Public Parks and playgrounds
(21)	Restaurants; sit down
(22)	Schools and day care centers

B. Conditional Uses

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved

TRANSITIONAL BUSINESS 3 ZONE “TB3” CONDITIONAL USES	
(1)	Commercial outdoor recreational uses. Eff: 09/09/98

C. Prohibited Uses

TRANSITIONAL BUSINESS 3 ZONE “TB3” PROHIBITED USES	
(1)	Any use specifically named in Residential Zone “RR1” Prohibited Uses
(2)	Any use which is annoying, detrimental, obnoxious, unsightly, injurious or dangerous to the health, comfort, or property of individuals, or of the public, by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration
(3)	Drive-up windows and drive-throughs
(4)	Flag Lots
(5)	Outdoor sales or display

D. Standards

- The standards of Section 19-316 shall be observed.
- The standards of 19-304-22-K shall apply to properties in this zone on the east side of Camden Street.
- The following space and bulk standards shall apply to all lots and/or parcels of land:

TRANSITIONAL BUSINESS 3 ZONE “TB3” STANDARDS	
Minimum Lot Size Non-Residential and Mixed Use	43,560 square feet
Minimum Lot Size Residential Use	10,000 square feet for sewered lots; 20,000 square feet for non-sewered lots
Required Lot Area for each Additional Dwelling Unit	5,000 square feet for sewered lots; 10,000 square feet for non-sewered lots
Minimum First Floor Area Per Building	750 square feet
Minimum Continuous Street Frontage along one street	150 feet (Excludes Cul-de-sacs)*
Minimum Setbacks** Front Side Rear	30 feet 15 feet Single family unit 20 feet; All other 30 feet (Excludes Corner Lots, see definition)
Side and rear setbacks for nonresidential or mixed use abutting a residential zone or use	75 feet side and rear setbacks which shall not be used for off-street parking or outdoor storage.
Minimum Rear Setback (Accessory Structure over 700 square feet or portion thereof over 700 square feet)	20 feet
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet

TRANSITIONAL BUSINESS 3 ZONE “TB3” STANDARDS	
Maximum Building Coverage	30%
Maximum Lot Coverage	60%
Maximum Building Height	35 feet
Minimum Distance Between Curb Cuts	150 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts

Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** In the case of an infill lot, the minimum front setback may be less than 30 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

8A. TRANSITIONAL BUSINESS 4 ZONE “TB4”

Purpose: The purpose of the Transitional Business 4 Zone is to offer the opportunity for non-residential uses while protecting adjoining residential neighborhoods and zones. This Zone is different from the Transitional Business 3 Zone in that it creates greater buffers between this zone and residential zones and imposes stricter requirements for development.

A. Permitted Uses

TRANSITIONAL BUSINESS 4 ZONE “TB4” PERMITTED USES	
(1)	Residential uses, single, two-family and multifamily
(2)	Home occupations, all levels
(3)	Assisted Living Facilities Eff: 04/11/12
(4)	Accessory Apartments
(5)	Accessory uses
(6)	Art galleries
(7)	Churches
(8)	Congregate housing
(9)	Financial services
(10)	Funeral homes
(11)	Human health services
(12)	Libraries
(13)	Lodging facilities (hotels, motels, and B&B’s)
(14)	Museums
(15)	Nurseries and greenhouses
(16)	Nursing homes
(17)	Office buildings
(18)	Private Non-Medical Institutes and Residential Care Facilities, Small Eff: 04/11/12
(19)	Private Non-Medical Institutes and Residential Care Facilities, Large Eff: 04/11/12
(20)	Professional services
(21)	Public Parks and playgrounds
(22)	Restaurants; sit down
(23)	Retail Sales
(24)	Schools and day care centers

TRANSITIONAL BUSINESS 4 ZONE “TB4” PERMITTED USES	
(25)	Tradesman’s offices, shops and showrooms

B. Conditional Uses: None

C. Prohibited Uses

TRANSITIONAL BUSINESS 4 ZONE “TB4” PROHIBITED USES	
(1)	Any use specifically named in Residential Zone “RR1” Prohibited Uses
(2)	Any use which is annoying, detrimental, obnoxious, unsightly, injurious or dangerous to the health, comfort, or property of individuals, or of the public, by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration
(3)	Flag Lots
(4)	Restaurant drive-up windows and drive-throughs

D. Standards

- (1) The following space and bulk standards shall apply to all lots and/or parcels of land:
- (2) The standards of Section 19-316 shall be observed with the following increases in those standards:
 - (a) Buffering - The required side and back setbacks of nonresidential uses that abut properties in residential zones shall be retained in their natural vegetated state to the maximum extent possible to provide a visual screen between uses. The buffer may be part of the setback. Where natural buffering does not exist, or is not possible to be retained, or is not sufficient to achieve an effective, complete visual screen, the required side and back yards shall be landscaped to provide a visual screen between uses. It may be interrupted only by a single pedestrian pathway at each abutting property line no more than five (5) feet wide. In the Transitional Business 4 the landscaped strip shall be at least sixty (60) feet wide and shall be planted with at least six (6) canopy trees, twenty four (24) evergreen trees, eight (8) understory trees, and sixty (60) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion with the above specifications. For every mature canopy or evergreen tree existing prior to development and retained within the buffer area, the required number of new trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building permit issued for the development, it shall be replaced by two (2) similar trees meeting the standard of this ordinance.
 - (b) Lighting - Direct or indirect illumination shall not exceed two/tenths (.2) footcandles upon abutting residential properties.
 - (c) Slope - In order to create the least potential for erosion, and to maintain a natural appearance, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be minimized wherever reasonably possible. In areas where steep slopes and/or cuts and fills are necessary, erosion control measures shall be incorporated in accordance with the *Maine Erosion and Sediment Control Handbook for Construction and Best Management Practices* as published by the Maine Department of Environmental Protection, latest revision.

TRANSITIONAL BUSINESS 4 ZONE “TB4” STANDARDS	
Minimum Lot Size Non-Residential and Mixed Use	43,560 square feet
Minimum Lot Size Residential Use	10,000 square feet sewered; 20,000 square feet non-sewered
Minimum Lot Area for each Additional Dwelling Unit	5,000 square feet for sewered lots; 10,000 square feet for non-sewered lots
Minimum First Floor Area Per Building	600 square feet
Maximum First Floor Area Per Building	140,000 square feet
Minimum Continuous Street Frontage along one street	150 feet (Excludes Cul-de-sacs)*
Minimum Setbacks** Front	30 feet

TRANSITIONAL BUSINESS 4 ZONE “TB4” STANDARDS	
Side Rear	15 feet Single family unit 20 feet; All other 30 feet (Excludes Corner Lots, see definition)
Side and rear setbacks for nonresidential or mixed use abutting a residential zone or use	75 feet side and rear setbacks which shall not be used for off-street parking or outdoor storage.
Maximum Building Coverage	30%
Maximum Lot Coverage	60%
Maximum Structure Height	40 feet
Minimum Distance Between Curb Cuts	150 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts

Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** In the case of an infill lot, the minimum front setback may be less than 30 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

9. RESORT ZONE “RT”

Purpose: The purpose of the Resort Zone is to offer the opportunity for resort and lodging uses while protecting adjoining residential neighborhoods and zones. Traffic issues through existing neighborhoods should be carefully considered.

A. Permitted Uses

RESORT ZONE “RT” PERMITTED USES	
(1)	Hotels
(2)	Residential uses, single family and cluster developments in accordance with Section 19-306
(3)	Home occupations, all levels
(4)	Accessory Apartments
(5)	Accessory uses to any allowed use
(6)	Public and private parks, and golf courses
(7)	Restaurant, sit down, accessory to an allowed non-residential use

B. Conditional Uses: None

C. Prohibited Uses

RESORT ZONE “RT” PROHIBITED USES	
(1)	Any use specifically named in Residential Zone “RR1” Prohibited Uses
(2)	Any use which is annoying, detrimental, obnoxious, unsightly, injurious or dangerous to the health, comfort, or property of individuals, or of the public, by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration
(3)	Drive-up windows and drive-throughs
(4)	Flag Lots

D. Standards

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

RESORT ZONE "RT" STANDARDS	
Minimum Lot Size	Single family 20,000 sq. ft.; All Other Allowed Uses - 43,560 sq. ft.
Minimum Lot Area per Dwelling Unit and per Transient Dwelling Unit (e.g. lodging room, hotel room, inn room)	Single family - 20,000 sq. ft. All Other Allowed Uses - 40,000 sq. ft. for the first Transient Dwelling unit plus 1,000 sq. ft. for each additional Transient Dwelling.
Minimum First Floor Area Per Dwelling	1,000 sq. ft. (Not applicable to Transient Dwelling units)
Minimum Continuous Street Frontage along one street	150 ft. (Excludes Cul-de-sacs)*
Minimum Setbacks**:	
Front	Single Family Dwelling - 50 ft. All Other Allowed Uses - 75 ft. plus the height equivalent of the (proposed) building
Side	Single Family Dwelling 30 ft.; All Other Allowed Uses 100 ft.
Rear	Single Family Unit - 25 ft.; All other uses – 75 feet plus the height of the (proposed) building (Excludes Corner Lots, see definition)
Minimum Rear Setback (Accessory Structure over 700 square feet or portion thereof over 700 square feet)	25 feet
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	15 feet
Maximum Building Coverage	30%
Maximum Lot Coverage	50%
Maximum Building Height	55 feet
Minimum Distance Between Curb Cuts	150 ft. along a public street, but at least one allowed per lot. No commercial driveway shall be allowed to Samoset Road, except for emergency ingress or egress.

Notes:

*See Subdivision Review in Chapter 16 for Cul-de-sac frontage standards.

** In the case of an infill lot, the minimum front setback may be less than 50 feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

For purposes of setback calculations, Principal and Accessory Structures include attached porches, decks and any other attached structures excluding steps only if the steps do not exceed 25 square feet in size. Ramps for handicapped access are exempted from setback calculations. Eff: 05/19/06

10. Commercial 1 Zone "C1" Regulations

A. Purpose.

The purpose of the Commercial 1 Zone is to accommodate general highway-oriented business uses on large parcels.

B. Use Regulations.

In a Commercial 1 Zone "C1" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

(a) New dwelling units are allowed where at least seventy-five percent (75%) of the street level floor space shall be used primarily for those uses set forth in subparagraphs (B)(1)(b) et seq. Single-family dwellings may be repaired or rebuilt as provided at Section 19-308;

(b) Automobile sales and service (excluding motor vehicle body and motor vehicle repair except as incidental to licensed new and used motor vehicle sales);

(c) Business services;

(d) Churches;

(e) Community and civic buildings and uses for philanthropic reasons;

(f) Eating and drinking places;

(g) Financial services;

(h) Funeral homes;

(i) Human health services;

(j) Home occupations, all levels;

(k) Light industrial uses limited to that portion of the Commercial "C1" Zone along Route 1, Payne Avenue and Park Street, on lots adjacent to an existing railroad right of way. Eff: 12/09/98

(l) Lodging facilities;

(m) Newspaper and job printing;

(n) Office buildings;

(o) Outdoor storage and sales shall be permitted as an accessory use to uses permitted in this zone;

(p) Parking facilities, commercial;

(q) Personal services;

(r) Professional services;

(s) Quasi-public uses;

(t) Retail or wholesale businesses (any generally recognized), including manufacturing or processing incidental thereto, provided that no more than five (5) operatives shall be employed in such manufacturing or processing;

(u) Schools and day care centers;

(v) Social services;

(w) Theaters and other places of entertainment and assembly;

(x) Trademen's or craftsmen's offices, shops, and showrooms;

(y) Veterinaries;

(z) Health and fitness facilities; and

Eff: 03/08/10

(aa) Accessory uses; and

(2) Conditional Uses.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. The Planning Board shall review and grant, grant with conditions or deny permission for a conditional use by applying the process and standards for site plan review and shall take into consideration the following factors: the location, character and natural features of the site and adjoining property; fencing, screening; landscaping; topography, natural drainage, and provisions for storm and ground water; traffic hazards, vehicular volume, access, impact on public ways and intersections, on-site circulation and parking; pedestrian access, safety and circulation; signage, and lighting; noise; hours of operations; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances. The Planning Board Chair, subject to challenge and motion by the Board at a meeting duly noticed, may agree to accept for the Board's review fewer than all the mandatory submission requirements set forth in Chapter 16, Article II, except that a site plan shall be required of every applicant. Eff: 03/08/10

(a) Commercial outdoor recreational uses; Eff: 09/09/98

(b) Manufacturing, at parcels fronting on New County Road;

(c) Warehousing;

(d) Interior boat storage and repair, at parcels fronting on New County Road;

(e) Light industrial uses, at parcels fronting on New County Road.

Eff: 03/08/10

(3) Prohibited Uses.

(a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;

(b) No use that unduly increases the danger from fire or explosion, or is otherwise dangerous, or that produces or emits noxious gases, fumes, odors, dust, smoke, noise, vibration or otherwise which may constitute a nuisance shall be allowed until and unless the Zoning Board of Appeals after public hearing rules that such use under such conditions and in such buildings as it may prescribe will not be detrimental or injurious to the health, comfort or property of individuals, or of the public;

(c) Ammonia, bleaching powder, or chlorine manufacture or refining; hydrochloric, nitric, picric, sulfuric, or sulphurous acid manufacture;

(d) Asphalt manufacture, heating, mixing, or refining, creosote manufacture;

(e) Blast furnace; melting or ore reduction or smelting; hot rolling mill;

(f) Cement; gypsum, or plaster of Paris manufacturing or rock crushing;

(g) Dextrin, glucose, or starch manufacture;

(h) Dye, lamp black, or match manufacture;

(i) Explosive or fireworks manufacture, or storage in excess of five hundred (500) pounds;

(j) Fat, grease, lard, or tallow manufacture, refining, or rendering;

(k) Incineration, reduction, or dumping of dead animals, garbage, offal, or refuse;

(l) Linoleum or oilcloth manufacture, production or refining of petroleum or other inflammable liquids;

(m) Rubber manufacture, or treatment involving offensive odor;

(n) Slaughtering, or operation of stock yards;

(o) Tanning or curing of raw hides or skins;

(p) Tar distillation or manufacture, turpentine or varnish manufacture;

(q) Any process similar in character to any of the uses specified above or those uses which have been declared a nuisance in any court record.

C. Standards.

(1) The standards of Section 19-316 shall be observed.

(2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-10

"C1" ZONE

	COMMERCIAL AND MIXED USE
MINIMUM LOT SIZE	30,000 sq. ft.
MINIMUM LOT AREA PER DWELLING	1,200 sq. ft.
MINIMUM STREET FRONTAGE	200 ft. along a public street
MINIMUM SETBACKS	
Front	50 ft., provided that the 30 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalk and access drives, and not to be used for off-street parking or outdoor storage in each yard abutting a street or if such plan is approved by the Planning Board, the minimum front yard shall be 30 ft.
Side	20 ft.
Back	30 ft.
Side and back yard for nonresidential or mixed use abutting a residential zone or use	30 ft.
MAXIMUM BUILDING COVERAGE	40%
MAXIMUM LOT COVERAGE	80% Eff: 8./11/99
MAXIMUM BUILDING HEIGHT	45 ft.
MINIMUM DISTANCE BETWEEN CURB CUTS	175 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.

11. Commercial 2 Zone "C2" Regulations

A. Purpose.

The purpose of the Commercial 2 Zone is to accommodate general business uses on smaller parcels that are increasingly pedestrian-oriented as the areas approach Downtown.

B. Use Regulations.

In a Commercial 2 Zone "C2" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

Uses allowed in Commercial 1 Zone, excluding:

- (a) Compartmentalized storage buildings; and
- (b) Veterinaries.

The following uses are permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review, applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances.

- 1. Commercial outdoor recreational uses. Eff: 09/09/98

(2) Prohibited Uses

- (a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;
- (b) Any use specifically named in Section 19-304-10-B (2).

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-11

"C2" ZONE

	NEW COMMERCIAL AND MIXED USE
MINIMUM LOT SIZE	21,780 sq. ft.
MINIMUM LOT AREA PER DWELLING	1,200 sq. ft.
MINIMUM FLOOR AREA PER DWELLING	300 sq. ft.
MINIMUM STREET FRONTAGE	100 ft. along a public street
MINIMUM SETBACKS	
Front	20 ft. except 30 ft. on Route 1 north of Main St.
Side	20 ft.
Back	20 ft.
Side and back yard for non-residential or mixed use abutting a residential zone or use	30 ft.
MAXIMUM BUILDING COVERAGE	50%
MAXIMUM LOT COVERAGE	80% Eff: 6/9/99
MAXIMUM BUILDING HEIGHT	35 ft. Eff: 6/9/99
MINIMUM DISTANCE BETWEEN CURB CUTS	100 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.

12. Commercial 3 Zone "C3" Regulations.

A. Purpose.

The purpose of the Commercial 3 Zone is to accommodate general highway-oriented business uses on large parcels.

B. Use Regulations.

In a Commercial 3 Zone "C3" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

- (a) Uses allowed in Commercial 1 Zone,
- (b) Sole source pharmacy (It is the intention of the City Council that this ordinance amendment shall apply to applications pending or permitted on or after November 29, 2004.) Eff: 02/09/05
- (c) Storage buildings, compartmentalized with individual cubicles less than four thousand (4000) cubic feet per cubicle. Eff: 2/12/97
- (d) Boat storage facility. Eff: 10/11/00
- (e) Motor vehicle repair. Eff: 10/11/00
- (f) Construction Services, provided that there shall be no processing of raw materials on site nor shall there be stockpiling of products other than for retail sales. Eff: 03/14/01
- (g) Automobile Service Stations. Eff: 03/14/01

(2) Prohibited Uses.

- (a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibrations;
- (b) Any use specifically named in Section 19-304-10 B (2).

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-12

"C3" ZONE

	COMMERCIAL AND MIXED USE
MINIMUM LOT SIZE	43,560 sq. ft.
MINIMUM LOT AREA PER DWELLING	
MINIMUM FIRST FLOOR AREA PER BUILDING	600 sq. ft.
MINIMUM STREET FRONTAGE	200 ft. along a public street
MINIMUM SETBACKS	
Front	50 ft.
Side	25 ft.
Back	30 ft.
Side and back yard for nonresidential or mixed use abutting a residential zone or use	40 ft.
MAXIMUM BUILDING COVERAGE	20%
MAXIMUM LOT COVERAGE	60%
MAXIMUM BUILDING HEIGHT	Either 2½ stories or 35 feet Eff: 9/12/01
MINIMUM DISTANCE BETWEEN CURB CUTS	200 ft. along a public street or 100 ft. along an internal private road, but at least one allowed per lot. Property access shall be from side street when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.
FLAG LOTS	Subject to Planning Board Review. Eff: 07/14/10

13. Plaza Commercial Zone "PC" Regulations.

A. Purpose.

The purpose of the Plaza Commercial Zone is to accommodate commercial centers for highway-oriented businesses.

B. Use Regulations.

In a Plaza Commercial Zone "PC" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

- (a) Business services;
- (b) Financial services;
- (c) Human health services;
- (d) Lodging facilities;
- (e) Motor vehicle service stations (excluding motor vehicle body work and major engine repair);
- (f) Movie theaters and other places of entertainment;
- (g) Office buildings;
- (h) Personal services;
- (i) Professional services;
- (j) Restaurants;
- (k) Retail and/or auxiliary wholesale business, any generally recognized;
- (l) Social services;
- (m) Accessory uses; and

(2) Prohibited Uses

- (a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;
- (b) Any use specifically named in Section 19-304-10-B (2);
- (c) Outdoor sales or display, except as an accessory use; and
- (d) Motor vehicle sales.

C. Standards.

(1) The standards of Section 19-316 shall be observed.

(2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-13

"PC" ZONE

	NONRESIDENTIAL USE
MINIMUM LOT SIZE	87,120 sq. ft.
MINIMUM STREET FRONTAGE	300 ft. along a public street
MINIMUM SETBACKS	
Front	50 ft.
However, if the area between the principal structure and the front lot line (extending the full width of the lot) is landscaped and remains unpaved except for sidewalks and access drives and not used for off-street parking or outdoor storage	30ft. Eff: 2/9/05
Side	50 ft.
Back	50 ft.
Side and back yard for nonresidential or mixed use abutting a residential zone or use	75 ft.
Side and back setback abutting non-residential use which is also within the "PC" zone	6 ft. Eff: 2/9/05
MAXIMUM LOT COVERAGE	85% Eff: 8/11/99
MAXIMUM BUILDING HEIGHT	Either 2½ stories or 35 feet Eff: 9/12/01

MINIMUM DISTANCE BETWEEN CURB CUTS WITHIN LOT OR ANY OTHER CURB CUT	300 ft. along a public street, but at least one allowed per lot. This provision may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.
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14. Downtown Zone "DT" Regulations.

A. Purpose.

The purpose of the Downtown Zone is to preserve and promote a compact, historic commercial district to serve as the retail, office, institutional, financial, governmental, and cultural center of the community. This Zone should include mixed uses that are compatible with existing uses and architectural scale.

B. Use Regulations.

In a Downtown Zone "DT" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

(a) Congregate and other residential uses except that new dwelling units are only allowed where at least seventy-five percent (75%) of the street level floor space shall be used primarily for those uses set forth in subparagraphs (1)(b) et seq. Single-family dwellings may be repaired or rebuilt as provided at Section 19-308;

- (b) Business services;
- (c) Churches;
- (d) Community and civic buildings and uses;
- (e) Eating and drinking places;
- (f) Financial services;
- (g) Home occupations, all levels of;
- (h) Human health services;
- (i) Light assembly
- (j) Lodging facilities: hotels, motels, bed & breakfasts;
- (k) Newspaper and job printing;
- (l) Office buildings;
- (m) Parking facilities, commercial;
- (n) Parks and playgrounds;
- (o) Personal services;
- (p) Professional services;
- (q) Quasi-public uses;
- (r) Research and development;
- (s) Retail or wholesale business, any generally recognized;
- (t) Schools and day care centers;
- (u) Social Services;
- (v) Studios;
- (w) Theaters, museums, art galleries and other places of entertainment and assembly;
- (x) Tradesmen's or craftsman's offices, shops, and showrooms;
- (y) Accessory uses; and

(2) Prohibited Uses

- (a) Any use which is annoying, dangerous, detrimental, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;
- (b) Any use specifically named in Section 19-304 (10)(B)(2);
- (c) Outdoor sales or display, except as an accessory use; and
- (d) Motor vehicle sales.

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-14

"DT" ZONE

Maximum Building Height	Either 65 feet or 5 stories
Architectural Design	<i>See</i> Minimum Architectural Design Standards, Ch. 19, Art. III, Sec. 19-317(B)
Maximum Building Coverage Maximum Lot Coverage Floor Area Ratio ("FAR")	No limit.
Maximum Front Setback (Principal and Accessory Structures)	Five feet from property line for no less than 40% of the building façade (first floor) as measured linearly. Fifteen feet from property line for the remainder of the building façade (all floors) as measured linearly
Minimum Front Setback (Principal and Accessory Structures)	None
Minimum Side Setback (Principal and Accessory Structures)	None outside designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted plan, see 'Preservation of Water views' standard for minimum side setbacks.
Façade Materials	Brick, Stone or Wooden Clapboard, or materials similar in appearance, texture, quality and scale to these materials for buildings fronting a public street.
Façade Massing and Projections	<p>All principal facades fronting a public street shall have a prominent cornice and expression line, a working entrance, and windows (except for side-wall facades where entrances are not required).</p> <p>Buildings wider than 75 feet fronting a public street shall incorporate vertical elements in the principal facade to simulate smaller-scale development.</p> <p>Principal facades fronting a public street(s), excluding alleyway(s), or principal facades facing a plaza, or public park may not have blank walls (without doors or windows) greater than 10 feet in length.</p> <p>Expression lines and cornices of principal facades fronting a public street shall be decorative moldings or jogs in the surface plane of the building that extend at least 3 inches out from the principal facade, or a permanent canopy may serve as an expression line.</p>
Entrances	<p>The primary functional entrance to all buildings shall face the street.</p> <p>Corner buildings fronting a public street shall have their primary entrance(s) face either the intersection or the street of greater importance, i.e., typically greater traffic and pedestrian volumes.</p> <p>Where a building fronting a public street would have a building frontage length that exceeds 50 feet, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet.</p>

Windows	<p>Every principal facade fronting a public street must contain transparent windows on each story.</p> <p>Rectangular window openings on principal facades fronting a public street shall be oriented vertically (except for transom windows).</p> <p>All windows fronting a public street must:</p> <ol style="list-style-type: none"> 1. contain visible sills and lintels on the exterior of the wall, and 2. have their glazing set back at least 3 inches from the surface plane of the wall, or set back at least 2 inches when wood frame construction is used.
Preservation of Water views	Existing water views from public streets shall be maintained in whole or part. Until amended following the designation of scenic viewsheds in a City Council-adopted plan, such viewsheds shall be protected in whole or part with a minimum building side setback of 12 feet and/or building separation of at least 15 feet on waterfront parcels; provided, however, that the Planning Board may permit the substitution of these side setback requirements if a proposed development preserves or provides a water view architecturally, as with an arch or other visually- permeable building design.
Lighting on building or on poles	All fixtures shall be historic in style with pole mounted fixture consistent in design with City fixtures in the Downtown Zone. All lights shall be either fully shielded or designed to release only decorative amounts of light at or above the horizontal plane.
Parking Fee in Lieu of Onsite Parking Requirements	To alleviate owners and developers of sometimes-onerous on-site parking requirements – on-site parking facilities sometimes being unfeasible or preventing traditional building densities – an owner or developer of a new building or building addition that generates a requirement for additional parking under the City’s Off-Street Parking Ordinance may, at his discretion, pay a per-space fee in lieu of providing off-street parking, such fee to be established by Order of the City Council, paid prior to the issuance of the building permit, and placed in a designated fund to create surface or structured off-street parking facilities within the City.
Parking Lot Location	Surface level off-street parking lots shall be placed in side and rear yards only. Off-street parking may be provided under commercial or mixed-use buildings.
Mechanical Equipment	Rooftop and other exterior mechanical equipment, including HVAC systems, shall be screened, using materials similar in type and scale to as roofing materials like brick, slate, wood, cementitious or materials similar in appearance, texture and scale. Solar panels are exempt from this requirement. In no case shall wood stockade or similar fencing be used on roofs. Sound buffering/baffles shall be used as needed to meet the requirements of the Performance Standards.
Signs attached to or part of facades	Signs shall be in proportion to the building façade and not cover the cornice or expression lines of the façade.

Pathways and Sidewalks	Paving brick, stone, concrete unit pavers, or concrete slab surfaces, but not asphalt, except in the case of utility work and/or infrastructure maintenance, repair or replacement requiring disturbance of an existing pathway or sidewalk, in which instance the existing materials shall be matched. 10/12/11
Curbing	Granite curbing shall be used.
Minimum Floor Area Per Dwelling Unit	200 sq. ft. per dwelling unit

Eff: 06/08/11

15. Neighborhood Commercial Zone "NC" Regulations.

A. Purpose.

The purpose of the Neighborhood Commercial Zone is to provide for the day-to-day or convenience needs of adjoining residential neighborhoods. This Zone should be located adjacent to established or proposed residential areas and should be fairly small with a few uses depending on the size of the adjoining neighborhood or neighborhoods to be served.

B. Use Regulations.

In a Neighborhood Commercial Zone "NC" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

- (a) Home occupations, all levels of;
- (b) Office building, provided that the footprint of the building does not exceed two thousand eight hundred (2800) square feet;
- (c) Motor vehicle service stations, including gasoline and lubrication services, but excluding automobile repair and body work, provided that the footprint of the building does not exceed two thousand eight hundred (2800) square feet;
- (d) Personal services, provided that the footprint of the building does not exceed two thousand eight hundred (2800) square feet;
- (e) Residential uses, single, two-family and multi-family;
- (f) Restaurants, provided that the footprint of the building does not exceed two thousand eight hundred (2800) square feet;
- (g) Neighborhood Amusement Center: A business, place or establishment where small groups assemble for the purpose of playing games (exclusive of gambling) and social interaction. Such establishment may also conduct retail sales of games and gaming accessories as well as snacks and beverages. Consumption of alcohol on the premises shall be prohibited. A Neighborhood Amusement Center shall not occupy a total floor area of greater than one thousand (1000) square feet and shall be limited to twenty (20) occupants. Eff: 01/07/04
- (h) Retail establishments in buildings the footprint of which is two thousand eight hundred (2800) square feet maximum;
- (i) Accessory uses; and

(2) Prohibited Uses

- (a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;
- (b) Any use specifically named in Section 19-304-10-B(2);
- (c) Outdoor sales or display, except as an accessory use; and
- (d) Drive-up windows and drive-throughs.

C. Standards.

- (1) The standards of Section 19-316 shall be observed.
- (2) All new non-residential structures shall be designed to be residential in appearance and blend with the overall neighborhood. Eff: 03/15/06
- (3) The following space and bulk standards shall apply to all lots and/or parcels of land:

Table 304-15

"NC" ZONE

	RESIDENTIAL, NONRESIDENTIAL OR MIXED USE
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MINIMUM LOT SIZE	10,000 sq. ft. or lot of record as of (date of adoption of Article)
MINIMUM LOT AREA PER DWELLING UNIT	Single family: 10,000 sq. ft., other: 1,200 sq. ft. per dwelling unit
MINIMUM FIRST FLOOR AREA PER BUILDING	600 sq. ft.
MINIMUM STREET FRONTAGE	100 ft. along a public street
MINIMUM SETBACKS	
Front	25 ft.
Side	15 ft.
Back	20 ft.
MAXIMUM BUILDING COVERAGE	40%
MAXIMUM LOT COVERAGE	80% Eff: 8/11/99
MAXIMUM BUILDING HEIGHT	Either 2½ stories of 35 feet. Eff: 9/12/01
MINIMUM DISTANCE BETWEEN CURB CUTS	100 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.

16. Business Park Zone "BP" Regulations.

A. Purpose.

The purpose of the Business Park Zone is to promote the development of business parks which are often composed of a mix of light industrial, wholesale trade, distribution, and service uses which are designed, constructed, and maintained to be compatible in appearance, and operation with professional offices and office complexes. Such uses should be developed within centers that are planned as units. Because of land use mix, standards are required to assure compatibility.

B. Use Regulations.

In a Business Park Zone "BP" no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses.

- (a) Bulk plants for the storage of petroleum, or grain products;
- (b) Business services;
- (c) Community and civic buildings and uses that can coexist compatibly with other allowed uses;
- (d) Construction services;
- (e) Distribution businesses;
- (f) Financial services;
- (g) Light industrial uses;
- (h) Living quarters used by watchmen or custodians for protection within the zone;
- (i) Office buildings;
- (j) Personal services; Eff: 8/9/06
- (k) Professional services;
- (l) Quasi-public uses that can coexist compatibly with other allowed uses;
- (m) Research and development facilities;
- (n) Retail trade accessory to an allowed use; Eff: 9/11/96
- (o) Restaurants, accessory to and located in a structure housing an allowed use (provided that there shall be no drive-up window or drive-throughs);
- (p) Storage of boats in the traditional "winter cover" manner in ground cradles and structures for the storage of incidentals such as riggings, masts, stays, spars, rope, line and sails; Eff: 9/11/96
- (q) Storage buildings, compartmentalized with individual cubicles less than four thousand (4,000) cubic feet per cubicle; Eff: 9/11/96
- (r) Theaters and other places of entertainment and assembly; Eff: 9/11/96
- (s) Transportation facilities;
- (t) Warehousing;
- (u) Wholesale business;

(v) Accessory uses; and

(2) Prohibited Uses.

(a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, by reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;

(b) No use that unduly increases the danger from fire or explosion, or is otherwise dangerous, or that produces and emits noxious gases, fumes, odors, dust, smoke, noise, vibration or otherwise which may constitute a nuisance shall be allowed until and unless the Zoning Board of Appeals after public hearing rules that such use under such conditions and in such buildings as it may prescribe will not be detrimental or injurious to the health, comfort or property of individuals, or of the public;

(c) New dwelling, except as provided for in section (h) above;

(d) Ammonia, bleaching powder, or chlorine manufacture or refining; hydrochloric, nitric, picric, sulfuric, or sulphurous acid manufacture;

(e) Asphalt manufacture, heating, mixing, or refining, creosote manufacture;

(f) Blast furnaces; melting or ore reduction or smelting; hot rolling mill;

(g) Cement; gypsum, or plaster of Paris manufacture or rock crushing;

(h) Dextrin, glucose, or starch manufacture;

(i) Dye, or match manufacture;

(j) Explosives or fireworks manufacture, or storage in excess of five hundred (500) pounds;

(k) Fat, grease, lard, or tallow manufacture, refining, or rendering;

(l) Fish rendering;

(m) Incineration, reduction, or dumping of dead animals, garbage, offal, or refuse;

(n) Linoleum or oilcloth manufacture, production or refining of petroleum or other inflammable liquids;

(o) Rubber manufacture, or treatment involving offensive odor;

(p) Slaughtering, or operation of stock yards;

(q) Tanning or curing of raw hides or skins;

(r) Tar distillation or manufacture, turpentine or varnish manufacture;

(s) Any process similar in character to any of the uses specified above or those uses which have been declared a nuisance in any court of record.

C. Standards.

(1) The standards of Section 19-316 shall be observed.

(2) The following space and bulk standards shall apply:

Table 304-16

"BP" Zone

	NON-RESIDENTIAL USE
MINIMUM LOT SIZE	43,560 sq. ft.
MINIMUM STREET FRONTAGE	200 ft. along a public street or 100 ft. along an internal private road.
MINIMUM SETBACKS	
Front	75 ft., provided that the 50 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalks and access drives, and not be used for off-street parking or outdoor storage in each yard abutting a street or if such plan is approved by the Planning Commission, the minimum front yard shall be 50 ft.
Side	50 ft. or 50% of the building height, whichever is greater, provided that the 20 ft. closest to the lot line shall be landscaped, remain unpaved except sidewalks and access drives, and shall not be used for off-street parking and outdoor storage.
Back	50 ft. or 50% of the building height, whichever is greater, provided that the 20 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalks and access drives, and shall not be used for off-street parking and outdoor

	storage.
Side and back yard for non-residential or mixed use abutting a residential zone or use	75 ft. and shall not be used for off-street parking or outdoor storage.
MAXIMUM BUILDING COVERAGE	30%
MAXIMUM LOT COVERAGE	40%
MAXIMUM BUILDING HEIGHT	45 ft.
MINIMUM DISTANCE BETWEEN CURB CUTS	200 ft. along a public street, but at least one allowed per lot. Property access shall be from side streets when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.

17. Industrial Zone "I" Regulations.

A. Purpose.

The purpose of the Industrial Zone is to permit a variety of industrial developments that are compatible with other residential and non-residential uses in neighboring areas of the City and to permit more than principal use or structure on any lot in the Industrial Zone, notwithstanding the definition of a lot as set forth in Section 19-302. Eff: 4/10/02

B. Use Regulations.

In an Industrial Zone "I" no building or land shall be used, and no buildings shall hereafter be erected or structurally altered, unless otherwise provided for in this Article.

(1) Permitted Uses

- (a) Automobile body shops;
- (b) Banks;
- (c) Community and civic buildings and uses for philanthropic reasons;
- (d) Construction services;
- (e) Distribution businesses;
- (f) Living quarters used by watchmen or custodians for protection within the zone;
- (g) Manufacturing, compounding, processing, packing, treatment, or warehousing of goods and products provided such manufacture, compounding, processing, packing, treatment, or warehousing of goods and products, meet the standards of performance herein stated, except as prohibited by Section 19-304-16(B)(2) and 19-304-17(B)(2) hereof;
- (h) Offices accessory to an allowed industrial use or directly or indirectly connected with the manufacture or marketing of products which are created or traded in the zone;
- (i) Quasi-public uses;
- (j) Restaurants, accessory to and located in a structure housing an allowed use, provided that there shall be no drive-up windows or drive-throughs;
- (k) Restaurant, take out only, provided that there shall be no drive-up windows or drive throughs; Eff: 7/24/98
- (l) Research and development facilities;
- (m) Retail trade accessory to an allowed industrial use and restricted to those products manufactured on-site;
- (n) Storage of boats in the traditional "winter cover" manner in ground cradles and structures for the storage of incidentals such as riggings, masts, stays, spars, rope, line and sails; Eff: 9/11/96
- (o) Storage buildings, compartmentalized with individual cubicles less than four thousand (4,000) cubic feet per cubicle; Eff: 9/11/96
- (p) Transportation facilities;
- (q) Wholesale business, any generally recognized;
- (r) Accessory uses; and more than one permitted principal use or structure on any lot in the Industrial Zone, notwithstanding the definition of a lot as set forth in Section 19-302. The provisions of Chapter 19, § 19-308, subparagraph 5B(2) allowing the separate sale of principal structures without each lot conforming to frontage or dimension requirements are not applicable under this subsection. Eff: 4/10/02

(2) Prohibited Uses.

The following uses shall be prohibited:

- (a) Any use which is annoying, dangerous, detrimental, injurious, obnoxious, or unsightly to the comfort, health, or property of individuals, or of the public, be reason of dust, fumes, gas, noise, odor, smoke, vapor, or vibration;

(b) Any use prohibited in Section 19-304-16-B-(2).

C. Standards.

(1) The standards of Section 19-316 shall be observed.

(2) The following space and bulk standards shall apply:

Table 304-17

"I" Zone

	NON-RESIDENTIAL USE
MINIMUM LOT SIZE	43,560 sq. ft.
MINIMUM STREET FRONTAGE	200 ft. along a public street or 100 ft. along an internal private road.
MINIMUM SETBACKS	
Front	30 ft., provided that the 20 feet closest to the lot line shall be landscaped, remain unpaved except for sidewalks and access drives, and not be used for off-street parking or outdoor storage in each yard abutting a street.
Side	20 ft. or 50% of the building height, whichever is greater, provided that the 20 feet closest to the lot line shall be landscaped, remain unpaved except for sidewalks and access drives, and shall not be used for off-street parking and outdoor storage.
Back	25 ft. or 50% of the building height, whichever is greater, provided that the 20 ft. closest to the lot line shall be landscaped, remain unpaved except for sidewalks and access drives, and shall not be used for off-street parking and outdoor storage.
Side and back yard for nonresidential or mixed use abutting a residential zone or use	75 ft. and shall not be used for off-street parking or outdoor storage.
MAXIMUM BUILDING COVERAGE	50% Eff: 8/11/99
MAXIMUM LOT COVERAGE	80% Eff: 8/11/99
MAXIMUM BUILDING HEIGHT	65 feet
MINIMUM DISTANCE BETWEEN CURB CUTS	200 ft. along a public street, but at least one allowed per lot. Property access shall be from side street when possible. These provisions may be waived if compliance is physically impossible or would create a safety hazard; the intent is to maximize distance between cuts.

18. Woodland and Wildlife Zone "G" Regulations.

A. In a Woodland and Wildlife Zone "G", uses are limited to the following:

(1) Planting, pruning and harvesting forest trees.

(2) Enjoyment of outdoor recreational activities such as authorized hunting, fishing, hiking, bird-watching, snowmobiling, skating, skiing, snowshoeing and the like.

B. Uses Prohibited.

The following uses are prohibited:

(1) Construction of roads other than simple logging roads;

(2) Construction of dwellings or farm buildings, industrial or commercial buildings.

(3) Operation of motorcycles, motorized bicycles, mini-cars, automobiles or other wheeled motor vehicles, except trucks used in harvesting trees and emergency vehicles.

(4) Raising any domestic animals or poultry.

C. Protection of Vegetation, Wildlife, Bodies of Water, and Wetlands.

(1) Vegetation. Vegetation shall not be substantially disturbed, except that owners of record of privately-owned lots in this zone (or their agents) may prune, or harvest mature trees for logs, pulp or other commercial uses, lots owned by the City may be managed to preserve wildlife habitats.

(2) Bodies of Water and Wetlands. Fish and wildlife shall be regulated in accordance with the laws and regulations of the State of Maine;

(a) Prohibited Activities. Use of bodies of water and adjacent land in this zone shall be in compliance with State law and applicable local ordinances. No person, firm, corporation or other legal entity shall dredge or cause to be dredged, drain or cause to be drained, fill or cause to be filled, or erect or cause to be erected any permanent structure in, on, or over any freshwater wetland without a permit from the Planning Board.

(b) Definition. "Freshwater wetland" shall mean wet meadows, marshes, swamps, bogs, areas where ground water, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community of freshwater wetland vegetation either seasonally or permanently. A freshwater wet land can be contiguous with or isolated from great ponds, streams, rivers and brooks.

"Freshwater wetland" vegetation shall include but not be limited to:

(i) Wetland trees, including, among others red maple (*Acer rubrum*), willows (*Salix* spp.), Black Spruce (*Picea mariana*), black ash (*Fraxinus nigra*), larch (*Larix laricina*), white cedar (*Chamaecyparis thyoides*).

(ii) Wetland shrubs, including, among others, alder (*Alnus* spp.), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne coliculata*), sweet gale (*Myrica gale*).

(iii) Emergent vegetation, including, among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrowheads (*Sagittaria* spp.), reed (*Phragmites communis*), wildrice (*Zizania aquatica*), bur-reeds (*Sparganium* spp.), purple loosestrife (*Lythrum salicaria*).

(iv) Rooted, floating-leaved vegetation, including, among others, waterlily (*Nymphaea odorata*), watershield (*Brasenia schreberi*), spatterdock (*Nuphar* spp.).

(v) Free-floating vegetation, including, among others, duckweed (*Lemna* spp.).

(vi) Wet meadow vegetation, including, among others, sedge (*Carex* spp.) rushes (*Juncus* spp.), cattails (*Typha* spp.), spikerush (*Eleocharis* spp.), mangrass (*Glyceria* spp.).

(vii) Bog mat vegetation, including, among others, sphagnum moss (*Sphagnum* spp.), bog rosemary (*Andromeda glaucophylla*), leatherleaf (*Chamaedaphne caliculata*), pitcher plant (*Sarracenia purpurea*), cranberries (*Vaccinium* spp.), blueberry (*Vaccinium* spp.), laurel (*Kalmia* spp.), crowberry (*Empetrum nigrum*), bladderworts (*Utricularia* spp.), Labrador-tea (*Ledum groenlandicum*), cottongrass (*Eriophorum* spp.).

(c) Findings, Decision. The Board shall grant an applicant's request for a permit to alter a freshwater wetland upon reasonable conditions necessary to ensure conformity with the following standards, if it makes a positive finding, based on all the information presented by proponents and opponents, that the proposed alterations:

(i) will not unreasonably interfere with existing aesthetic, recreational, navigational, or scenic uses;

(ii) will not unreasonably obstruct the natural flow of surface or sub-surface waters across or from the alteration area,

(iii) will not unreasonably impound surface waters and will not unreasonably reduce the absorptive capacity of the alteration area so as to cause or increase the floating of adjacent properties;

(iv) will not unreasonably increase the flow of surface water across, or the discharge of surface water from, the alteration area so as to threaten injury to the alteration area or to downstream lands by erosion, sedimentation, or otherwise;

(v) will not unreasonably damage spawning grounds or habitat for aquatic life, birds, or other wildlife;

(vi) will not lower the quality of any water; and

(vii) will be accomplished in conformance with the erosion prevention provisions of "Environmental Quality Handbook Erosion and Sediment Control" published by the Maine Soil and Water Conservation Commission, dated June, 1974.

D. General Intent Zone "G". The general intent of subsection 11 of this Section is to preserve the unique area commonly known as the "Rockland Bog" in its wild and natural state, at the same time affording owners reasonable and also affording enjoyment by the public of that portion of the area which is publicly owned, for recreational purposes. It is not the intent of subsection 11 of this Section to abridge the right of owners of privately-owned lots within the area to place more stringent requirements on the use of their land than subsection 11 of this Section provides.

Designated as Woodland and Wildlife "G":

That area generally south of the above-described area and generally north of Oyster River, and also bounded by the Rockland-Warren municipal line. Eff: 11/13/87

19. Recreational Zone "R" Regulations.

A. Use Regulations:

In a Recreational Zone "R":

(1) any use which is obnoxious, annoying, unsightly, detrimental to the character of the neighborhood, or offensive to a neighborhood by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited; and

(2) no building or land shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses:

(a) Parks and picnic areas; nature walks, and bird sanctuaries.

(b) Swimming, or bathing; or ice skating areas.

(c) Pleasure boat landings or launching ramps, including sales of gasoline and oil for pleasure boats only.

(d) Athletic fields, either public or private, golf courses.

(e) Camping areas, provided they are supervised and policed.

(f) Amusement parks, animal farms or zoos for enjoyment of the public. Admission fees to be reasonable to provide for upkeep and amortization of investment of owner.

(g) Places selling cooked food and refreshments to users of the recreational area. Provision for either take-out or seated food consumption allowed, limited to a seating capacity of not over fifty (50) persons. Regular commercial restaurants and places serving alcoholic beverages shall be excluded from this zone.

(h) Any use similar in character to one of the uses permitted in Section 19-304(19)(A), but not including any use specifically named in Sections 19-304 (9)(A) and (8).

B. Dwellings.

(1) Exceptions. No building used in any part for dwelling purposes shall hereafter be erected or altered except as follows:

(a) For use of a caretaker or operator of one of the allowed uses of Section 19-304(19)(A).

(b) Height and area regulations shall comply with those in Section 19 304(5)(B) and (C).

20. Shoreland Zone Ordinance

1. Purposes. The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. Authority. This Ordinance has been prepared in accordance with the provisions of Title 38, sections 435-449 of the Maine Revised Statutes (M.R.S.).

3. Applicability. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

Those areas designated as General Development on the Official Shoreland Zoning Map of the City of Rockland, shall be subject to the provisions of the underlying zoning districts as depicted on the Official Zoning Map of the City of Rockland, and shall not be subject to the provisions of General Development District.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

NOTE: Coastal wetlands, by definition, include all areas affected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the maximum spring tide are all considered to be coastal wetlands.

4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the City Council on June 8, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the City Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S. § 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S. § 438-B(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of "forest management activities", "residual basal area", "skid trail or skid road" and "slash".

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Districts and Zoning Map

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

- (1) Resource Protection
- (2) Limited Residential
- (3) Limited Commercial
- (4) General Development (Note: General Development District is subject to underlying zone as depicted on the Official Zoning Map of the City of Rockland.
- (5) Stream Protection

- B. Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
- C. Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
- D. Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. Interpretation of District Boundaries. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

12. Non-conformance.

A. 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 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. 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.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

- (1) Expansions. A non-conforming structure may 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 non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.
 - (a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
 - (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above,

and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

- (2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

- (3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12C(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12C(2) above.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12C(2) above, the physical condition and type of foundation present, if any.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

- (4) Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

- (1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.
- (2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

- (1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S. §§ 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.
If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.
- (3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.
This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on May 11, 1994, and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and
 - (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
 - (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

- A. Resource Protection District.** The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream

Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development need not be included within the Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

NOTE: The Natural Resources Protection Act, 38 M.S.R. §§ 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, or the General Development Districts.

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District. The General Development is subject to underlying zone as depicted on the Official Zoning Map of the City of Rockland.

G. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water

bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection

GD - General Development

LR - Limited Residential

LC - Limited Commercial

SP - Stream Protection

The following notes are applicable to the Land Uses Table on the following page:

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT			
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	Yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	yes	yes
6. Fire prevention activities	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes
14. Aquaculture	PB	PB	PB	yes
15. Principal structures and uses				
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	CEO
LAND USES (CONT.)	DISTRICT (CONT.)			
	<u>SP</u>	<u>RP</u>	<u>LR</u>	<u>LC</u>
B. Multi-unit residential	no	no	PB	PB
C. Commercial	no	no ¹⁰	no ¹⁰	PB
D. Industrial	no	no	no	no
E. Governmental and institutional	no	no	PB	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland				
a. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
b. Permanent	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	PB	CEO
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
21. Essential services	PB ⁶	PB ⁶	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ⁵	CEO ⁵	yes ¹²	yes ¹²

B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB
D. Other essential services	PB ⁶	PB ⁶	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO
25. Campgrounds	no	no ⁷	PB	PB
26. Road construction	PB	no ⁸	PB	PB
27. Land management roads	yes	PB	yes	yes
28. Parking facilities	no	no ⁷	PB	PB
29. Marinas	PB	no	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO
32. Signs	yes	yes	yes	yes

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³In RP not allowed in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁸Except as provided in Section 15(H)(3).

⁹Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

¹⁰Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹²Permit not required but must file a written "notice of intent to construct" with CEO.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S. § 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

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

A. Minimum Lot Standards

(1)	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone		
Adjacent to Tidal Areas	30,000	150
(ii) Within the Shoreland Zone		
Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone		
Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for General Development	40,000	200
(ii) Within the Shoreland Zone		
Adjacent to Tidal Areas Zoned for General Development	Underlying Zone applies	NONE

(iii) Within the Shoreland Zone		
Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200

- (2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- (3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (5) 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, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds 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, except that in the General Development District the setback from the normal high-water line shall be the setback of the underlying zone. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - (b) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.
 - (c) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
 - (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain

Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

- (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except the General Development District adjacent to tidal waters shall be subject to regulations of the underlying zones.
- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
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C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.
- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (8) Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond 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.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. § 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

D. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a 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.

E. 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) 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.
- (3) 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.
- (4) 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.
- (5) 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 land owner is required.
- (6) 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.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer

- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the District in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows 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 unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.
On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.
Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.
- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
- (5) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface

drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

- (7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

- (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

- (8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
(5) Signs relating to public safety shall be allowed without restriction.
(6) No sign shall extend higher than twenty (20) feet above the ground.
(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

- (1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law (38 M.R.S. § 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or

more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(3) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, 38 M.R.S., § 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
- (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S. §§ 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - (a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

- (b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
- (2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:
- (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
 - (b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
 - (c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
 - (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
 - (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
 - (f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
 - (g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of

a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
 - (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (c) Permanent stabilization structures such as retaining walls or rip-rap.
- (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

- (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

16. Administration

A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S. § 2691.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, 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.

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and

- (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

- D. Procedure for Administering Permits.** Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will not adversely affect existing commercial fishing or maritime activities in a General Development District;
- (8) Will avoid problems associated with floodplain development and use; and
- (9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.
- (4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

- (1) Powers and Duties of the Zoning Board of Appeals. The Zoning Board of Appeals shall have the following powers:
 - (a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by any person having a potential direct and personal injury, or by any owner or lessee of abutting property or of property located entirely or partially within 300 feet of the affected property, that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration of this Ordinance
 - (b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.
- (2) Variance Appeals. Variances may be granted only under the following conditions:
 - (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

- (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews an appeal of a decision of the Code Enforcement Officer, the Board of Appeals may reverse the decision only upon a finding that the decision was contrary to specific provisions of the Ordinance, or unsupported by substantial evidence before the Code Enforcement Officer at the time of his/her decision. The Board Appeals shall not receive or consider any evidence which was not presented to the Code Enforcement Officer, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the administrative record was inadequate, the Board of Appeals may remand the matter to the Code Enforcement Officer for additional fact finding.

A decision of the Planning Board may be appealed to the Knox County Superior Court, pursuant to Maine Rule of Civil Procedure 80B. Any such appeal must be filed with the court within thirty (30) days of the decision appealed from. Such appeal shall be reviewed by the court consistent with state law and/or the Maine Rules of Civil Procedure., it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals shall be made by filing with the Code Enforcement Office a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

- b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
- (b) Decision by Board of Appeals
- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - (ii) The person filing the appeal shall have the burden of proof.
 - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Code Enforcement Officer.
- (5) Appeal to Superior Court. Except as provided by 30-A M.R.S. § 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.
- (6) Reconsideration. In accordance with 30-A M.R.S. § 2691(3)(F), the Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within thirty (30) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

- (1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) Code Enforcement Officer
 - (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - (b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

- (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A M.R.S. § 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (30-A M.R.S. § 4452).

17. Definitions.

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

NOTE: All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S. § 465-A(4-A). This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - 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 but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Licensed Forester - a forester licensed under 32 M.R.S. Chapter 76.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested

wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.”

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S. § 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters – all waters affected by tidal action during the maximum spring tide.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

21. Chickawaukie Watershed Regulation.

A. Purposes.

The purpose of this ordinance is to provide for orderly development in the Chickawaukie Lake watershed for the health, safety and welfare of the people of Rockland. Rockland recognizes the need to protect the water quality of Chickawaukie Lake, therefore land uses within the watershed to the maximum extent possible shall assure no sediment or dissolved nutrient shall enter, pollute or degrade the water quality of the lake thereby retaining its suitability for water supply and recreational purposes.

B. Applicability.

These provisions apply to any land uses occurring on single lots or on subdivisions whose boundaries fall wholly or partially within the Chickawaukie Lake watershed. The Chickawaukie Lake watershed is defined by a map titled The Official Watershed Map of Lake Chickawaukie.

C. Requirements.

1. Erosion and Sediment Control Plan.

Any proposed activity which takes place within the Chickawaukie watershed involving the disturbance of existing ground cover due to excavation, grading or filling of an area in excess of 50 sq. ft. shall require the preparation of an Erosion and Sediment Control Plan. This plan shall meet the standards of Section VII, Erosion and Sediment Control Plans, Environmental Quality Handbook, Maine, Revised, March 1986, as amended. The Plan shall be prepared by a soil scientist, geologist or engineer and provide for permanent controls. The plan must provide for temporary controls if permanent controls will not be in place within 10 days. The plan must assure, to the maximum extent possible, there will be no increase in the volume of sediment or dissolved nutrients reaching the waters of Lake Chickawaukie.

No excavation, grading, or filling in excess of 500 sq. ft. shall begin between November 1 and March 15.

2. Land Use Permit.

A land use permit shall be required for any land use activities which require the preparation of an Erosion and Sediment Control Plan under this section. The City of Rockland will notify the Camden & Rockland Water Company, in writing, within (5) five days of receipt of an application for a land use permit under this section. This notice is to allow only for the Camden & Rockland Water Company to make comments on the application due to their unique concern and important advice on this valuable resource area. A decision on the land use permit shall be made within (30) thirty days of submission of the application. It may be approved with conditions or denied by the Code Enforcement Officer.

No permit will be issued and no site activity may occur until the plan, meeting the requirements of Section 19-304-14, is submitted and approved.

3. Temporary Controls.

Temporary measures shall be at least as effective as the following; In accordance with Table 7, Guide to Mulch Materials, Environmental Quality Handbook, all areas where ground cover is removed due to excavation, grading or filling shall be mulched with hay or straw at a rate of not less than ninety pounds or two bales per one thousand sq. ft. Such mulch shall be placed as soon as possible but no later than 10 days from the removal of ground cover and/or placement of fill. Temporary controls shall be maintained over all unvegetated areas until permanent provisions are completed. All drainageways shall be provided with hay or straw bale barriers or other equally effective means of retarding erosion within 10 days of the start of construction.

4. Permanent Controls.

Permanent seeding or other permanent measures shall be placed as soon as practical. In no event shall permanent seeding or sodding of grassed areas be placed later than September 15th of the year the land use begins. Permanent measures shall be in place no later than November 1st of the year the land use begins.

D. Performance Guarantee.

A performance guarantee equal to the cost of meeting the provisions of the Erosion and Sediment Control Plan shall be arranged with the City Finance Officer prior to issuance of a permit and the beginning of any site activity. Withdrawals from this account to cover the costs of meeting provisions of the plan may be made as provisions of the plan are completed.

E. Exceptions.

1. Erosion and Sediment Control plans necessary for one or two family dwellings, structures accessory there to, and normal home maintenance need not be completed by a soil scientist, geologist or engineer, but shall meet other requirements of Section 19-304-14.

2. For excavations, filling or other disturbance of groundcover within 15' from the center of any drainageway, no temporary controls are acceptable. Permanent Controls must be in place as soon as possible and no later than (10) days after the land use has begun.

3. Existing normal household gardening activity is exempt from these regulations.

4. New household gardening activity in excess of 500 sq. ft. is exempt from these provisions but shall meet the following conditions:

a. Have an Erosion and Sediment Control Plan prepared meeting the standards as described in C. Requirements of this Section but need not be completed by a soil scientist, geologist or engineer.

b. The erosion and control plan shall be designed to minimize sediment and dissolved nutrient runoff from use and reuse of the gardening activity. The emphasis of the plan shall be on permanent landscaping or other features that can effectively reduce and minimize the dissolved nutrients and sediment associated with the perennial garden activity.

c. No gardening activity shall occur within 15' from the center of any drainageway.

d. Performance Guarantee provisions stated in this Ordinance apply. Eff: 11/13/87

22. Waterfront Zone Regulations.

A. Purpose. The purpose of this zone and its subzones is to further the maintenance of safe and healthful conditions; prevent and control water pollution; control building sites, placement of structures and land use; visual as well as actual points of access to coastal waters.

B. Applicability.

(1) The provisions of Section 19-304-15 shall apply to all the land areas from the normal high water mark of Rockland Harbor described in zones WF-1 through WF-6 of this ordinance.

(2) Existing Non-Conforming Building Use Permitted. The lawful use of a building existing at the time of the effective date of this Article may be continued, although such use does not conform with the provisions of this Article, and such building may be reconstructed or structurally altered and the non-conforming use changed subject to the following regulations:

a. No Extension of Use. A non-conforming use may not be extended, but the extension of a use to any portion of the building, which portion is at the time of the effective date of this Article primarily arranged or designed for such non-conforming use, shall not be deemed to be an extension of a non-conforming use.

b. No Enlargement of Building; Alteration Limited. The structural alteration made in a non-conforming building shall not exceed fifty percent (50%) of its market value, as determined by the City Assessor, nor shall the building be enlarged, unless the use therein is changed to be a conforming use.

c. Building Damaged. A non-conforming building damaged by fire, explosion, flood, riot, windstorm, tornado, earthquake, act of public enemy, accident of any kind, or otherwise may be repaired or rebuilt.

d. Use Discontinuance. If a non-conforming use is discontinued for a period of six (6) months, any future use of the building shall be in conformity with the provisions of this Article. A reasonable interim, however, between tenants or occupants shall not be construed to mean discontinuance.

C. Definitions. In addition to the definitions in Section 19-302, the following definitions apply to the waterfront zones and subzones:

(1) Accessory Use. A use which is clearly subordinate or incidental to that of the principal use of a building or land, located on the same lot as the principal building or use.

(2) Aquaculture. The culture or husbandry of marine organisms or plants by any person.

(3) Boat/Shipyard. A yard, place or enclosure where boats/ships are built or repaired.

(4) Commercial Fishing. Attempting to catch fish or other marine animals with the intent of disposing of them for profit or trade in commercial channels and does not include subsistence fishing for personal use, sport fishing or charter boat fishing.

(5) Educational Institutions. Any institution, the primary goal of which is marine related or marine dependent education.

(6) Excursion Boats. Boats used for the purpose of carrying any person or persons as passengers for valuable consideration.

(7) Floor Area Ratio (FAR). A figure that specifies the amount of floor space permitted on a particular lot in relation to the area of that lot, e.g. an FAR of .5 (50%) permits a building to have a gross floor area in square feet that is 50% of the square footage of the lot including basements.

(8) Height. Height shall be measured beginning at a point which is the average vertical distance in feet from the toe of the slope to the highest elevation of that slope, or from the minimum floor height elevation required for the property by the flood plain ordinance within the setback requirements of this section, whichever is greater. Eff: 4/22/92

(9) Hotel. An establishment that provides lodging and usually meals, entertainment and various personal services for the public.

(10) Light Commercial Fishing. Commercial fishing and/or charter boat operations primarily for docking and off-loading of commercial fishing boats 65 feet in length or less.

(11) Marina. A facility in which the primary business is leasing of storage, docking or mooring space to watercraft.

(12) Marine Dependent Uses. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and which cannot be located away from these waters. These include but are not limited to: commercial and recreational fishing and boating facilities; finfish and shellfish processing, storage and retail and wholesale marketing facilities; marinas, navigation aids, basins and channels; use dependent upon water-borne transportation or requiring large volumes of cooling or processing oceanwater that cannot reasonably be located or operated at an inland site; and uses which primarily provide public access to marine or tidal waters.

(13) Marine Dependent/Marine Related Commercial Uses. Those marine dependent uses which are engaged in work designed for the market. This may include: harbor and marine supplies and services, such as ship chandlery, provided that primary sources of income are from water dependent uses or that the applicant can demonstrate that the business is essential to existing water dependent uses and can only be made profitable if supplemented by sales to non-water dependent uses.

(14) Marine Dependent/Related Industrial Uses. Those marine dependent uses that are heavier industrial uses such as manufacturing, fabricating, wholesaling or warehousing including but not limited to: Finfish and shellfish buying stations primarily engaged in wholesale trade; finfish and shellfish offloading, processing, packing and packaging, and distribution; bait buying, selling, and storage facilities; piers, docks, wharves serving commercial fishing and cargo-carrying boats and vessels; custom fabrication; maintenance and repair of commercial fishing boat equipment, excluding manufacturing for wholesale distribution; shipbuilding, boat building, and facilities for construction, maintenance and repair of vessels; boat storage and marine repair facilities; marine cargo handling facilities for dredging, pier construction, marine salvage, and other related marine construction operations; boat and vessel fueling and bunkering; tugboat, fireboat, pilot boat and similar services; of facilities for pollution control, oil spill clean-up and servicing of marine sanitation services and ice-making devices; publicly-owned intermodal transportation facilities primarily for vessels with regularly scheduled destination service; cold storage facilities which provide for, and give preference to, fisheries related storage, warehousing and storage of goods arriving by, or awaiting shipment via, water-borne cargo carriers, facilities for combined marine and general construction provided that the business is primarily a marine contractor or that the primary use of the site is for the marine segment of the contractor's business; fabrication of marine goods, exclusive of fishing boat equipment, provided that a location on the water is essential for production. Eff: 11/11/94

(15) Mixed-Use Development. A development in which residential uses are included with other non-residential uses allowed in that specific zone and are contained on a single parcel of land or within a single building. The intent of the mixed-use development provision (or allowance) is to increase the economic viability of a project by allowing a residential component to be included in a development plan whose other components are non-residential uses permitted in that zone. An example would be a marina complex which includes a ships chandlery, a restaurant, and dwelling units. The residential uses shall not exceed 60% of the volume of floor area of the building or the total area of the development, whichever is greater.

(16) Motel. An establishment which provides lodging and parking and in which the rooms are usually accessible from an outdoor parking area.

(17) Ship's Chandlery. A retail dealer who primarily deals in provisions and supplies or equipment specifically for watercraft or marine uses.

(18) Public Access. The ability of the public to enter or pass to and from an area dedicated for public use. Public access shall be at least during business hours but may be extended as the property owner deems acceptable.

(19) Public Open Space. An area on a particular site, dedicated, granted or covenanted for the express use of the general public. This area shall be construed and maintained by the property owner in a condition which allows for easy access and use.

(20) Public Utilities. Public utilities are defined by Section 19-302 (24) which by necessity must be located along the waterfront.

D. Waterfront Subzone "WF-1" Regulations.

This zone will be known primarily as a marine dependent zone. Any use of this zone must have a direct or indirect need for proximity or access to the water.

(1) Use Regulations.

In a waterfront subzone "WF-1":

a. any use which is obnoxious or offensive by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited, and

b. no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses:

- (i) Commercial fishing;
- (ii) Excursion boats and the services incident to them, such as ticket booths, etc.;
- (iii) Marinas;
- (iv) Public and private wharves;
- (v) Parks and recreation;
- (vi) Educational institutions and facilities;
- (vii) Boatyards;
- (viii) Restaurants;
- (ix) Marine dependent commercial uses;
- (x) Marine dependent industrial uses;
- (xi) Accessory uses to those permitted.

E. Waterfront Subzone "WF-2" Regulations.

This zone will be known primarily as a commercial area with limited multi-family uses only in a mixed-use development.

(1) Use Regulations.

In a waterfront subzone "WF-2":

a. any use which is obnoxious or offensive by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited; and

b. no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses:

- (i) Retail trade and service activities;
- (ii) Public recreational uses or private water dependent recreational uses;
- (iii) Professional and general offices;
- (iv) Parks;
- (v) Public utilities that are essential;
- (vi) Excursion boats and the services incident to them, such as ticket booths, etc.;
- (vii) Marinas;
- (viii) Public and private wharves and boat launching facilities;
- (ix) Light commercial fishing operations including docking and offloading of fishing boats (lobsters, shrimp, scallops, mussels, etc.) of 65 feet in length or less;
- (x) Restaurants;
- (xi) Mixed-use residential;
- (xii) Hotels and Motels;
- (xiii) Accessory uses to those permitted.

F. Waterfront Subzone "WF-3" Regulations.

This zone will be known primarily as a commercial and maritime area.

(1) Use Regulations:

In a waterfront subzone "WF-3":

a. any use which is obnoxious or offensive by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited; and

b. no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses:

- (i) Restaurants;
- (ii) Public recreational uses or private water dependent recreational uses;
- (iii) Public utilities - essential;
- (iv) Excursion boats and the services incident to them, such as ticket booths, etc.;
- (v) Marinas;
- (vi) Public and private wharves and boat launching facilities;
- (vii) Aquaculture;
- (viii) Hotels and Motels;
- (ix) Fuel tankers which are water dependent;

- (x) Accessory uses to those permitted including attending laboratories as support functions, quality control, quality assurance, research and development applications;
- (xi) Ship's chandlery;
- (xii) Marine dependent commercial uses;
- (xiii) Marine dependent or marine related industrial uses.

G. Waterfront Subzone "WF-3a" Regulations.

This zone will be known primarily as a commercial/industrial and maritime area.

(1) Use Regulations.

In a waterfront subzone "WF-3a":

- a. any use which is obnoxious or offensive by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited; and
- b. no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses:
 - (i) any use permitted in Residential Zone "B", except dwellings;
 - (ii) any use permitted in Commercial Zones "C1" and "DT", except dwellings;
 - (iii) any use permitted in Waterfront Subzone "WF-3";
 - (iv) manufacturing, processing or storage of fish or other food, goods, supplies and equipment, except as prohibited by Section 19-304 (9) (B) hereof;
 - (v) Blacksmith shop;
 - (vi) Bottling works;
 - (vii) Carting, express or hauling;
 - (viii) Wood and lumber yards;
 - (ix) Ice manufacturing or storage;
 - (x) laundries;
 - (xi) Machine shops;
 - (xii) Repair shops;
 - (xiii) Sawmill or planing mill;
 - (xiv) Stone yards or monumental works;
 - (xv) Storage yards;
 - (xvi) Terminal facilities and freight houses for railroad and truck lines and shipping;
 - (xvii) Warehouses and similar storage buildings.

Eff: 4/11/01

H. Waterfront Subzone "WF-4" Regulations.

This zone will be known primarily as commercial in nature, with limited multi-family uses only in a mixed-use development.

(1) Use Regulations:

In a waterfront "WF-4":

- a. any use which is obnoxious or offensive by reason of odor, fumes, vapor, dust, smoke, gas, noise or vibration is prohibited; and
- b. no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses:
 - (i) Retail trade and service activities;
 - (ii) Public recreational uses or private water dependent uses;
 - (iii) Professional and general offices;
 - (iv) Parks;
 - (v) Public utilities that are essential;
 - (vi) Excursion boats and the services incidental to them, such as ticket booths, etc.;
 - (vii) Marinas;
 - (viii) Public or private wharves and boat launching facilities;
 - (ix) Light commercial fishing operations;
 - (x) Restaurants;
 - (xi) Shipyards;
 - (xii) Ship's chandlery;
 - (xiii) Hotels and motels;
 - (xiv) Mixed-use residential;

- (xv) Accessory uses to those permitted;
- (xvi) Marine dependent uses.
- (xvii) Tradesman's or Craftsman's Offices, Shops and Showrooms.

Eff: 11/11/94

Eff: 05/12/04

I. Waterfront Subzone "WF-5" Regulations.

The first 125 feet from the high water mark in this area is proposed to be a Resource Protection Area in which all non-essential development is prohibited. This area is subject to wave action and fits the resource protection criteria of the State of Maine Resource Protection Zone. The City Council may authorize requests to reduce the WF-5 Zone area to less than 125' from the high water mark, down to 90' from the high water mark, where shoreline stabilization has been completed. Any such shoreline stabilization must be approved and authorized by appropriate regulatory agencies and professionally engineered to provide adequate stabilization for the intended use of the land. The City, having an interest in developing a public walkway along as much of Rockland's harbor as feasible, a permanent public easement parallel to the shoreline shall be located in any property zoned WF-5, when said property or any portion of the applicant's adjacent property outside the WF-5 Zone, is developed to the extent requiring Planning Board review. The Planning Board shall approve the exact location of the easement within the WF-5 Zone. Eff: 05/09/07

(1) Use Regulations:

In a waterfront subzone "WF-5":

- a. any use which is obnoxious or offensive by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited; and
- b. no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses
 - (i) Recreational which does not require structures;
 - (ii) Piers, docks and wharves that are temporary;
 - (iii) Public utilities;
 - (iv) Recreational uses requiring minimal structural development;
 - (v) Aquaculture.

J. Waterfront Subzone "WF-6" Regulations.

This zone will be known primarily as a commercial zone.

(1) Use Regulations:

In a waterfront subzone "WF 6":

- a. any use which is obnoxious or offensive by reason of odor, fumes, vapor, dust, smoke, gas, noise, or vibration is prohibited; and
- b. no building or land shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Article, except for one or more of the following uses
 - (i) Any use permitted in zones A, B, or D, except that new dwelling units are allowed where at least seventy-five percent (75%) of the street level floor space shall be used primarily for those uses set forth as follows:

Office buildings; retail or wholesale services and trades; auto accessory shops; bakeries; banks; dressmaking and millinery shops; filling stations; garages; laundries; newspaper and job printing; parking lots; personal service shops such as barber shops, beauty parlors, valets, shoe shine, tailor shops, etc.; public buildings; public utility buildings; restaurants; sales and showrooms; theater and other places of amusement and assembly; tradesmen's offices and showrooms, such as plumbers electricians, decorators; undertaking establishments; storage of boats in the traditional "winter cover" manner on ground cradles and structures for storage of incidentals such as riggings, masts, stays, spars, ropes, lines and sails. Any use similar in character to one of the uses permitted.

Any use of an aesthetic nature such as those set forth as follows: Art galleries, artists studios and residential units related to artists; bakeries; bookstores; flower shops; hotels and motels; parks and recreations; public buildings; restaurants; and silversmith and goldsmith shops.

K. Land Use Standards.

No building shall hereafter be erected or altered without complying with the following standards:

- (1) No building shall hereafter be erected or altered to exceed the following heights: WF-1 40 feet, WF-2 40 feet, WF-3 40 feet, WF-3a 65 feet, WF-4 40 feet, WF-5 40 feet, WF-6 40 feet. However, in order to encourage adaptive re-use of legally existing structures, a structure existing as of December 14, 2005 which is converted to mixed use development may exceed these limitations and be increased in height to no higher than the highest portion of any other legally existing building on the same lot, provided that the floor-area ratio standard can be met. Eff: 12/14/05

- (2) No two buildings with separate and distinct ownership shall be any closer than 24 feet.

(3) There shall be at least 15 feet of landscaped area between each building and the street or road for a front/rear setback. Parking shall not be allowed in this 15-foot setback. There shall be at least 12 feet from any building and the side lot line, provided the side yard is not on the water, in which case it must meet the setback requirements set forth below in paragraphs K(5)-(8).

(4) The maximum floor-area ratio (FAR) shall be 40% however, the Planning Board shall grant an increase in the maximum FAR from .40 up to 1.0 in .20 intervals in return for one or more of the following:

- a. construction and maintenance of a 12-foot wide public walkway along the water;
- b. 50-foot wide spaces between buildings at least every 150 feet to afford views of the waterfront from the street; and
- c. a minimum of 20% of the floor area for a restaurant, for marine related commercial and/or industrial uses, or for office or rental space connected with marine dependent or marine related commercial and/or industrial uses. Eff: 01/13/93
- d. developing and maintaining public green space on 10% of a site shall yield an increase of 50% in the maximum floor area ratio. Eff: 1/13/93

(5) In determining "waterfront" for setback requirements, for a peninsula or a property with two or three "sides" to the water or fronting on the water, the "waterfront" of the site shall be deemed to be that portion of the site which has the greatest length of navigable water, at mean low water, using the State's definition for a prime water front site as outlined in the State of Maine guidelines for municipal shoreland zoning ordinances; all other areas which abut the water shall be considered "sides" or "back" as set forth in paragraph K(3) above. If there is no navigable water on the site, then the side which has the greatest exposure to the harbor will be considered the front.

(6) For building along the waterfronts of properties in the waterfront zones, the following setbacks and restrictions shall apply:

a. Marine dependent and marine related commercial uses may be built on a wharf or pier or up to the high mark along their entire waterfrontage with no setback. Height can be up to the following:

WF-1 40ft., WF-2 40ft., WF-3 40ft., WF-3a 65ft., WF-4 40ft., WF-5 40ft., WF-6 40ft. Eff: 7/8/92

b. Non residential uses including restaurants, have a 25 foot setback for 80% of their water frontage. On up to 20% of the waterfrontage a building of no more than 14 feet (one story) in height can be built closer than the 25 foot setback, even up to the high water mark. Buildable waterfrontage can be increased in 10% increments (for a total of up to 50%) in return for one or more of the following: 1) construction and maintenance of a 12-foot wide public walkway along the entire length of the waterfrontage; 2) 50-foot spaces between buildings at least every 150 feet to provide a view corridor of the waterfront from the street (on their own property if more than one building is planned or between the single building and their property line with other buildings prohibited by covenant in the 50-foot view corridor); 3) development, dedication and maintenance of an additional 10% of the site for public open space.

For the purpose of increasing buildable frontage, direct public access need not be provided on properties where hazards to the safety of the public may exist. These properties may provide access as follows: 1) setting aside open space; 2) view corridors from adjacent streets; or 3) designating areas where the public will be safe from hazard.

c. The waterfront linear coverage and the FAR densities may be used in conjunction with each other, but shall not be compounded for the same dedication. Example: Should a developer choose to construct and maintain a 12-foot wide path for public access along the water, he may choose to take an additional 10% of the waterfront linear coverage OR an additional 25% increase in the FAR, BUT NOT BOTH.

(7) There shall be NO parking in the 25-foot setback along the waterfront. This area shall be considered as open space or green space, and should be landscaped in an attractive manner, although a travel way or driveway not exceeding 12 feet in width may be constructed for access within that 25-foot setback.

(8) Mixed-Use Residential and Congregate Housing shall be set back at least 75 feet from the high water mark.

(9) Erosion and Sediment Control. Filling, grading, lagooning, dredging, earth-moving activities, and other land use activities shall be conducted in such a manner to prevent, to the maximum extent possible, erosion and sedimentation of surface water. To this end, all such activities shall be accomplished in conformity with the provisions of "Environmental Quality Handbook; Erosion and Sedimentation Control" published by the Maine Soil and Water Conservation Commission, June, 1974, or most current.

(10) Mineral Exploration. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which shall create a minimal disturbance. A permit shall be required for mineral exploration which exceeds the above limitations.

(11) Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges Over Twenty (20) Feet in Length, and Uses Projecting Into Water Bodies. In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following:

- a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- b. The location shall not interfere with developed beach areas.
- c. The facility shall be located so as to minimize adverse effects on fisheries.

d. The facility shall be no larger in dimension than necessary to carry on the activity and to be consistent with existing conditions, use, and character of the area.

(12) Roads and Streets. Construction of roads and streets shall conform to applicable requirements of Chapter 16, Section 16-105(5).

(13) Sanitary Standards. Sanitary standards shall conform to applicable requirements of Chapter 14, Articles IV and V.

(14) Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environment impacts, including severe erosion, mass soil movement and water pollution whether during or after construction. A soil report, prepared by a State-certified soil scientist, geologist, professional engineer or other State-authorized personnel, based on an on-site investigation shall be required. Suitability considerations shall be based primarily on criteria employed in the National Co-operative Soil Survey as modified by on-site factors such as depth to water table and depth of refusal.

L. Density.

(1) Density for a mixed-use multi-residential building shall be 7,500 square feet per unit. In the "WF-2" subzone, the minimum density may be reduced to 2,500 square feet per unit if all four requirements of the FAR have been met. This increase in density shall be allowed only on the floors above the ground floor level. Eff: 7/11/90

23. Tillson Avenue Area Overlay Zone

1. Purpose. To enhance redevelopment opportunities in the Tillson Avenue Area while protecting and enhancing the historic character and mixed-uses in Rockland's largely 19th Century-constructed commercial center (the "Downtown District"), and waterfront. This Overlay defines uses and standards that are in addition to regulations for the underlying land use zones that apply in this area. Where there is a conflict between uses and standards within the zones of this area and the Tillson Avenue Area Overlay Additional Standards, the Tillson Avenue Area Overlay Additional Standards shall apply.

2. Definitions:

a. Alley or Alleyway: a private or public passage or way which (i) is less than the usual width of a street or road; (ii) may be open to but is not designed primarily for vehicular traffic; (iii) intersects or opens onto a road or street; and is primarily used for the ingress or egress or convenience of two or more owners of abutting real properties, giving access to the rear of lots or buildings.

b. Functionally water-dependent use: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and that can not be located away from these waters. The uses include, but are not limited to the processing of marine plants and marine animals, commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

c. Grocery Store: any place of business engaged in the sale of foodstuffs, household items, fresh and/or canned fruit, vegetables or meats, breads, cakes and/or pastries, liquor, and/or other similar items to the general public.

d. Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

e. Maritime Facility: of or relating to marine shipping and commerce or marine navigation, including but not limited to marinas, functionally water-dependent uses, stevedoring companies; chandlers; warehouses for seafaring vessels or products shipped on such vessels; ship building and repair firms; importers/exporters; and pilot associations.

f. Supermarket: a retail store with more than 6,000 square feet of gross building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

3. Permitted Uses. In addition to uses permitted in the applicable, underlying zone, the following uses also are permitted in the Tillson Avenue Area Overlay Zone:

TILLSON AVE AREA OVERLAY ADDITIONAL PERMITTED USES	
a.	Maritime facilities.
b.	Aquariums.

4. Prohibited Uses. In addition to uses prohibited in the applicable, underlying zone, the following uses also are prohibited in the Tillson Avenue Area Overlay Zone:

TILLSON AVE AREA OVERLAY ADDITIONAL PROHIBITED USES	
a.	Drive-Through Facilities for but not limited to fast food restaurants and banks.
b.	Retail businesses exceeding 6,000 square feet of floor area on the first floor where such area is used for retail purposes. However, supermarkets, grocery stores, and retail sales relating to marine products and services are exempt from this size limitation.
c.	Junkyards.
d.	Mobile home parks, camping or RV parks.
e.	Motor vehicle sales, service including fueling, and repair.
f.	Storage yards not associated with maritime uses that serve as the principal use of the lot or parcel on which they are located.
g.	Transient accommodation facilities with more than 100 units/rooms for accommodation per separately-sited facility. "Separately-sited facilities" must be on separate lots that do not share a contiguous boundary, but may be separated by a public right of way.

5. Standards. In addition to the standards for the zones within this area, the following space, bulk and design standards shall apply to all lots and/or parcels of land.

TILLSON AVENUE AREA OVERLAY ADDITIONAL STANDARDS	
Maximum Building Coverage Maximum Lot Coverage Floor Area Ratio (F.A.R.)	Areas within 75 feet, horizontal distance, of the normal high-water line: Same as Zone in which located. Publicly accessible courtyards at ground level shall not be included for purposes of building coverage calculations. Areas further than 75 feet, horizontal distance, from the normal high-water line: No Limit
Maximum Front Setback (Principal Structures and Accessory Structures with building coverages of 150 sq.ft. or more) Eff: 04/11/12	5 feet from property line for no less than 40% of the building façade (first floor) as measured linearly. 15 feet from property line for the remainder of the building façade (all floors) as measured linearly. However, functionally water-dependent uses, maritime facilities, and marinas are exempt from a maximum front setback requirement.
Minimum Front Setback (Principal and Accessory Structures)	None
Minimum Side Setback (Principal and Accessory Structures)	None outside of designated scenic viewsheds. Within designated scenic viewsheds, as identified in a City-adopted Master Plan for the Tillson Ave area, see 'Preservation of Water views' standard for minimum side setbacks.
Façade Materials	Brick, Stone or Wooden Clapboard, or materials similar in appearance, texture, quality and scale to these materials for buildings fronting a public street.
Façade Massing and Projections	All principal facades fronting a public street shall have a prominent cornice and expression line, a working entrance, and windows (except for side-wall facades where entrances are not required). Buildings wider than 75 feet fronting a public street shall incorporate vertical elements in the principal facade to simulate smaller-scale development. Principal facades fronting a public street(s), excluding alleyway(s), or principal facades facing a plaza, or public park may not have blank walls (without doors

TILLSON AVENUE AREA OVERLAY ADDITIONAL STANDARDS	
	<p>or windows) greater than 10 feet in length.</p> <p>Expression lines and cornices of principal facades fronting a public street shall be a decorative molding or jog in the surface plane of the building that extend at least 3 inches out from the principal facade, or a permanent canopy may serve as an expression line.</p>
Entrances	<p>The primary functional entrance to all buildings shall face the street.</p> <p>Corner buildings fronting a public street shall have their primary entrance(s) face either the intersection or the street of greater importance, i.e., typically greater traffic and pedestrian volumes.</p> <p>Where a building fronting a public street would have a building frontage length that exceeds 50 feet, operable doors or entrances with public access shall be provided along streets at intervals averaging no greater than 50 feet.</p>
Windows	<p>Every principal facade fronting a public street must contain transparent windows on each story.</p> <p>Rectangular window openings on principal facades fronting a public street shall be oriented vertically (except for transom windows).</p> <p>All windows fronting a public street must:</p> <ol style="list-style-type: none"> 1. contain visible sills and lintels on the exterior of the wall, and 2. have their glazing set back at least 3 inches from the surface plane of the wall, or set back at least 2 inches when wood frame construction is used.
Landscaping	Same as Zone in which located.
Buffering	Same as Zone in which located.
Preservation of Water views	Existing water views from public streets shall be maintained in whole or part. Until amended following the designation of scenic viewsheds in a City Council-adopted Master Plan for the Tillson TIF Development District, such viewsheds shall be protected in whole or part with a minimum building side setback of 12 feet and/or building separation of at least 15 feet on waterfront parcels; provided, however, that the Planning Board may permit the substitution of these side setback requirements if a proposed development preserves or provides a water view architecturally, as with an arch or other visually-permeable building design.
Lighting on building or on poles	Traditional luminaries including lantern, onion-shaped or pendant, made from brass, cooper, cast iron, pewter or materials similar in appearance, texture and scale.
Parking Fee in Lieu of Onsite Parking Requirements	To alleviate owners and developers of sometimes-onerous on-site parking requirements – on-site parking facilities sometimes being unfeasible or preventing traditional building densities – an owner or developer of a new building or building addition that generates a requirement for additional parking under the City’s site plan or subdivision review ordinances may, at their discretion, pay a per-space fee in lieu of providing on-site parking, such fee to be established by Order of the City Council, paid prior to the issuance of the building permit, and placed in a designated fund to create surface or structured off-street parking facilities within the City.
Parking Lot Location	Surface level off-street parking lots shall be placed in side and rear yards only. Off-street parking may be provided under commercial or mixed-use buildings.
Mechanical Equipment	Rooftop and other exterior mechanical equipment, including HVAC systems, shall be screened, using materials similar in type and scale to as roofing materials like brick, slate, wood, cementitious or materials similar in appearance, texture and scale. Solar panels are exempt from this requirement.

TILLSON AVENUE AREA OVERLAY ADDITIONAL STANDARDS	
	In no case shall wood stockade or similar fencing be used on roofs. Sound buffering/baffles shall be used as needed.
Signs attached to or part of facades	Signs shall be in proportion to the building façade and not cover the cornice or expression lines of the façade. In no case shall a sign exceed 10 square feet in size. Signs in this overlay are meant to be viewed by pedestrians on the street.
Pathways and Sidewalks	Brick, stone or concrete.
Curbing	Where practicable, granite curbing shall be used.
Architectural Design	See Minimum Architectural Design Standards, Ch. 19, Art. III, Sec. 19-317(B).

Eff: 10/14/09

Sec. 19-305 Regulation of Manufactured Housing and Mobile Home Parks

1. Purpose

The purpose of this Section is to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30-A M.R.S. Section 4553. "Regulation of Manufactured Housing," to restrict the location of older mobile homes and trailers, to require that manufactured housing (the newer mobile homes and single-wide modulars) be compatible with site-built homes, to provide opportunities for the location of affordable and safe housing within the city, and to assure a safe and healthful environment for residents of mobile home parks.

2. Authority

This section is adopted pursuant to the Home Rule powers provided for in Article VIII-A of the Maine Constitution and Title 30-A M.R.S. Section 3001, and Title 30-A M.R.S. Section 4358, "Regulation of Manufactured Housing."

3. Applicability

This section shall apply to all of the land area within the City of Rockland, and it shall apply to all factory-built housing to be located in or moved from one part of the city to another.

4. Definitions

Terms not defined shall have their customary dictionary meaning.

A. **Manufactured Housing.** "Manufactured housing" shall mean a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term shall include any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. They are:

(1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the US 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 US Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Section 5401 et seq.; and

(2) Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which 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 herein.

B. **Older Mobile Homes, Trailers.** "Older mobile homes" and "trailers" are terms that may be used interchangeably, and shall mean any factory-built home which fails to meet the definition of "manufactured housing" in paragraph A above and more specifically, it shall mean any mobile home constructed prior to June 15, 1976.

C. **Mobile Home Park.** "Mobile Home Park" shall mean a contiguous parcel of land designed for the location of two (2) or more older mobile homes, trailers, or manufactured homes, which is licensed as a mobile home park by the Maine Department of Business Regulation and reviewed by the Planning Board under Sections 16-101 through 16-110 of the Ordinance. Eff: 11/12/88

D. Mobile Home Subdivision. "Mobile home subdivision" shall mean a parcel of land reviewed by the Planning Board under Sections 16-101 through 16-110 of this Ordinance, on which manufactured homes are placed on individually-owned lots.

5. Permit Requirements

No person, firm, corporation or other legal entity shall locate a manufactured home in the City of Rockland, or move a manufactured home from one lot or parcel of land to another within the City of Rockland, without a permit from the Code Enforcement Officer. The application for a permit shall be in writing on forms prescribed by the Code Enforcement Officer and shall be signed by the applicant. The Code Enforcement Officer shall act upon all such applications for permits required by this Section, either by issuing such permits or refusing to do so within thirty (30) days of receipt of such applications and submission of proof that the manufactured home meets the requirements of Section 19-305.4.A. Eff: 11/12/88

6. Prohibitions

No person, firm, corporation or other legal entity shall locate, or move from one lot of land to another, an older mobile home, trailer, or manufactured home which fails to meet the requirements of Section 8, except to or within a mobile home park.

7. Non-Conforming Structures

Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Section 8, which were lawfully established prior to the effective date of this ordinance, shall be considered Non-Conforming Structures and may continue and may be maintained, repaired, improved and expanded. No Non-Conforming Structure may be moved to another lot or parcel in the City of Rockland, except as provided in Section 6, and Non-Conforming Structures may be replaced by another Non-Conforming Structure, provided it meets the standards set forth in Section 4-A(1)(2). A Non-Conforming Structure may be moved to a different location on the same lot or parcel of land or replaced by a Conforming One-Family Dwelling. Eff: 8/11/88

8. Manufactured Housing Standards

All manufactured housing located in the City of Rockland shall be at least fourteen (14) feet in width, shall contain at least seven hundred fifty (750) square feet of living space, shall have a shingled roof with a minimum pitch of three in twelve (3/12), shall have siding that is residential in appearance and consistent with surrounding neighborhood housing, and shall have a permanent masonry foundation or pad. Eff: 8/9/89

9. Location of Manufactured Housing

Manufactured housing may be located within the City of Rockland in accordance with standards applicable to one-family dwellings and the following:

Modular Homes are permitted in all zones in which one-family dwellings are permitted. Older Mobile Homes and Trailers are prohibited in all zones except in mobile home parks. New Mobile Homes are prohibited in Residential "AA", Residential "B-1", Waterfront Commercial "C", Recreation "R" and Woodland and Wildlife "G" Zones. Newer Mobile Homes are permitted in all other zones in which one-family dwellings are permitted.

10. Mobile Home Parks

Mobile Home Parks shall be reviewed by the Rockland Planning Board under Site Plan Review Ordinance, Section 16-201 through 16-207 of this Ordinance. Mobile home parks shall further conform to the following requirements:

A. Location. The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water. The park shall not be located near swamps or other potential breeding places for insects and rodents, or on land which is exposed to chronic nuisances such as noise, smoke, fumes, and odors.

B. Access. The park shall have at least one (1) paved road with unobstructed access to a public street or highway with a right-of-way not less than thirty-two (32) feet and a pavement width of not less than twenty (20) feet.

C. Service Streets. The park shall be provided with service streets with well-drained, stabilized or paved surfaces maintained in good repair and, at night, well-lighted. The pavement width shall be not less than twenty (20) feet; and, where parallel parking is permitted on one (1) side of the street only, the total width of such street shall be not less than twenty-six (26) feet; and where parking is permitted on both sides of the street, the total width of such street shall be not less than thirty-two (32) feet.

D. Size of Park. The park shall have an area of at least ten (10) acres.

E. Individual Mobile Home Spaces. Each mobile home space shall contain a minimum area of ten thousand (10,000) square feet, and shall be not less than sixty (60) feet wide and one hundred (100) feet long. The bounds of each space shall be clearly marked, and the space shall be well-surfaced or seeded to provide adequate drainage beneath and adjacent to any mobile home parked thereon. Each individual mobile home space shall be provided with:

- (1) a continuing and potable supply of safe and sanitary water;
- (2) an adequate sewage disposal means;

(3) an adequate electrical power service. The requirements of this subsection shall comply with regulations of the Maine Department of Business Regulations.

F. Motor Vehicle Parking Space. Motor vehicle parking space shall be provided and all such spaces all have a well-drained, stabilized or paved surface, maintained in good repair.

G. Garbage Receptacles. Metal garbage cans with tight-fitting covers shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

H. Sale of Mobile Homes in Mobile Home Park. Sale of mobile homes located in a mobile home park shall be limited to the sale of such homes that are privately owned.

I. Placement of Mobile Homes. No mobile home shall be placed less than ten (10) feet from the side of any individual mobile home space, and there shall be not less than thirty-five (35) feet between any two mobile homes.

No mobile home shall be placed less than one hundred (100) feet from any house located on any adjacent lot, nor less than fifty (50) feet from the right-of-way of any street or highway. Mobile homes or house trailers shall not be parked on any traveled way within the City of Rockland for a period of time in excess of two (2) hours.

J. Application to Existing Mobile Home Parks. This section shall not apply to mobile home parks established prior to its effective date; provided, however, that permit fees, and sanitary and utility requirements shall apply to existing mobile home parks.

K. Extension and Alteration of Mobile Home Parks. Existing mobile home parks may not be extended or altered except in conformance with the provisions of this section.

11. Appeals to Zoning Board of Appeals

The Zoning Board of Appeals may, upon written application of the affected landowner(s), grant a variance from the strict application of this Section in accordance with the provisions of Section 19-310. A variance shall not allow the placement of a manufactured home in a zone in which such structures, including modular homes, newer mobile homes, older mobile homes, or trailers, are prohibited as dwellings, nor shall a variance allow the establishment of a mobile home park or subdivision in a zone in which a mobile home park or subdivision is prohibited.

Sec. 19-306 Clustered Housing

A. Purpose and Scope.

The purpose of this Clustered Housing Ordinance is to promote flexibility in the design of housing by authorizing the Planning Board to approve subdivisions with clustered residential units on lots and/or in configurations within subdivisions that exceed maximum densities and/or that are reduced in area and width below the minimum normally required by the zoning and subdivision ordinances, where the reduced lot sizes and/or minimum acreage requirements are offset with the provision of at least 50% of the total land area in the subdivision preserved as Conservation Areas. The relief from lot size and/or minimum acreage requirements afforded by this Clustered Housing Ordinance shall not be construed as a variance.

B. Definitions.

1. Buildable Lot: A lot upon which at least one (1) dwelling unit may be built in accordance with the requirements of the Zoning, Subdivision, and Shoreland Zone Ordinances, and other applicable ordinances and state regulations, were this Clustered Housing Ordinance to not apply.

2. Building Envelope: The area within a buildable lot shown on a standard subdivision plan in which a dwelling might be constructed, taking into consideration all applicable setback, environmental, and other regulatory and site constraints.

3. Clustered Housing Subdivisions: Clustered Housing Subdivisions contain attached or detached single-family dwelling units that are constructed in clusters so as to reduce the land consumed by the dwelling units in the subdivision by at least 50% and to increase land conserved within the subdivision as Conservation Areas. The number of clustered dwelling units authorized in a Clustered Housing Subdivision shall not, except as provided in subsection 19-306(D)(4), below, exceed the number of lots or dwelling units that would be permitted in a standard subdivision as required in the zoning district in which the development is located were this Clustered Housing Ordinance to not apply.

4. Common Space: Those areas reserved in a clustered housing subdivision for common purposes benefiting residents and their guests, including pedestrian and vehicular access, parking, and circulation (except walking trails in Conservation Areas); exterior lighting; landscaping; shared on-site sewerage disposal; and active recreational uses.

5. Conservation Area: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the preservation of natural features and conditions, or for organic farming. Recreational facilities other than unpaved trails, and structures, other than tool or produce sheds for farming activities, are prohibited in

Conservation Areas. Conservation Areas shall, whenever possible, be laid out to be contiguous both within the Clustered Housing Subdivision, and with Conservation Areas or other natural, undeveloped portions of abutting parcels.

6. Density: The number of dwelling units per square foot of lot area.

7. Dwelling Unit, Single-family, Attached: For purposes served by this Clustered Housing Ordinance, a dwelling unit under separate ownership contained within a structure that houses more than one dwelling unit constructed as separate "buildings" as that term is utilized in the Building Code, with independent access.

8. Parent Parcel: the entire land area of the existing parcel or parcels of real estate proposed to be subdivided pursuant to this Clustered Subdivision Ordinance, including Conservation Areas and Common Spaces.

9. Standard Subdivision Plan: The preliminary plan that would be required by Chapter 16, Article I were this Clustered Housing Ordinance to not apply.

C. Application Procedure.

1. If the applicant seeks to present a Cluster/Conservation Subdivision proposal, the Planning Board shall require the applicant to submit two preliminary plans: a standard subdivision plan that conforms with the preliminary plan requirements of Chapter 16, Article I, and a Cluster/Conservation Subdivision plan that conforms with the provisions of this Clustered Housing Ordinance and applicable provisions of Chapters 16 and 19 not altered or supplanted by this Ordinance. The plans, which will be used to determine the number of dwelling units that may be permitted in the proposed Cluster/Conservation Subdivision, shall show at a minimum the following:

(a) Basic Information. The plan map shall not be less than sixteen inches by twenty four inches (16"x 24") (at least eight (8) copies shall be provided and drawn to scale of not less than one inch (1") equals forty feet (40') nor greater than one inch (1") equals four hundred feet (400') with contour lines of five foot (5') intervals unless otherwise specified by the Board.

(b) Name of Subdivision. Proposed name identifying the name of the subdivision and indicating it as the standard plan to accompany a cluster housing proposal along with the date of submittal.

(c) Name of Subdivider. Name and address of subdivider and his authorized agent, owner(s), engineer(s) and surveyor(s).

(d) Description of Land. Acreage of the tract or parcel.

(e) Survey. Perimeter survey of tract made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of tract, and date of survey and total acreage.

(f) Man-Made and Natural Features on the parcel. Existing buildings, proposed building envelopes, lot lines, if any, roads, streets, highways, utility lines, sewer lines, pumping stations, water lines, easements, natural features such as lakes, streams, rivers, wetlands delineation, natural drainage ways, wooded and open roads, etc.

(g) Proposed lot lines, where applicable, and the approximate dimensions (acreage) of each such lot, frontage on rights of way serving the lots, building envelopes, existing easements, tree save areas, and disturbances of natural features that would be required by the development of the parcel and construction of buildings and amenities therein.

(h) Other Studies. The Board may require that the subdivider make other studies and provide other data that it deems necessary or desirable.

2. The application review procedure of preliminary and final plans shall be conducted in accordance with Chapter 16. Performance Standards; Design Standards.

1. The relief from building lot size and dimension requirements, and/or minimum acreage/dwelling unit requirements afforded by this Clustered Housing Ordinance shall only be available where the dwelling units to be constructed in the proposed subdivision are clustered, Conservation Areas of at least 50% of the total land area of the parent parcel are preserved, and the other requirements of these Performance Standards are met.

2. Clustered Housing Subdivisions shall meet all requirements of these provisions, in addition to the applicable provisions of Chapter 16, Article I that are not superceded in this Section 19-306.

3. The minimum, total size of the tract of land to be subdivided (the "parent parcel") shall be three (3) acres.

4. The number of dwelling units that may be approved and constructed in the subdivision shall be the number of buildable lots (see definition) having the minimum, buildable lot dimensions into which the parent parcel might be subdivided were this Clustered Housing Ordinance not applied; provided, however, that the Planning Board may authorize additional dwelling units in the subdivision, as follows:

(a) three (3) additional dwelling units, where the area of the parent parcel is three (3) or more acres and fewer than five (5) acres;

(b) five (5) additional dwelling units, where the area of the parent parcel is five (5) or more acres and fewer than ten (10) acres;

(c) seven (7) additional dwelling units, where the area of the parent parcel is ten (10) or more acres.

5. Each building shall be an element of an overall plan for site development. Only developments having an approvable site plan that includes the dwelling structures will be considered for subdivision approval. The application shall illustrate the placement of buildings, the location(s) of the required Conservation Area(s), and the treatment of Common Space(s), paths, roads, utility services, and parking, elevations showing compliance with applicable design standards, and landscaping, screening, and buffering compliant with Subsections 19-316(G) and (H), and shall conform with all requirements of this section and other relevant sections of this ordinance.

6. Conservation Areas, buildings, building envelopes, buildings, roads, and other improvements shall be so located as to preserve the existing scenic and natural features of the property to the greatest extent practical.

7. Professional estimates of the costs of infrastructure development (roads, utilities, etc.) shall accompany the plans. The written statement shall describe the natural features that will be preserved or enhanced by utilizing the Clustered Housing Ordinance. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important natural or historic sites identified by the comprehensive plan as worthy of preservation. The statement shall also compare the impacts upon the municipality of clustered housing and a traditional subdivision. Examples of impacts are municipal costs for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of floodwater storage areas, and environmental impacts on sensitive lands caused by construction activities, underground utilities, reclamation of land, and provision of land for conservation use.

8. No building shall be sited on slopes steeper than 25%, or within 100 feet of any water body. No building shall be sited on soil classified as being very poorly drained, unless such building will utilize sewer or a community sewage collection and treatment system.

9. Buildings in Clustered Housing Subdivisions shall contain only single-family dwelling units, whether attached or detached. No building in a Clustered Housing Subdivision shall contain more than five (5) single-family dwelling units.

10. The distance between principal structures shall not be less than 10 feet.

11. Unless otherwise approved by the Planning Board, no proposed building lot or proposed dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

12. Shore frontage shall not be reduced below the minimum normally required by the shoreland zoning ordinance.

13. Where the Clustered Housing Subdivision abuts a body of water, the required Conservation Area shall include a portion of the shoreline.

14. The minimum rear setback of the zone(s) in which the Clustered Housing Subdivision is located shall apply to the perimeter of the subdivision.

15. In Clustered Housing Subdivisions where public sewerage disposal service is not available within 200 feet of that parcel boundary line that is closest to existing public sewerage disposal facilities, on-site sewerage disposal shall whenever possible be accomplished with shared, commonly owned, leach field(s) or other commonly-owned disposal facilities that comply with applicable law, and private on-site sewerage disposal shall be prohibited.

16. Homeowner association covenants and other private restrictions or agreements affecting land use within the Clustered Housing Subdivision may not prohibit residential geo-thermal or solar energy facilities, clothes-lines, vegetable gardens, or domesticated animals permitted by applicable municipal zoning regulations.

17. Sidewalks shall be constructed along at least one side of each street, drive, or other vehicular access route on which residential structures are proposed or later constructed in a cluster subdivision.

18. The principal structure(s) in Clustered Housing Subdivisions shall adhere to the following design standards, subject to Planning Board review and approval:

(a) Purposes. These Building Design Standards are purposed to ensure that new development under the Clustered Housing Ordinance complements and strengthens the traditional, New England village character of Rockland, and simultaneously to allow for maximum flexibility in the location, size, and configuration of dwelling units in clustered housing developments.

(b) Standards.

(1) Variety of Styles. Provide a variety of building solutions through the mixing of one and two story building profiles. Limit the amount of replication of building styles within one block.

(2) Setbacks of Houses to Create a Neighborhood Streetscape. The front facades of houses should be set back no **less** than 15 feet from the sidewalk. Vary side yard setbacks from house to house to provide interest and variety.

(3) Setbacks of Garages to Reduce Visual Impact. The preferred location for garages is at the rear of the lot. Where this is not feasible, garages shall be setback no fewer than five feet further from the front lot line than the principal structure(s).

(4) Architectural Features.

[A] Housing shall include features such as:

- * Dormers
- * Brackets supporting or adorning eaves or other roof overhangs
- * Corner boards
- * Wide trim around windows
- * Railings around balconies and porches
- * Low picket fencing

[B] Fronts of houses shall face the street and incorporate usable porches, stoops and steps.

[C] The orientation of ridgelines of homes shall be varied.

(5) Materials. Exterior finishes should incorporate traditional and natural building materials such as have been historically used in Midcoast Maine.

(6) Height

[A] Minimum 1 1/2 stories above grade

[B] Maximum 2 1/2 stories

(7) Massing. Horizontal facades longer than 30' shall be articulated into smaller units, using methods such as:

- * distinctive roof forms
- * changes in materials and/or patterns
- * color differentiation
- * bay windows, balconies, or porches
- * recesses or offsets.

(8) Roof Pitch. Roof pitch ranges from 5:12 to 12:12 are encouraged.

(9) Architectural Features.

[A] Front Porches shall have a depth of at least six feet, to allow seating.

[B] Street-Facing Garages shall be de-emphasized with two or more of the following or similar design features:

- * porches
- * trellises
- * side location of entry
- * break up massing/doors for double or multiple garages
- * overhanging second floor

E. Ownership Of Common Open Spaces and Conservation Areas.

1. All common open space and facilities shall be owned by the owners of the lots or dwelling units by means of an owners' association.

2. All conservation areas may be owned by one of the following:

- (a) the owners of the lots or dwelling units by means of an owners' association;
- (b) an organization which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
- (c) The City of Rockland, upon acceptance of such Conservation Area(s) by the Rockland City Council.

F. Development, or further subdivision, of the Conservation Area(s) required by this ordinance are prohibited, and the use of such Conservation Area(s) shall be limited to preservation of wooded or other natural areas, passive recreation trails no greater than five feet in width, and organic farming. When the Conservation Areas are to be owned by an entity other than the municipality, no building permit and no land disturbance may occur until a suitable easement prohibiting any future development inconsistent with the requirements of this ordinance shall have been granted to and accepted by the municipality.

G. The Conservation Area and any Common Open Space required or authorized by this ordinance shall be shown on the final plan with appropriate notations indicating, at a minimum, whether the area is reserved for conservation or as common open space, and the identity of the entity(s) that will own each such area.

H. The final plan application shall include the following where applicable:

1. Covenants for mandatory membership in the owners' association setting forth the owners' rights, interests, duties and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling, subject to the limitations set forth in this ordinance;

2. Draft articles of incorporation of the proposed owners' association; and

3. Draft by-laws or covenants of the proposed owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

I. In combination, the document(s) required pursuant to the preceding paragraph shall provide for the following:

1. The homeowners' association shall have the responsibility of maintaining Common Areas, common facilities, and Conservation Areas not owned by the City of Rockland;

2. The homeowners' association shall levy annual charges against all owners of lots and/or dwelling units to defray the expenses connected with the maintenance, repair, and replacement of common property and facilities, tax assessments, and Conservation Areas not owned by the City of Rockland;

3. The authority of the homeowners' association to place a lien on the property of members who fail to pay dues or assessments; and

4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance, until development sufficient to support the association has taken place.

Eff: 07/14/10

Sec. 19-307 Off-Street Parking

1. Purpose.

The purpose of this Section is to establish minimum standards for off-street parking, parking access and landscaping for all land uses.

2. Applicability.

A. Standards contained in this Section shall not be retroactively required for any legal use of a building in existence on the date of adoption or amendment of this Section except as stated below. Any non-conforming use of a building which does not meet all of these standards may continue subject to the requirements of this Section.

B. In the City of Rockland, no new building addition resulting in additional floor area shall be constructed, no new land use shall commence, no land use shall be changed to a different classification in the Table of Parking Requirements, and no land use shall be expanded to additional land area unless all of the standards of Section 19-307 are met. Exception: see 19-307.7.A, 19-307.7.D, and 19-307.7.E.

3. Conflict with Other Ordinances.

Whenever the requirements of this Section differ from those of any other section of this Ordinance or any other law, ordinance or regulation, the more restrictive regulation or that imposing the higher standard shall govern.

4. Definitions.

Terms not defined shall have their customary dictionary meaning except as defined herein or in Section 19-302 of this Ordinance.

Building Services: Areas incident to a principal use, such as restrooms, mechanical rooms and small offices for management of the principal use.

Circulation Area: Areas exclusively for getting from one place to another, such as hallways, corridors, or vestibules, and not part of the aisle of the sales floor of a business.

Expansion of a Structure: The increase in floor area or volume of a structure.

Expansion of a Use: The use of more floor area or ground area devoted to a particular use.

Downtown Parking District: The "Downtown Parking District" shall include all properties fronting on Main Street between the intersection of Main Street and Water Street at General Berry Square on the South and Summer Street and the

center line of Summer Street as extended to Rockland Harbor on the Southerly side of Summer Street between Main and Union Streets; all properties fronting on the Easterly side of Union Street between Summer and Park Streets; all properties fronting on the Northerly side of Park Street between Union and Main Streets; all properties within the Downtown "DT" Zone fronting on Tillson Avenue and Winter Street; and all properties enclosed by these portions of Main, Summer, Union, Park, Tillson Avenue and Winter Streets described above, and the property located at 9 Water Street identified as Rockland Tax Map #5-F-3. Eff: 11/13/09

Permit-Issuing Authority: For the purposes of this Parking Ordinance the "permit-issuing authority" is the Code Enforcement Officer, the Planning Board or any other person or entity authorized by the Rockland City Ordinances to issue building or other land use permits.

Vehicle Accommodation Area: That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

5. Design Standards for Off-Street Parking.

A. General Design Requirements.

- (1.) Vehicle accommodation areas shall be designed so that vehicles can exit such areas without backing onto a public street and without resorting to extraordinary movements, unless no other practicable alternative is available. Traffic circulation within large lots should be continuous with a minimum number of turns. These requirements do not apply to parking areas consisting of driveways that serve one or two-family dwelling units, although backing onto arterial streets is discouraged.
- (2.) Vehicle accommodation areas in all developments shall be designed so that delivery, sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- (3.) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas. Thought should be given to the safe movement of pedestrians to and from the cars and public ways.
- (4.) All vehicle accommodation areas and driveways, except for one and two-family dwelling units, shall have a maximum grade of 5% and a minimum grade of 1%.
- (5.) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any residentially zoned area in the vicinity.
- (6.) Vehicle accommodation areas shall be provided at the side or to the rear of buildings on a lot whenever practicable.
- (7.) Consideration should be given to snow removal and/or snow storage when designing vehicle accommodation areas.

B. Access to Off-Street Parking.

- (1.) Angles. Two-way operation. Driveways used for two-way operation shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees or more than 120 degrees.

One-way operation. Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty five (45) degrees with a road.

- (2.) Residential Zones. Unless allowed in another section of the Rockland Zoning Ordinance no driveways or vehicle accommodation areas shall be located in any residential zone which serve uses other than:
 - (i) uses permitted in such residential district; and
 - (ii) uses which legally existed prior to the effective date of this Article.

- (3.) **Sight Distances.** Any exit driveway or driveway lane other than those for single-family and two-family dwellings shall be so designed in profile and grading and so located as to provide the following minimum sight distances measured in each direction along the intersecting public street or in one direction in the case of one-way streets. Driveways for one and two-family dwellings shall provide the minimum sight distances to the greatest extent practicable. The sight distance measurements shall be in a straight line from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three and five tenths (3.5) feet above the driveway to the top of an object four and twenty-five hundredths (4.25) feet above the pavement of the public street. The permit-issuing authority may allow changes to non-conforming situations, including the relocation or widening of a driveway, if the existing conditions will be improved and the minimum sight distances will be provided to the greatest extent practicable. The developer or landowner shall bear the costs of any signs or other traffic control devices needed where minimum sight distances cannot be provided.

Posted Speed Limit (Miles Per Hour)	Absolute Minimum (Feet)
25	150
30	200
35	250
40	325
45	400
50	475
55	550

NOTE: On streets on which traffic is required to stop by "STOP" signs at intersecting streets and on dead end streets, the sight distances shall not be required to exceed the distances to such intersections or a dead end.

- (4.) **Distance from Intersections.** No driveway entrance or exit shall be located closer than fifty (50) feet from a street intersection, as measured from the curb or the point of intersection of the tangents of the curbs of the intersecting streets to the curb and the point of intersection of the tangents of the intersecting street and driveway.
- (5.) **Driveway Limitations.** Unless otherwise approved by the Permit Issuing Authority, no off-street parking facility shall have more than one (1) driveway onto the same street. The minimum distance between driveway entrances for non-residential uses shall be the minimums set forth in Section 19-304, Zone Regulations. Where separations are not specified in 19-304 a minimum of fifty (50) feet shall be required between any two (2) driveways onto the same parcel. At least one driveway entrance shall be allowed onto any lot.
- (6.) **Driveway Dimensions.** Driveways shall be not less than ten (10) feet in width for one-way traffic and eighteen (18) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic: (i) when it services a one or two-family dwelling; or (ii) when the driveway is not longer than fifty (50) feet, it provides access to not more than six (6) spaces and sufficient turning space is provided so that vehicles need not back onto a public street. Unless otherwise approved by the permitting authority and the Maine Department of Transportation, no two-way driveway serving a non-residential use shall exceed forty-two (42) feet in width. The Permit Issuing Authority may require a dividing center island if deemed necessary. No driveway serving a one or two-family or multifamily dwelling shall exceed thirty (30) feet in width. No one-way driveway shall exceed twenty-six (30) feet in width. The width measurements shall not include center islands and curb radii.
- (7.) **Curb and Sidewalk Construction.** When driveways are cut into existing curbing and sidewalks, curbing must be cut back at least four (4) feet on each side of the driveway opening. Replacement curbing, in kind, must be re-laid with ends tapered from seven (7) inches high (or from the height of the existing curbing) to no more than one and one half (1½) inches high at the driveway. When driveways are constructed to slope toward the gutter line of the street, the grade shall be no less than ¼ inch per foot and no more than ½ inch per foot across the complete width of the sidewalk. All work shall be done at the expense of the applicant, and shall be performed to the satisfaction of the Director of Public Works.

- (8.) Culverts. Whenever the installation of a culvert underneath a new driveway is deemed necessary to maintain street side drainage, the property owner shall petition the City for such an installation and the City may install the same, provided that the property owner, at his own expense, furnish a culvert satisfactory to the City. Such culvert shall thereafter be maintained by the City.

C. Dimensions of Parking Facilities.

- (1.) Parking Spaces. Each parking space shall contain a rectangular area at least 19 feet long and 9 feet wide except that parallel parking spaces shall be not less than 22 feet by 9 feet. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles so long as the parking spaces so created contain within them, the rectangular area required by this section.
- (2.) Parking Area Aisles. Parking area aisle widths (in feet) shall conform to the following table, which varies the width requirements according to the angle of parking.

Parking Angle					
Aisle Width	0°	30°	45°	60°	90°
One-Way Traffic	13'	11'	13'	18'	24'
Two-Way Traffic	19'	20'	21'	23'	24'

D. Vehicle Accommodation Area Surfaces.

- (1.) Vehicle accommodation areas that include lanes for drive-in windows or that are required to have more than 25 parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. The permit-issuing authority may allow exceptions to this requirement when adequate evidence is presented to demonstrate that due to the low volume or type of traffic (such as employee only parking) location of parking area, site or area conditions or other similar factors that any allowed exceptions will not adversely effect public safety or cause unreasonable erosion, dust or other problems.
- (2.) Vehicle accommodation areas that are not provided with the type of surface specified in Subsection D.(1.) shall be graded and surfaced with crushed stone, screened gravel or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. A base of at least twelve (12) inches of properly compacted gravel must be provided. Whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in Subsection D.(1.) for a distance of at least 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have less than six (6) parking spaces.
- (3.) Parking spaces in areas surfaced in accordance with Subsection D.(1.) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection D.(2.) shall be demarcated whenever practicable or whenever deemed necessary because of limited parking or type of parking space layout, for example.
- (4.) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- E. Curbs or Wheel Stops. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties, landscaped areas or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks to restrict pedestrian traffic or tend to bump against or damage any wall, vegetation or other structure.
- F. Fire Lanes. Whenever required by Section 17-901 of the Rockland City Code, fire lanes shall be established and maintained in accordance with said Section.

6. Other Standards

A. Location of Off-Street Parking.

- (1.) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.
- (2.) All such satellite parking spaces (except spaces intended for employee use) must be located within 600 feet of the lot on which the principal use is located. Satellite parking spaces intended for employee use may be located within any reasonable distance approved by the permit-issuing authority.
- (3.) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he owns the land or has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces and must specify the length of time for which the permission is granted, i.e., 5 yr. minimum subject to renewal. The developer must also sign an acknowledgment that the continuing validity of his permit approval depends upon his continuing ability to provide the requisite number of parking spaces.
- (4.) The permit-issuing authority shall consider the extent to which any satellite parking area meets the design requirements in determining if the satellite parking will be counted in meeting the minimum number of spaces required by the ordinance.

B. Mixed Uses. Where a building or lot serves more than one use, the number of required off-street parking spaces serving such building or lot shall be the sum of the requirements for all of the various uses except as allowed in Subsection C., below.

C. Shared Use of Parking Facilities. The permit-issuing authority may approve the shared use of a parking facility by two or more buildings or uses, provided the owners or lessees have clearly demonstrated that the shared use of the parking facility would substantially meet the requirements of this Section due to variations in the time of day or days of use by the residents, patrons and employees of the buildings or uses to be served by the parking facility. For example, a parking lot used on Monday through Friday for an office building could be partly used by a flea market operating only on weekends or for an adjacent churches' Sunday morning services. The permit-issuing authority may require a contract between proposed users of a shared parking facility as a condition of approval of such shared use. The provisions of Subsection 6.A., Location of Off-Street Parking, are also applicable if satellite parking spaces are involved.

D. Parking Facilities for the Physically Handicapped. All vehicle accommodation areas shall be designed to provide an adequate number of properly designed and located parking spaces, appropriately designated as required by the Maine Human Rights Act, Title 5 M.R.S. § 4551, et seq. and other regulations.

E. Loading and Unloading Areas.

- (1.) Subject to Subsection 6.E. below, whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
- (2.) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of Spaces*
1,000 - 19,999	1

20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,999	5
256,000 - 319,999	6

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

*Minimum dimensions of 12 feet X 55 feet and overhead clearance of 14 feet from street grade required.

- (3.) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- (4.) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (5.) Whenever there exists a lot with one or more structures on it constructed before the effective date of this Ordinance or amendment thereto, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

F. Landscaping, Buffering, etc. Landscaping, buffering, screening, etc., shall meet all standards provided else where in the Zoning Ordinance.

7. Number of Off-Street Parking Spaces Required.

- A. All developments within the City of Rockland, except for the required number of parking spaces in the "Downtown Parking District" as defined in Section 19-307.4, shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that are likely to be attracted to the development in question.
- B. The presumptions established by this Subsection are that:
 - (1.) A development must comply with the parking standards set forth in Subsection 19-307.7.J, Table of Parking Requirements, below, to satisfy the requirements stated above in Subsection 19-307.7.A; and
 - (2.) Any development that does meet these standards is in compliance.
 - (3.) Subsection 19-307.7.J, the Table of Parking Requirements, however, is intended to establish a presumption and may be flexibly administered, as provided in Subsection, 19-307.8, Flexibility in Administration.
- C. The floor area used to determine the off-street parking requirement shall be the sum of the floor area on all floors of the building, excluding areas used exclusively for building services, storage, and circulation, except where otherwise specified. When determination of the number of parking spaces required by the Table of Parking Requirements results in a requirement of fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- D. In the case of an expansion of a structure or a use, the required number of new spaces shall be the number of spaces required for the expansion itself. The new spaces for the expansion shall not be required to make up any deficit that may attend the original building or structure, if such building or structure was in lawful existence at the time of adoption of this Ordinance. An expansion of a structure which does not increase the need for off-street parking shall not be required to provide additional parking spaces. However, subsequent changes to the expansion which result in any greater deficit will require additional parking to be provided for the expansion in accordance with Section 19-307.7.J. Table of Parking Requirements. This subsection shall not apply to expansions of use within the "Downtown Parking District" as defined in Section 19-307.4.

- E. In the case of a change of use, the required number of spaces shall be the number of spaces required for the new use itself minus the number of spaces which were required for the original use, whether or not such original use, if in lawful existence at the time of adoption of this Ordinance, actually provided its required number of spaces. Vacant or abandoned buildings or spaces, for which the original use cannot be determined, shall be deemed to have required one (1) space per three hundred fifty (350) square feet of gross floor area. This subsection shall not apply to changes of use within the “Downtown Parking District” as defined in Section 19-307.4.
- F. In no case shall the number, dimensions, location, or layout of off-street parking spaces or areas as authorized by the permit-issuing authority be altered without prior approval of the permit-issuing authority.
- G. Off-street parking spaces used in the fulfillment of the requirements of this Section shall be available for use at all times and shall not be obstructed by trash receptacles, snow, leaves, or other debris, accessory structures or activities, or other obstacles that will prevent their use for off-street parking unless authorized by the permit issuing authority (such as snow storage in specific areas after the holiday season).
- H. No off-street parking area presently in conformance with this Section shall be made non-conforming as to number, dimensions, location, or layout of spaces; and no off-street parking area that is presently lawfully non-conforming with respect to number, dimensions, location, or layout of spaces shall be altered such that the non-conformity is worsened.
- I. The City Council recognizes that the Table of Parking Requirements set forth in Subsection (J) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to review the proposed parking and to determine if the parking requirements are deemed met, using this table as a guide for similar uses.
- J. Table of Parking Requirements.

USES:	OFF STREET SPACES REQUIRED:
Automobiles	(See Motor Vehicle-Related Uses)
Churches and Other Places of Worship	1 space for every 4 seats in portions of the building used for services.
Day Care Centers or Nursery Schools	1 space / 200 sq. ft. of floor area plus 1 space for each employee.
USES:	OFF STREET SPACES REQUIRED:
Educational Facilities:	(Various types below.)
Elementary Schools	2 spaces / classroom plus 1 space for each employee.
High Schools	8 spaces / classroom plus 1 space for each employee.
Trade or Vocational School (beyond High School)	1 space / 150 sq. ft. of floor area.
Colleges or Universities (including all facilities such as dormitories, office buildings, etc.	1 space / 150 sq. ft. of floor area.
Financial Services including Banks and Credit Unions	1 space / 200 sq. ft. of floor area plus reservoir lane capacity equal to 4 paces for each drive-through window (8 spaces if window serves 2 stations).
Fraternal and Social Clubs or Lodges	1 space / 200 sq. ft. of floor area (except that public assembly parking requirements will apply to areas used for such purposes by the public).
Funeral Homes	1 space / 100 sq. ft. of floor area.
Home Occupations or Professions	5 spaces / doctor or dentist, 2 spaces / attorney or at least 1 space / other use, plus 1 space for each employee not residing in the home. (Adequate parking for the residential uses on the property must also be provided as required in the residential section of this Table.)
Institutional Residence or Care of Confinement Facilities:	(Various types below.)
Hospitals or Clinics	2 spaces / bed or 1 space / 150 sq. ft. of floor area, whichever is greater.
Nursing Care, Intermediate Care or Long Term Care Institutions, Handicap or Infirm Institutions, Child	3 spaces for every 5 beds.

Care Institutions	
Institutions (other than Half-way Houses or Group Homes where mentally ill persons are confined)	1 space for every 2 employees on the maximum shift.
Penal or Correctional Facilities	1 space for every 2 employees on the maximum shift.
Assisted Living Facilities	1 space per every 3 units; 1 space per every 2 units for unassisted units within a multifamily dwelling that includes an Assisted Living Facility. Eff: 09/09/09
Lodging Places (Including Hotels, Motels, Bed & Breakfast Homes or Rooming and Boarding Homes)	1 space for each room to be rented plus additional space for restaurants or other facilities in accordance with other sections of this table.
Manufacturing, Processing, Repairing or Assembling Goods, Merchandise or Equipment:	(Various types below.)
When the majority of dollar volume of business is done with walk-in trade	1 space / 400 sq. ft. of floor area.
When the majority of dollar volume of business is not done with walk-in trade	1 space for each 2 employees.
Marinas and Facilities for Excursion Boats or Similar Uses	1 space for each boat slip plus 1 space / 200 sq. ft. of building area used for the marina.
Excursion boats or other vessels with regularly scheduled destination services from the facility	1 space for each 4 passengers.
Motor Vehicle Related Sales, Services and Repair Operations (Including Sales and Service or Mobile Homes & Boats)	1 space / 200 sq. ft. of floor area (with a minimum of 5 spaces per business).
Gas or Other Motor Vehicle Fuel Sales	Sufficient parking area to accommodate vehicles at the pumps and 2 additional queuing spaces shall be provided at each pump without interfering with other parking spaces.
Museums, Libraries, Art Galleries (Including Associated Educational Activities)	1 space / 300 sq. ft. of floor area.
Offices, Clerical, Research and Services (Not Primarily Related to Goods or Merchandise):	(Various types below.)
Operations designed to attract and serve customers or clients on the premises (such as offices of attorneys, insurance and stockbrokers, travel agents, personal services, governmental offices, etc.)	1 space / 250 sq. ft. of floor area.
Operations designed to attract little or no customer traffic other than employees of the operation	1 space / 400 sq. ft. of floor area.
Doctors or dentists offices	1 space / 150 sq. ft. of floor area.
Public Assembly (See Also Sections for Theaters, Restaurants, Taverns, etc., if Applicable)	1 space / 4 seats (or 4 patrons) or where there are no fixed seats, 1 space / 100 sq. ft. of assembly area plus 1 space / employee.
Recreation, Amusement, Entertainment:	(Various types below.)
Bowling alleys, skating rinks, pool halls, indoor athletic and exercise facilities and activities conducted primarily outdoors such as golf courses, tennis courts or miniature golf courses and similar uses	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if measurable, such as bowling alleys or tennis courts) plus 1 space / 200 sq. ft. of floor area of building used in a manner not susceptible to such calculation.
Theaters, stadiums or similar places of assembly	1 space for every 4 seats.
Residential Uses:	(Various types below.)
One-family dwelling	2 spaces / dwelling unit.
Two-family and multi-family dwellings	Units with one or no bedrooms: 1½ spaces dwelling unit plus 1 space for each room rented out.
	Units with 2 or more bedrooms: 2 spaces / dwelling unit plus 1 space for each room rented out.
Private Non-Medical Institutes and Residential Care Facilities	1 space for each 3 residents plus 1 space for each on-site employee Eff: 04/11/12
Restaurants, Taverns or Lounges	1 space / 4 seats in dining areas plus 1 space / 100 sq. ft. of lounge, bar

	and waiting area, plus 1 space / employee. Two additional spaces shall be required for each take-out window (with a minimum of 10 spaces for an establishment with take-out windows). 1 additional space shall also be required for each outside dining table. A reservoir lane capacity equal to 5 spaces shall be provided for each drive-in window.
Sales and Rental of Goods, Merchandise and Equipment:	(Various types below.)
General retail sales and rental	1 space / 250 sq. ft. of floor area.
Convenience stores	1 space / 150 sq. ft. of floor area plus the provisions for fuel pumps (see Motor Vehicle Related Sales, Service and Repair Operations).
Wholesale and low volume retail sales such as furniture, appliance, and floor covering stores, tradesmen or decorators showrooms, and rental of tools and equipment	1 space / 400 sq. ft.
USES:	OFF STREET SPACES REQUIRED:
Open air markets and horticultural sales	1 space / 1000 sq. ft. of lot area used for storage, sales and/or display (green houses and other enclosed sales areas must meet the requirements above for general retail sales).
Schools	(See Educational Facilities.)
Storage Buildings (for Goods not Related to the Sale or Use of Goods on the Same Lot Where they are Stored)	1 space for every 2 employees (but not less than 1 space / 5000 sq. ft. of storage area).
Theaters	(See Recreation, Amusement, Entertainment.)
Veterinarians and Kennels	1 space / 200 sq. ft. of floor area.

8. Flexibility in Administration.

- A. The Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in the Subsection 19-307.7.J, may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Subsection 19-307.7, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 19-307.7.J, and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Subsection 19-307.7.A. In making the determination to allow or require a deviation, the permit-issuing authority shall consider a parking plan drawn to scale and all available information concerning the specific proposal and similar developments such as: sales reports or computer printouts from other branches or similar operations; national standards; information from headquarters for franchises, etc., and adequate land area available, if necessary, for enlarging the parking area.
- B. Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the from the parking requirements set forth in Subsection 19-307.6.E., when it finds that:
 - (1.) A residential development is irrevocably oriented toward the elderly;
 - (2.) A business is primarily oriented to walk-in trade.
- C. Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Subsection 19-307.7.J., it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
- D. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Subsection 19-307.7.J, for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Section 2-212.
- E. When site conditions or other constraints prevent full compliance with Section 19-307.5, Design Standards for Off-Street Parking, the permit issuing authority may accept alternative designs that are not in full compliance with said section provided that reasonable and accepted standards are used and that the variation does not result in unsafe conditions. Eff: 7/12/00

9. Driveway and Curb Cut Permits.

- A. Permits. No person, corporation or other legal entity shall construct or maintain a driveway entrance or approach or cut any curb within the right-of-way of any City street within the Urban Compact District without approval of the Planning Board or a written permit from the Code Enforcement Officer. A permit or Planning Board approval shall also be required for any change in location or grade, or any change in degree or kind of use of an existing driveway, entrance or approach. The permit application form, provided by the Code Enforcement Office, shall be completed and submitted for approval along with the appropriate fee listed in Section 11-402, Land Use Fee Schedule. The Director of Public Works and the Chief of Police or their authorized agents shall make recommendations and countersign each permit application.
- B. Review Criteria. The permit-issuing authority shall ensure compliance with the standards in Subsection 19-307.5.B and other applicable standards in Section 19-307 when reviewing applications for new and changed driveways. Safe access with respect to grades, intersections, vehicular and pedestrian traffic volume, schools, housing for the elderly and handicapped, other traffic generators, and any other elements to adequately protect and promote the safety of the traveling public shall be considered. In no case shall reasonable ingress and egress to property abutting a City street be denied.
- C. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than one hundred (\$100) to twenty-five hundred (\$2,500) per day as provided in 30-A, M.R.S. §4452. Eff: 4/12/00

Sec. 19-308 Non-Conformance

1. Purpose.

It is the intent of these provisions to promote land use and conformities, except that non-conforming conditions that legally existed before the effective date of this ordinance or any amendment thereto shall be allowed to continue, subject to the requirements set forth in this section. Definitions of "non-conforming lot", "non-conforming structure", and "non-conforming use" can be found in Section 19-302 of this Ordinance.

2. General.

A. 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.

B. Repair and Maintenance: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which 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 safety codes may require.

3. Non-Conforming Structures.

A. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure with the following conditions:

- (1) Lot Lines: No part of the addition or expansion shall be closer to any property line than the closest part of the existing structure.
- (2) Building Coverage: The building coverage within each setback area (i.e. front, side, rear) may be increased by no more than 30% during the lifetime of the structure. For the purposes of this section, building coverage within the setback shall be measured at the time of the first application for expansion within the setback after October 15, 1999.
- (3) The height of any part of the addition or expansion that extends into the setback area shall not exceed the height of the encroaching part of the existing structure nor the height allowed in the zoning district, whichever is less. This section shall not apply to increase in height within the setback where a flat roof is replaced by a pitched roof for the purpose of repairing it and further provided that the height does not exceed the height limitation within the zone.
- (4) Expansion in the Shoreland Zone: After January 1, 1989, if any portion of a structure is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.
- (5) Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:
 - (a) That the structure and new foundation are placed such that the setback or other dimensional requirements are met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 3.B **Relocation**, below;
 - (b) That the completed foundation does not extend beyond the exterior existing dimensions of the structure; and
 - (c) That the foundation does not cause the structure to be elevated by more than three (3) additional feet. Eff: 10/13/99

Further Limitations:

(1) Expansion in the Shoreland Zone: After January 1, 1989, if any portion of a structure is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

(2) Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

(a) That the structure and new foundation are placed such that the setback or other dimensional requirements are met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 3.B

Relocation, below;

(b) That the completed foundation does not extend beyond the exterior existing dimensions of the structure; and

(c) That the foundation does not cause the structure to be elevated by more than three (3) additional feet.

(3) Lot Lines and Edges of Water Bodies: No structure which is less than the required setback from a property line or the normal high water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the property line, or the water body, tributary stream or wetland.

B. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of the relocation conforms to all setback or other dimensional requirements and performance standards to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the structure will discharge wastes to the municipal sewer system, the present subsurface sewage disposal system meets the requirements of State law and the *State of Maine Subsurface Wastewater Disposal Rules* or that the new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback or other dimensional requirements to the greatest practical extent, the Planning Board shall base its decision on the following:

(1) The size of the lot;

(2) The slope of the land and other site features;

(3) The potential for soil erosion;

(4) The location of other structures on the property and on adjacent properties;

(5) The location of the septic system and other on-site soils suitable for septic systems;

(6) The physical condition and type of foundation present, if any; and

(7) The type and amount of vegetation to be removed to accomplish the relocation.

C. Reconstruction or Replacement:

(1) Any non-conforming structure or part of a structure, which is located less than the required setback from the normal high water line of a body of water or tributary stream, the upland edge of a wetland, or from the property line, or which otherwise fails to meet the dimensional requirements of the Ordinance, and which is removed, damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such removal, damage or destruction may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction or removal and provided that such reconstruction or replacement is in compliance with the setback and other dimensional requirements and performance standards to the greatest practical extent as determined by the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II). The applicant must also demonstrate that the structure will discharge wastes to the municipal sewer system, the present subsurface sewage disposal system meets the requirements of State law and the *State of Maine Subsurface Wastewater Disposal Rules*, or that a new system will be installed in compliance with the law and said Rules. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

In determining whether the building reconstruction or replacement meets the setbacks to the greatest practical extent the Planning Board shall consider the criteria in subsection 3.B Relocation, above.

(2) Any non-conforming structure which is removed, damaged or destroyed by 50 percent or less of the market value of the structure, excluding normal maintenance and repair, may be replaced or reconstructed in place with a permit from the Code Enforcement Officer. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

4. Non-Conforming Uses.

A. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses which meet all other ordinance requirements may, after obtaining a permit, be expanded within existing residential structures legally existing as of the effective date of this ordinance or on the effective date of a subsequent amendment that causes such use to be non-conforming. Construction of a porch, deck, storage building or other non-habitable space accessory to non-conforming residential uses shall not be prohibited provided that all other requirements of the ordinance can be met.

B. Resumption Prohibited:

1. Non-conforming Use: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding two (2) years may not again be devoted to a non-conforming use. This provision shall not apply to the resumption

of a use of a residential structure provided that the structure has been used or maintained for residential purposes within the preceding five (5) year period. Eff: 01/12/05

2. Non-conforming Area: Non-conforming area: A building with two (2) or more legally established dwelling units on a lot that does not have the required land area per dwelling and in which any or all of the dwelling units have not been used or maintained for residential purposes within the preceding five (5) year period, shall not be permitted to reestablish the use of the inactive or discontinued unit(s) unless use of the building is in compliance with the lot area per dwelling unit requirements of the zone in which it is located. For the purpose of this section, maintained shall mean ready to be occupied without the need for extensive renovations or the addition of bathroom or kitchen fixtures. Eff: 01/12/05

A lot, building or structure in or on which a non-conforming use is superseded by a conforming use may not again be devoted to a non-conforming use.

C. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the Planning Board finds under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), that the applicant has demonstrated that performance standards be met to the greatest practical extent and the proposed use is equally or more appropriate to the district than the existing non-conforming use.

The determination of appropriateness shall be based on the probable changes in traffic (volume and type), parking, noise, hours of operation, lighting, potential for litter, wastes, by-products, fumes, odors, or other nuisances likely to result from such change of use.

5. Non-Conforming Lots.

A. Non-Conforming Vacant Lots: A vacant, non-conforming lot of record, legally existing as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and the Planning Board determines under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II) that the performance standards will be met to the greatest practical extent, and that all provisions of this Ordinance except minimum lot size and minimum frontage can be met. A single family dwelling can be built on any such separate lot of record provided that all provisions of the ordinance can be met except for minimum lot size, minimum land area per dwelling unit and minimum frontage requirements. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Zoning Board of Appeals.

B. Lots with Structures:

(1) If two or more contiguous lots or parcels are in the same ownership of record as of the effective date of this Ordinance or amendment thereto, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and **Subsurface Wastewater Disposal Rules** are complied with. Contiguous built lots which discharge wastes into the municipal sewer system need not comply with the State Minimum Lot Size Law and the **Subsurface Wastewater Disposal Rules**.

(2) If two or more principal uses or structures legally existed on a single lot of record on the effective date of this Ordinance or amendment thereto, each may be sold on a separate lot provided that the State Minimum Lot Size Law and **Subsurface Wastewater Disposal Rules** are complied with or the structures discharge wastes into the municipal sewer system. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

C. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in the same ownership of record at the time of or since adoption of or amendment to this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements of this Ordinance, except that contiguous lots which front on different streets do not need to be combined.

For the purposes of this Section (19-308.5.C), lots shown on a subdivision plan approved by the Planning Board and recorded in the Registry of Deeds shall not be treated as lots held in common ownership if, within the three (3) years immediately preceding the effective date of this Ordinance or within three (3) years from the date on which the plan was approved, whichever is less, the owner or his predecessor has improved each lot by the completed construction of roads and the installation of utility services as approved.

D. Lot Modification: Any non-conforming lot may be modified as long as it does not create a condition which leaves the lot's frontage or size or building setbacks below the minimum requirements of this Ordinance, or so long as the modification does not worsen an existing legally non-conforming situation.

6. Vested Rights.

Non-conforming use rights do not arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights may only arise when actual substantial start of construction has begun, or, in the case of pending applications, when the substantive review process to determine compliance

with substantive performance standards on a complete application commences. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both State and local. Eff: 9/11/96

Sec. 19-309 Exceptions and Exemptions

1. Special Classes. No building may be erected or altered and no building or land may be used in any zone for any of the following purposes except that the Zoning Board of Appeals may so permit in any zone except Residential A and AA if the Board rules that such use is not detrimental or injurious to the neighborhood after considering the same factors and imposing any necessary conditions authorized under Section 19-304(3)(B) of this Article:

- A. Aviation field;
- B. Cemetery;
- C. Correction or penal institution;
- D. Municipal use (not otherwise provided for);
- E. Public utility use (other than provided by Section 19-304(3)(B)). A public utility sited in accordance with Section 19-304.1.B(7) may be allowed as a conditional use in the Residential A Zone (Eff: 07/09/08);
- F. Sanitarium (tubercular or mental);
- G. Stable, public; saddle horses for hire;
- H. Tourist cabins (Zone E not permissible);
- I. Transformer stations;
- J. Automobile outside display or sales lot;
- K. Any other use no otherwise provided for (excluding uses prohibited under Section 19-304(8)(B)).

2. Public Service Corporations. A building or land used or to be used by a public service corporation may be exempted in part or whole from the provisions of this Article, provided that upon petition, the Public Utilities Commission after due notice and a public hearing, adjudges such exemption to be reasonably necessary for the convenience or welfare of the public, as provided by the Revised Statutes of Maine.

3. Temporary Building. Nothing in this Article shall prevent the issuance of a permit for the erection and use of a non-conforming temporary building incidental to and reasonably required for the development of a neighborhood, provided that the Zoning Board of Appeals shall rule that it is not seriously injurious or detrimental to such neighborhood, after considering the same factors and imposing any necessary conditions authorized under Section 19-304(3)(B) of this Article; such permit to be issued for a term of not more than one (1) year, with option to renew for one (1) year only, and only upon application accompanied by a bond and bill of sale to the City effective in case the building is not removed prior to the expiration of the permit, or other guarantee satisfactory to the City Manager. Eff: 9/11/96

Sec. 19-310 Reserved

Sec. 19-311 Change of Use

Except in the case of Special Exceptions and Conditional Uses, or except as otherwise provided in Chapter 16 Article II, any person desiring to change the use classification but not the structure of any building or structure already erected, or the use of any land, to another allowed use, shall apply in writing on a prescribed application form to the Code Enforcement Officer for a permit, and shall satisfy the requirements set forth in Chapter 4, Article V, Subsection 4-503(3), Change of Use Permit.

Sec. 19-312 Violations; Enforcement

1. Complaints. When any person files a complaint with the Code Enforcement Officer, in writing, that any provision of this Article is being violated, it shall be the duty of the Code Enforcement Officer to examine forthwith the condition or thing complained of. A proper record of such complaints shall be kept by the Code Enforcement Officer, with the names of the persons making them.

2. Violation Procedure. When violation of any provision of this Article shall be found by the Code Enforcement Officer to exist, whether such violation is discovered after complaint or by the Code Enforcement Officer on his own initiative, he shall forthwith give notice of such violation to the owner of the premises on which such violation occurs and shall order in writing such change as he shall deem necessary to make the use of the premises in question conform to the applicable provisions of this Article. It shall be unlawful for any owner not to conform to such orders within the time set forth in any such order. Such notice may be served by causing a true copy thereof to be delivered by registered mail with return receipt requested, or handed to such owner or left at his place of residence or of his usual place of business in the City, or, if the owner cannot be located, by posting the notice in a conspicuous place on the premises the use of which is in

violation of this Article. Each day such violation or failure to comply continues after notification thereof shall constitute a separate offense. If such owner does not comply with the order within the time set forth in such notice, the Code Enforcement Officer shall so inform the City Attorney, who shall take immediate steps to enforce the provisions of this Article by applying for an injunction to the proper court or by any other appropriate legal action, which application for injunction or other legal action shall be taken in the name of the City of Rockland.

3. Penalty. Any person adjudged by a court to have violated any provision of this Article or any amendments thereof, or any rule or regulations adopted or issued in pursuance of, or under authority of this Article, to have failed to obey a lawful order of any officer charged with the enforcement thereof, or to have maintained any building or land upon which such violation exists, shall be subject to the penalties and other remedies provided by state law including without limitation 30-A M.R.S. § 4452, to be recovered to the use of the City.

Sec. 19-313 Reserved

Sec. 19-314 Directional Sign Ordinance

1. Purpose and Location. The purpose of this Ordinance is to regulate the installation and maintenance of directional signs on public ways within that portion of the City of Rockland bounded by the following:

A line extending westerly from Rockland Harbor to Camden Street at the intersection of Bay View Street, Camden Street southerly to the intersection of Maverick Street, Maverick Street westerly to the intersection of Birch Street, Birch Street southerly to intersection with Broadway, Broadway southerly to the intersection of Pleasant Street, Pleasant Street easterly through the intersection of Main Street extending to Rockland Harbor, then northerly along the shore of Rockland Harbor to the point of beginning.

Administration of the Office of Business Directional Signs program outside of the above-described area remain the responsibility of the Maine Department of Transportation in accordance with its regulations under Title 23, M.R.S., Sections 1901, 1925 and 17-227-200.

2. Definitions.

A. Directional Sign. A directional sign is a sign erected and maintained in accordance with the Maine Traveler Information Services Act and this section to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest. The second line of the legend may be used to indicate additional directional information for such as next right or left, route number, or the name of the street.

B. Public Way. Public way means any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, or other road dedicated to the public.

C. Sign Assembly. A sign assembly is the tiering of more than one directional sign on a support assembly. Such support assembly shall consist of a capped tubular steel post.

D. Traffic Control Sign or Device. Traffic Control Sign or Device means an official route marker, warning sign, sign directing traffic to or from a community bridge, ferry, or airport, or sign regulating traffic which has been erected by officials having jurisdiction over the public way. Traffic control signs and devices are not subject to the provisions of this Section.

3. Placement.

A. General Requirements. Directional signs shall be located within the highway right-of-way on approaches to intersections where travelers must change direction from one public way to another to reach a business, service or point of interest or where appropriate at the end of T intersections. A business, service facility, or point of interest shall not be permitted more than one single or double-faced sign at any intersection approach. Each face of a double-faced sign shall be considered as a separate sign. Directional signs shall be prohibited within those portions of the designated area which are zoned residential. Each place of business, service, or point of interest shall be eligible for a maximum of four (4) directional signs. To qualify for a directional sign, the business, service, or point of interest must be within a ten (10) mile radius of the proposed location of the sign.

Directional signs shall be located so as to avoid visual conflict with other signs, to have the least impact on the scenic environment and to take advantage of the natural terrain.

Directional signs shall not be permitted at locations where the directional information contained thereon may be misinterpreted misleading or otherwise confusing to the traveling public.

B. Lateral Clearance. Signs shall be at least one (1) foot away from the curb face.

C. Distances. Directional signs must be within five hundred (500) feet of the intersection where a change in direction is required.

Directional signs shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device.

Traffic control signs or devices placed at intersection approaches subsequent to the placement of directional signs shall have precedence as to location and may require the relocation of directional signs.

Successive business directional sign assemblies shall be spaced sufficiently apart for drivers to comprehend the messages contained thereon.

D. Height. Sign assemblies shall be erected so as to provide a minimum of five (5) feet vertical clearance between the lower edge of the bottom sign and surface of the highway. Signboards located near pedestrian and parking areas may be required to have a vertical clearance of seven (7) feet. No assembly shall exceed a height above the curb or sidewalk of fourteen (14) feet.

4. Materials. Sign panel material shall be high density overlaid plywood a minimum of one-half inch thick or other material sufficiently stable not to deform under conditions of weather and use. All materials furnished under this Section shall be durable and weather resistant.

5. Design.

A. General. Signs shall be standard in design and color. Sign legends shall identify the type of business or service, but shall not advertise or identify, by name, specific business or service. Points of scenic, historical, cultural, recreational, educational, or religious interest may be specifically identified by name.

B. Size. All signs shall be twenty-four (24) inches by twenty-four (24) inches in size. Signs may be reduced to less than twenty-four (24) inches in height as conditions require.

C. Color. The background color of all signs shall be blue and shall be in accordance with highway blue color tolerance charts PR-Color #3.

All legend and border shall be white. The edges and back of the signboard shall be sealed and painted brown. Specific color requirements shall be in accordance with the latest color tolerance charts published by the Federal Highway Administration and available for view at the office of the Maine Department of Transportation in Augusta.

D. Lettering and Layout. All lettering used in the name of the business or service, including the directional legend shall be Alternate Gothic 2 upper-case lettering.

Letter size shall be three (3) inches high.

Sign legends shall begin in the upper left-hand corner of the space provided. Single line legends if used shall occupy the top line of the space starting in the upper left-hand corner.

Directional legend shall be located in the lower portion of the sign.

Layout of the signboard and legend shall conform to good graphic layout practices.

E. Reflectorization. The background, sign legend, and border of all signs shall be reflectorized with reflective sheeting to show the same shape and color for both day and night. Reflecting sheets shall consist of smooth, flat exterior film with spherical glass lens elements embedded beneath the surface and a precoated adhesive backing protected by a removable line. Reflective sheeting shall meet the requirements of Federal specification LS-300B available for view at the office of the Department of Transportation (DOT) in Augusta. Illumination by special interior or exterior supplemental lighting is not permitted.

6. Installation and Maintenance. Directional signs and posts shall be furnished and maintained by the owner or applicant. The signs shall be installed by the City at approved locations. Eff: 8/7/91

Sign boards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the City.

The owners of directional signs which represent businesses, service facilities, or points of interest no longer offering such traveler assistance, or signs which are no longer applicable because of business changes, business relocations, or for any other reason, shall notify the City to have such sign removed.

Failure to properly maintain the sign panel by the owner or to notify the City that signs are no longer applicable may result in the removal of such signs by the City.

7. Administration. Official Business Directional Signs and other directional signs, within the area subject to this Section, which are not in accordance with the provisions of this Section, shall be removed by the owner(s) within six (6) months of (the effective date of this Section). If such sign is not removed within thirty (30) days of notification by the Code Enforcement Officer, the Code Enforcement Officer may have the sign removed at the expense of the owner of the sign. No sign may be erected without the approval of the Code Enforcement Officer. Eff: 10/9/85

Sec. 19-315 Signs

This section of the Rockland Zoning Ordinance is intended to provide for the reasonable, orderly, and safe placement and replacement of signs and to preserve the character and scenic beauty of the City of Rockland. Signs conforming to this Section shall not be required to conform to the provisions of BOCA, Article 19, Signs.

1. General. No person, corporation, partnership or other entity shall alter, construct, place or cause to be placed any new or different exterior sign structure or structures without first obtaining a permit unless otherwise specified under this Section. All exterior signs requiring a permit shall be reviewed by the Code Enforcement Officer to determine compliance with the applicable provisions of this Ordinance. All interior signs must comply with illumination, safety and placement provisions of the Ordinance even though a permit is not required.

2. Definitions.

A. Sign: Sign means any structure, display, logo, mural, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town.

B. Sign Area: Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

Sign area includes all lettering and/or symbols together with any background, including borders, on which they are displayed. Where the background and borders of an attached wall sign are the same color as the wall or where a sign has no background, the sign area includes all space within a circle, square, triangle or rectangle that could encompass the lettering and/or symbols.

Minimal supporting framework or bracing is excluded but any decorative structure is included.

When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than twenty-four (24) inches from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area. If the faces of the sign are more than twenty-four (24) inches apart, they will be measured as separate signs and the area of face each will be counted as part of the aggregate sign area.

C. Attached Wall Signs: Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building and which extends not more than twelve (12) inches from the surface of that building. Attached wall signs shall not extend beyond the corner of a building.

D. Awning Signs: A sign painted on or attached to the cover of a movable metallic frame or to the cover of the hinged, roll, folding or stationary type awning.

E. Building Frontage: The linear measurement of the building along any one (1) side. There shall be only one (1) frontage for any building.

F. Business: To constitute a separate business as defined under this Article, a business must: (1) keep separate financial records; (2) file a separate tax return; and (3) have a separate tax number from any other business located on the same property.

G. Directory Sign: A sign which lists the names of more than one (1) person or business.

H. Facade: The exterior surface of a building.

I. Free-Standing Sign: A self-supporting sign not attached to a building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

J. Locational Sign: A sign listing the name of a complex on a property and/or property address. Eff: 06/09/10

K. Marquee Signs: A sign painted on, attached to, or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of a building.

L. Off-Premise Signs: Any sign which is not on the premise of the business it is promoting or advertising. A Pedestrian Oriented Directory Sign in compliance with Section 19.315.3.A.(6) shall not be considered an off-premises sign. Eff: 7/14/04

M. On-Premise Signs: Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or activities which occur thereon, or advertises the property itself or any part thereof as for sale or rent.

N. Pedestrian Oriented Directory Sign: An attached wall sign at Main Street intersections, which directs pedestrians to businesses located on properties fronting on the intersecting streets within the Downtown Parking District as defined in 19-307.4. Such sign shall be mounted on privately owned buildings only, with written permission from the owner of the property. Eff: 7/14/04

O. Portable Sign/Banner: A self-supporting sign/banner capable of being readily moved or relocated, including signs on legs or banners on portable poles but not including movable signs on chassis and wheels.

P. Projecting Signs: A sign which is affixed directly to a building which extends more than twelve (12) inches beyond the surface to which it is affixed.

Q. Roof Sign: A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building. This includes signs painted on roofs.

R. Temporary Signs: A sign intended to be used for a period of no more than fourteen (14) days. Exceptions for banners and similar devices intended for civic purposes may be granted by special permit from the City Council.

3. Sign Standards.

A. Permitted Signs: Only signs which refer to the legal use of the property, provided such signs conform to the provisions of this Ordinance, are permitted:

(1) Number of Signs. There shall be a maximum of four (4) attached exterior signs per business or per building serving the public. Eff: 10/08/08

(2) Allowed Signage. Aggregate allowable sign area - all exterior signs per non-residential property shall not exceed four (4) square feet of area for each one (1) linear foot of the building frontage. Maximum attached sign area for any one (1) side of a building shall not exceed two (2) square feet for each one (1) linear foot of building length on that side.

(3) Measurement of Height. The height of attached and projecting signs shall be measured from the highest point of the grade level below their point of attachment. The height of a free-standing sign shall be measured from grade level upon which it is located. Grade level shall not be raised above street grade for the purpose of increasing sign height.

(4) Free-Standing Signs: Only one (1) free-standing sign is allowed on any property. Except for limitations in individual zones, and provided that the total sign area complies with the aggregate allowable sign area established in Subsection 3(A)(2), each free-standing sign shall be limited to no greater than thirty-six (36) square feet of sign area. Where more than one business is located, lawfully, on one property, the free-standing sign on that property may be a directory sign, subject to the aggregate allowable sign area in part 3.A(2) of this section. Each business advertised on a directory sign shall be limited to no greater than thirty-six (36) square feet of sign area, and each directory sign shall be limited to no greater than two hundred (200) square feet of total sign area. On properties with five (5) or more individual businesses, an additional locational sign on the directory sign surround of up to one-third of the total of the actual business directory sign area on the free-standing sign shall be allowed. Eff: 06/09/10

Exceptions:

- a. Automobile dealerships may have no more than one free-standing sign per franchise and no more than one free-standing sign per 100 feet of road frontage. Eff: 6/9/99
- b. Properties facing on two (2) streets which do not intersect at the property may have one (1) additional free-standing sign adjacent to the second street.
- c. A single building on a parcel housing more than one, physically segregated use, having main vehicular entrances used primarily by different businesses on different streets (even if the streets intersect at the property line) shall be permitted to have one (1) free-standing sign at each main entrance so long as no business is served by more than one free-standing sign. Such free-standing sign shall be permitted to advertise more than one business served by the entrance, but not a business served by another free-standing sign. The area of each free-standing sign shall not exceed the area limitation for free-standing signs in the zone in which it is located or thirty-six (36) square feet, whichever is less.
- d. A single property with more than one building containing separate and distinct businesses shall be permitted to have one (1) free-standing sign for each building provided that all such signs are separated by no fewer than four hundred (400) feet as measured at the right of way and are located in the vicinity of the vehicular entrance serving the buildings and/or uses. Such free-standing signs shall be permitted to advertise more than one business at that location, so long as no business is served by more than one free-standing sign. The area of each free-standing sign shall not exceed the area limitation for free-standing signs in the zone in which it is located or thirty-six (36) square feet, whichever is less. Eff: 10/08/08

(5) Projecting Signs. Only one (1) projecting sign is allowed for each business. Projecting signs shall be limited to no greater than twelve (12) square feet. Projecting signs shall not extend horizontally more than six (6) feet from any building wall. Attached wall signs shall not extend beyond the corner of a building. (See Section 3.A.7 for standards for Home Occupation Signs and Section 3.G.1-3 for standards for Awning and Marquee Signs.)

(6) Pedestrian Oriented Directory Sign. There shall be up to two (2) Pedestrian Oriented Directory Signs on opposite corners at any Main Street intersection within the Downtown Parking District as defined in 19-307.4. All Pedestrian Oriented Directory Signs shall be non-illuminated. Each business shall be limited to one sign not exceeding 12 inches in height and 24 inches in width. All individual signs must be within a single rectangle not exceeding 48 inches in height and 24 inches in width. No part of the sign shall be higher than seven (7) feet from street grade. All lettering shall be no more than three quarters (3/4) inch in height and width. These signs shall be permitted in addition to the number of signs allowed by Section 19-315.3.A(1) but shall be

subject to the total allowable aggregate sign area in Section 19-315.A.(2). Pedestrian Oriented Directory Signs shall be specifically designed to provide directions to pedestrians and shall not be misleading or hazardous to vehicular traffic. Eff: 7/14/04.

(7) Residential Property. Residences shall be limited to one (1) attached sign no larger than two (2) square feet or one (1) free-standing sign no larger than four (4) square feet.

(8) Home Occupation Signs. In a residential zone, one (1) non-illuminated or externally-illuminated sign shall be allowed per premise identifying an allowed on-premises home occupation as defined in Section 19-302(15). Eff: 1/8/97

(a) No more than one (1) attached sign shall be allowed per property, not to exceed four (4) square feet in area, or

(b) No more than one (1) free-standing sign, not to exceed four (4) square feet in area, shall be allowed per property providing it meets the placement setbacks set forth in 3(E)(4).

(c) No part of a free-standing sign or its support shall exceed four (4) feet in height.

(9) Any non-residential use permitted in a Residential Zone, except home occupations, shall be limited to either one (1) non-illuminated or externally illuminated attached sign not larger than eight (8) square feet or one (1) non-illuminated or externally illuminated free-standing sign no larger than eight (8) square feet. Any non-residential use permitted in a Transitional Business 1 "TB1", Transitional Business 2 "TB2", or Transitional Business 3 "TB3" Zone shall be limited to one (1) non-illuminated or externally illuminated attached sign not larger than sixteen (16) square feet and one (1) non-illuminated or externally illuminated free-standing sign not larger than sixteen (16) square feet. However, a non-residential use permitted in a Residential Zone or a non-residential use permitted in a Transitional Business 1 "TB1", Transitional Business 2 "TB2", or Transitional Business 3 "TB3" Zones may increase the size of either one (1) free-standing sign or one (1) attached sign by one (1) square foot for every full ten (10) linear feet of frontage on a public street by which the lot exceeds the minimum frontage requirement in that zone. This shall apply only to street frontage where said sign is located. In no case shall the sign of a non-residential use in a Residential, Transitional Business 1 "TB1", Transitional Business 2 "TB2", or Transitional Business 3 "TB3" Zone be larger than twenty (20) square feet. Any non-residential use permitted in a Rural Residential "RR1" Zone shall be limited to one (1) non-illuminated or externally illuminated free-standing sign and one (1) non-illuminated or externally illuminated attached sign with an aggregate sign area per property of no more than thirty-six (36) square feet. Eff: 7/14/99

B. Prohibited Signs

(1) No off-premise signs, except directional signs as provided for in Section 19-314 and Section 19-315(3)(c)(9) and (10), shall be constructed, posted or erected in any zones except for the following: Off-premise advertising shall be allowed: (a) upon fences surrounding community sports playing fields, on the side facing the playing field and each said advertisement shall not exceed eight (8) feet in width nor the existing level of the playing field fence in height; and (b) single off-premise free-standing signs for the combined promotion of all service clubs and civic organizations and signs erected for the Chamber of Commerce for general promotion of the City shall be allowed. Free-standing signs that are permitted in the public right-of-way by Section 19-315.E.(4) shall not be considered off-premises signs for the purposes of this section. Eff: 11/10/06

(2) Signs not permitted include any sign for which illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, or animation, or a sign which has rotating, motorized, mechanical or other moving parts. Illuminated signs which indicate the current time of day and temperature will not be considered flashing signs. A barber pole will not be considered a flashing/rotating/motorized sign. Where signs are permitted to be internally illuminated, a changeable message with a frequency no less than 20 minutes between messages shall be permitted. For a sign associated with Rockland District High School, a changeable message with a frequency of not less than 30 seconds between messages shall be permitted, provided that all other regulations pertaining to changeable signs in Title 23, M.R.S. § 1914.11-A are met. Eff: 03/15/06

(3) Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises are not permitted as per Section 6.A. Exceptions are granted to existing signs which are incorporated in the structure of the building and historically identify the building.

(4) No person may erect a sign which is affixed to a utility pole (Section 12-401 of Rockland's City Ordinances), fence, tree, shrub, rock or other natural object.

(5) New marquees are prohibited.

(6) Portable signs may not be used within the public right-of-way or public sidewalk. Movable signs on chassis and wheels may not be used.

C. Exempt Signs.

An exempt sign shall not require a permit. An exempt sign shall comply with the placement, illumination, safety, and removal sections of this ordinance. An exempt sign shall comply with all applicable State and Federal laws. The following are exempt signs: Eff: 03/15/06

(1) Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation.

(2) A Sign associated with Rockland District High School. An exempt sign for Rockland District High School shall not exceed forty (40) square feet in sign area. Such sign may be internally illuminated. Illumination of such sign shall be limited to the hours between 6:00 a.m. and 10:00 p.m. Eff: 03/15/06

(3) Directional signs solely indicating ingress and egress placed at driveway locations and on-site routing containing the name and/or logo but no other advertising material, and where display area does not exceed four (4) square feet or extend higher than three (3) feet above ground level. Such sign will conform in all respects with the requirements of this ordinance.

(4) Signs prohibiting trespassing, hunting, and solicitation, not exceeding two (2) square feet in area.

(5) Street number, and signs indicating individual or family names, not exceeding two (2) square feet in area.

(6) Up to two (2) temporary signs for each business on the property in place not more than fourteen (14) days, such as those associated with a specific event or activity (including notices of sale) and removed after the event or activity.

(7) Real estate signs not exceeding eight (8) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located. A maximum of two (2) such signs may be maintained on the property being sold or rented. As an alternative to having two (2) eight (8) square foot signs, one (1) twelve (12) square foot sign shall be allowed in the Downtown Business District and one (1) thirty-two (32) square foot sign in non-residential areas outside the Downtown Business District. All real estate signs shall be removed by the owner or agent within thirty (30) days of sale, rent or lease. Real estate signs exceeding the fore stated sizes shall not be exempt signs.

(8) One (1) sign denoting the architects, engineers, contractors, owners or funding agencies when placed upon work under construction and not exceeding eight (8) square feet in a residential zone, twelve (12) square feet in the Downtown Business District, and thirty-two (32) square feet in areas everywhere else for the duration of the construction.

(9) On-Site historical or memorial signs or tablets including names of buildings and date of construction.

(10) Official Business Directional Signs erected and maintained in accordance with Maine Travelers Information Services Act Title 23, M.R.S. § 1906.

(11) Directional signs erected and maintained in accordance with Section 19-314.

(12) Up to two (2) signs, banners, pennants and/or flags per business indicating business hours and/or "Open/Closed". Portable "Open" banners shall not exceed 3 feet by 5 feet. No part of a flag projecting from a building over a public right-of-way (other than the pole) shall be less than seven (7) feet above the sidewalk. Eff: 04/07/10

(13) Customary holiday decorations in place not more than three (3) months.

(14) Any signs, banners, placards or other messages associated with any City, County, State, or federal election or referendum (Title 23, M.R.S. § 1913-A.1(H)).

(15) On-premise vending machines.

(16) On-premise product racks.

(17) Credit card signs, chamber of commerce or civic organizational decals.

(18) Menu boards or take-out signs that may be visible but are not legible from a public way.

(19) Portable Signs: Only one (1) portable sign is allowed per business. All portable signs are subject to the following area limitations. Portable signs shall be no wider than three (3) feet nor higher than four (4) feet. Signs may not adversely affect visibility. Portable signs may not be used within the public right-of-way or public sidewalk.

(20) One (1) gasoline price sign no greater than sixteen (16) square feet in area.

D. Illumination Standards

(1) No person may erect a sign which flashes, rotates, or has motorized or moving parts.

(2) All illumination shall comply with the National Electric Code.

(3) Strings of bulbs are not permitted except as part of a holiday celebration.

(4) In the Residential Zones and in the Community Business Zone, during regular hours of operation, the external illumination shall be incandescent and aligned in such a manner that the light is directed exclusively at the surface of the sign and does not cause glare.

(5) Portable signs shall not be illuminated.

E. Placement Standards.

(1) Signs shall not be mounted on roofs or extend above the eaves (unless mounted on a parapet wall or facade which extends above the eaves). Exception: one roof-mounted sign may be permitted on single story buildings having a building footprint of less than one hundred and fifty (150) square feet. Such signs shall not exceed in area one-half of the sign area allowed for a wall-mounted sign on the building; shall not extend higher than five (5) feet above the eaves of the building; shall not be internally illuminated; and shall comply with all other applicable sign regulations. Eff: 05/12/10

(2) No projecting sign shall extend into a vehicular public way, nor be less than eight (8) feet above a pedestrian way. Projecting signs shall be set back at least eighteen (18) inches from the street curb or shoulder. If projecting over a driveway, the clearance must be at least fourteen (14) feet.

(3) No free-standing sign together with any supporting framework shall extend to a height above twenty-five (25) feet from the grade level upon which it is located. Grade level shall not be raised above street grade level for the purpose of increasing sign height. Eff: 06/09/10

(4) Free-standing signs for non-residential uses must be set back at least six (6) feet from the front curb line or lot line, whichever is less, but in no case shall it extend into or over the public right-of-way, except a sign may be placed in the public right-of-way, directly in front of the property, in those circumstances where the distance from the applicant's front property line to the edge of the paved road exceed thirty (30) feet and a permit has been granted for the sign by the Maine Department of Transportation. Eff: 11/10/06

(5) All free-standing signs located within twenty (20) feet of a street intersection or of a driveway must be placed to maintain clear sight for vehicular and pedestrian traffic. No sign between three (3) and ten (10) feet in height shall be placed within twenty (20) feet of the nearest point of the intersection of the traveled ways of streets and/or driveways.

(6) No sign shall be placed so as to obstruct or interfere with free entrance or exit from any door, window, or fire escape; prevent access to any roof, or obstruct any opening required for ventilation.

(7) No sign shall be attached to a standpipe or fire escape.

(8) No sign/banner shall be placed so as to obstruct a sidewalk.

F. Safety Standards.

(1) All signs including their supporting structures and other components, shall be kept in good repair and shall be maintained to prevent rust, peeling or similar deterioration.

(2) No person may erect a sign which:

(a) Is structurally unsafe;

(b) Constitutes a hazard to public safety and health by reasons of inadequate maintenance, dilapidation or abandonment;

(c) Obstructs free entrance or exit from a required door, window or fire escape, or interfere with proper ventilation.

(3) Vegetation and landscaping adjacent to any sign shall be maintained in a neat and sightly condition and shall not interfere with the legibility of the sign.

(4) Damaged signs shall be repaired or removed within thirty (30) days. An additional thirty (30) day time extension may be granted by the Code Enforcement Officer if, in his judgement, circumstances warrant it. If a sign suffers damage to the extent of fifty percent (50%) or more (replacement value), it must be brought into conformance with these regulations or removed. The Code Enforcement Officer may, after ten (10) days notice, have any damaged or illegible sign removed, repaired or secured at the expense of the owner or lessee of the sign. Any sign determined by the Code Enforcement Officer to be a public safety hazard shall be removed, repaired or secured to make it safe immediately upon notification by the Code Enforcement Officer. If the owner or lessee of the sign does not take immediate action to make it safe, the Code Enforcement Officer may secure or remove the sign at the expense of the owner or lessee.

G. Awning Signs.

(1) Such sign must be painted on or attached flat against the surface of the awning, but not extending beyond the valance or be attached to the underside.

(2) A minimum of seven (7) feet above sidewalk level must be allowed for pedestrian clearance.

(3) Awning Fees: See Section 5.B.2.

H. Marquee Signs.

(1) Existing signs may be painted on or attached flat against the existing surface of the marquee, but may not be extended beyond nor be attached to the underside of the overhang.

(2) The aggregate square foot area for each side of an existing marquee sign shall not exceed one hundred (100) square feet.

(3) A minimum clearance of eight (8) feet above the sidewalk level must be allowed for pedestrian clearance (Sec. 11-304).

4. Non-Conforming Signs.

A. New Signs: All new signs must conform to this Ordinance.

B. Altering Existing Signs: Signs erected prior to the effective date of this Ordinance which are altered or relocated after the effective date of this Ordinance shall be brought into conformance with this Ordinance. Re-painting or replacing the existing display matter without changing the message or symbols or the placement in kind of structural parts shall not be

considered alterations. Changing names on a directory sign within the sign area permitted for that sign will not require a permit.

C. Notwithstanding Section 3.G(2) above, all non-conforming signs shall be brought into conformance with this Ordinance within ten (10) years of the effective date of this Ordinance. After the tenth (10th) anniversary of the effective date of this Ordinance, the Code Enforcement Officer may order the removal of any sign non-conforming under this section.

5. Administration.

A. Permits.

(1) No exterior sign requiring a permit shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for such action has been issued.

(2) Applications shall be on forms prescribed by the Code Enforcement Officer. At a minimum, all applications shall include a drawing specifying dimensions, materials, illumination, support system, and location on land or buildings, with relevant measurements.

(3) Permits shall be issued only if the Code Enforcement Officer determines the sign complies or will comply with all applicable provisions of this Ordinance. Such application may be filed by the owner of the land or building, or by their designee.

(4) The Code Enforcement Officer shall act to approve, approve with condition(s) or deny any permit within fifteen (15) days of receipt of such application and fee. The Code Enforcement Officer's action or failure to act may be appealed to the Zoning Board of Appeals within thirty (30) days of the action. The Code Enforcement Officer's failure to act may be considered a denial.

B. Fees.

(1) Sign permit fees shall be according to Sec. 11-402 Land Use Fee Schedule of this Code. Eff: 11/10/06

(2) Awning Fee: A sign permit fee is waived when a building permit fee has been paid for installation of an awning that includes a sign. Eff: 8/9/95

6. Enforcement. The Code Enforcement Officer or his designee is hereby authorized to enforce this ordinance.

A. Removal of Signs: Any sign which has been ordered removed by the Code Enforcement Officer or is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within ten (10) days of written notice to remove.

Any sign or portion thereof, which advertises, identifies or pertains to any activity no longer in existence shall be removed by its owner or lessee within ninety (90) days from the date the activity ceased. If a sign is not removed, the Code Enforcement Officer may have such sign removed at the expense of the owner or lessee.

B. Penalty: Violation of any provision of this section or any lawful order of the Code Enforcement Officer issued pursuant to this section shall be subject to a fine of not more than one hundred dollars (\$100) per offense. Each day that such violation continues shall constitute a separate offense.

C. Variances for Signs: No variances shall be granted under any subsection of this Section of the Ordinance other than placement, for any sign, as ample provision has been made for premises identification within this Ordinance, and because true hardship as defined by State law cannot be demonstrated in signage situations. Eff: 4/7/93

Sec. 19-316 Performance Standards

A. Dust, Fumes, Vapor, and Gases.

Emission of dust, fly ash, fumes, vapors, smoke, or other particulate matter or gases and chemicals which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

B. Odors.

(1) No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, measured either at ground level of habitable elevation. For purposes of this section, an "offensive odor" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of the Odor Committee per the Rockland City Code, Chapter 10, Article III.

(2) Any proposed use which may emit odoriferous substances must include detailed plans to mitigate such to the Planning Board before the appropriate permit is granted

C. Lighting.

Statement of Purpose: Ensure appropriate outdoor lighting by addressing the issues of safety, efficiency, the environment

and aesthetics.

- (1) Definitions: For the purposes of this Section, terms used shall be defined as follows:
 - (a) Authority having jurisdiction – The Planning Board or Code Enforcement Officer.
 - (b) Direct Light – Light emitted directly from the lamp, off the reflector or reflector diffuser, through the refractor or diffuser lens, or from a luminaire.
 - (c) Fixture – The assembly that houses the lamp(s), including but not limited to housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and/or a refractor or lens.
 - (d) Flood or Spot Luminaire – Any luminaire that incorporates a reflector or a refractor to concentrate the light output into a directed beam.
 - (e) Indirect Lighting – Direct light that has been reflected or scattered off other surfaces.
 - (f) Luminaire Height – The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
 - (g) Lamp – The component of a luminaire that produces light.
 - (h) Lumen – A unit of luminous flux. One foot-candle is equal to one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.
 - (i) Luminaire – A complete lighting system, including lamp(s) and/or fixture(s).
 - (j) Outdoor Lighting – Nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
 - (k) Temporary Outdoor Lighting – Outdoor lighting in place for less than fourteen (14) days, with at least eighty (80) days passing before being used again.
- (2) Regulations: Unless determined to be a safety hazard or in violation of any state or federal law, all outdoor lighting installed in the City of Rockland shall comply with this section, except for the following: lighting installed and maintained for public safety by Municipal, State or Federal government; approved signs; external illumination of flags; approved lighting for athletic fields; temporary outdoor lighting; holiday lighting; luminaires with a lamp or lamps rated at a total of 2,000 lumens or less.
 - (a) No luminaire shall produce a stray, dazzling light or reflection onto neighboring residential properties, or onto any public road so as to impair the vision of any driver.
 - (b) Luminaires shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent buildings. No luminaire shall emit any direct light above a its horizontal plane. The Planning Board may grant exceptions for lights that are aesthetically consistent with decorative streetlights and located on parcels adjacent to such streetlights.
 - (c) No flood or spot luminaire of any lumen output rating shall be aimed, directed or focused toward any adjacent or nearby residential parcel.
 - (d) Rather than leaving security lights on, the use of motion sensors is encouraged.
 - (e) Direct or indirect illumination shall not exceed one-half (1/2) foot-candles upon abutting residential properties.
 - (f) Unless otherwise approved by the authority having jurisdiction, luminaire height, including the base, shall not exceed twenty-five (25) feet in non-residential areas and fourteen (14) feet when adjacent to residential zones or neighborhoods. Exceptions may be granted only when it can be demonstrated that the intent of this section will still be substantially met.
- (3) Existing Non-Conforming Luminaires:
 - (a) The continued use of non-conforming luminaires legally existing as of the effective date of this section shall be permitted unless determined to be a safety hazard or in violation of any State or Federal laws.
 - (b) Non-conforming luminaires replaced or moved after the effective date of this section shall comply with the provisions of this section. Eff: 8/9/06

D. Noise and Vibration.

- (1) Excessive noise and/or vibration at unreasonable hours shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.
- (2) No use in any zone may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at the lot line of the complainant. Eff: 9/8/99
- (3) The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by an activity shall be as established by the time period and type of zone listed below.

Zone	7 a.m. - 9 p.m.	9 p.m. - 7 a.m.	
Industrial, Business Park and WF1 thru WF5	85 decibels	60 decibels	Eff: 12/14/07
Rural Residential, Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Downtown	75 decibels	55 decibels	
Transitional Business 1, Transitional Business 2	65 decibels	50 decibels	
Transitional Business 3, Transitional Business 4, Neighborhood Commercial, Resort, Residential Zones	55 decibels	45 decibels	Eff: 02/07/01

Sound pressure levels shall be measured on a sound level meter at all lot lines of the site, at a height of at least four (4) feet above the ground surface. Noise shall be measured with a sound level meter and frequency weighing network meeting the standards prescribed by the American National Standards Institute. The levels specified may be exceeded by the (10) decibels (dBs) for a single period, no longer than fifteen (15) minutes, in any one (1) day.

(4) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise or vibration entering that zone.

(5) Noise or vibration created by construction and maintenance activities between 7 a.m. and 9 p.m. are exempt from the requirements of paragraphs (2) and (3) above. Construction activities on a site abutting any residential use between the hours of 9 p.m. of one day and 7 a.m. of the following day shall abide by the maximum sound levels allowed for the Commercial 1 Zone.

(6) These noise and vibration regulations are enforceable by law enforcement officers and by the Code Enforcement Officer, who may measure noise or vibration levels and who shall report documented violations to the police. For the purposes of enforcement, sounds exceeding the limits established in this section shall be deemed to constitute "loud and unreasonable noise" under Title 17-A M.R.S. § 501-A.

(7) The following uses and activities shall also be exempt from paragraphs (2) and (3) above:

(a) the noise or vibration of safety signals, warning devices, emergency pressure relief valves, and any other emergency device;

(b) normal traffic noise or vibration on public streets or noise or vibration created by airplanes, railroads, and farm or timber harvesting machinery;

(c) noise or vibration created by refuse or solid waste collection, provided that the activity is conducted between 6 a.m. and 7 p.m.;

(d) emergency construction or repair work by public utilities, at any hour;

(e) noise or vibration created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City including, but not limited to, parades, sporting events, concerts and firework displays;

(f) vehicle and/or equipment involving municipal services at any hour;

(g) noise and vibration created by ordinary residential maintenance activities such as lawn mowing or snow throwing between the hours of 6 a.m. and 9 p.m.

E. Refuse Disposal.

All solid and liquid wastes shall be disposed of on a timely basis and in a manner provided for by Federal, State, and local regulation. All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats, animals, or other vermin. All such wastes shall be stored so as to prevent access to or disposal by stray animals. This shall be accomplished by enclosures in containers, raising material above ground, separation of material, prevention of stagnant water, extermination procedures, or other means. Outdoor storage containers and areas shall be screened from public view. Walls, fencing, screening dense plant material, or a combination of material can be used to achieve this intent.

F. Water Quality Impacts.

(1) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that runoff, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or use nuisances, such as objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

(2) All above ground storage facilities fuel, chemical or industrial wastes, and biodegradable raw materials (excluding non-commercial compost heaps), shall be completely enclosed by an impervious dike, which shall be high enough to contain the

total volume of liquid kept within the storage area, plus the rain falling into this storage area during a twenty-five (25) year storm, so that such liquid shall not be able to spill or seep onto the ground surrounding the paved storage area. Storage tanks for home heating oil, and diesel fuel, not exceeding two hundred and seventy-five (275) gallons in size, are exempt from this requirement in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

(3) All below ground tanks must meet the standards of the Maine Department of Environmental Protection.

G. Landscaping.

(1) General Landscape Standards

(a) Purpose.

The purpose of the following landscape standards is to protect the public welfare by assuring that:

i. the landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes;

ii. landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses;

iii. plant materials are appropriate to Maine climatic conditions and the functions of the areas in which they are used;

iv. plant materials are of a size and condition that will allow them to establish themselves, mature, and survive in a healthy and attractive manner;

v. landscaping elements and the areas in which they are established are maintained in a clean, healthy, and attractive condition; and

vi. landscaping is not placed in such a way as to pose a safety hazard and plantings are designed so as not to interfere with sight distance along a right-of-way and traffic safety.

(2) Types and Uses of Landscape Elements

For the purpose of this ordinance:

(a) a canopy tree is a deciduous tree that reaches at least thirty-five (35) feet or more in height at maturity. Canopy trees are used to help create identity and establish the character of an area, to help define large spaces, and to provide shade in the hotter months of the year;

(b) an evergreen tree is a tree that reaches at least thirty-five (35) feet or more in height at maturity. Evergreen trees are used to create year-round interest with their dominant forms and color, to screen or direct views, act as windbreaks, and to provide a backdrop for other elements of a site. Where evergreen trees are installed in buffers, the installed heights should vary at a minimum from four (4) to twelve (12) feet to add greater variety and landscape interest;

(c) an understory tree reaches ten (10) feet to thirty-five (35) feet at maturity. Understory trees are used to provide eye-level landscaping features that help to scale down larger architectural and landscape elements, to define minor spaces, and to provide a variety of form, color, and accents to a site;

(d) shrubs have mature heights of two (2) to ten (10) feet. They are used to form physical and visual barriers, add seasonal interest and color, and help define the scale and location of buildings;

(e) miscellaneous plantings include ground covers, vines, perennials, annuals, bulbs, and other herbaceous material. They are used to add seasonal color, form patterns on the ground plane, and add to the humanizing of the site.

(3) Minimum Size Standards.

The plant materials defined in paragraph (2) shall meeting the following minimum size standards at time of installation, with calipers measured at diameter at four (4) feet above ground.

Canopy trees	1½" caliper
Evergreen trees	4' height
Understory trees	1½" caliper
Shrubs	18" - 24" height
Ground covers	2 year old plants

(4) Plant Selection.

Plant materials shall be selected for appearance, durability, and tolerance to air pollution; native trees and shrubs shall be planted whenever possible. All plantings required under this section shall be of a type and species appropriate for soil types and climatic conditions in Rockland.

(5) Amenities and Stone Walls.

Pools, sculptures, benches, and walkways may be used to complement plant materials. In cases where a traditional stone wall exists, it should be conserved or rebuilt in another location.

(6) Disturbed areas.

Where buffers are not required, all disturbed areas not to be used as parking or building footprint shall be planted to lawn or left in their natural vegetated state as a minimum requirement.

(7) Maximum Slope.

A maximum maintainable slope of three horizontal to one (3:1) vertical should be established for both the front and back of berms. Where room permits, a flat top area, four (4) feet in width should be provided.

(8) Fencing.

Fencing materials should complement the architectural style of the buildings of the lot upon which they are erected. Fences shall not be used in locations that will obscure views of the water from public streets.

(9) Maintenance.

(a) All plantings and bufferyards shall be maintained in a good and healthy condition. The Maine Erosion and Sedimentation Control Handbook for Construction - Vegetative Measures, developed by the Maine Department of Environmental Protection shall be used as a guide. Fencing and berms shall be durable and properly maintained at all times by the owner. All landscaping elements shall be so located with respect to property boundaries to allow access for maintenance on both sides without intruding upon abutting properties.

(b) Plants required or recommended by this subsection or plants that are part of an approved Plan that die shall be replaced within one (1) growing season.

(10) Parking Areas.

Landscaping shall be designed to accommodate attractive and safe pedestrian circulation patterns, and allow good visibility of oncoming pedestrians and vehicles throughout the parking area.

(a) Landscaping Within the Parking Areas.

Landscaping areas shall be provided within parking areas to provide shade and visual relief from broad expanses of pavement and to channelize and separate areas for pedestrian and vehicular circulation.

i. In addition to required perimeter landscaping, at least five (5) percent of the gross area of all parking lots with twelve (12) or more parking spaces shall be landscaped. Existing parking lots shall be exempt from this requirement although landscaping should be provided to the greatest extent possible.

ii. The recommended landscaping within the parking area should include a minimum of two (2) canopy trees, one (1) understory tree, and five (5) shrubs for every twelve (12) parking spaces or fraction thereof. For every mature canopy tree that exists on the proposed site of a parking lot prior to the parking lot's development and that is retained and integrated into the parking lot's design, the number of new canopy or understory trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building use permit issued for the development, it shall be replaced with two (2) similar trees meeting the standards of this ordinance.

iii. The landscaping shall be:

(i) in planting areas at least ten (10) feet wide to accommodate canopy and/or understory trees. Planting areas should be located to demarcate the ends of parking rows, avoiding long rows of parked cars, and to channel pedestrian circulation. Planting areas should be edged with a six (6) inch continuous vertical curb or wheel stops to prevent vehicles from overhanging into planting areas and designed to allow efficient snow removal. Planting areas shall be oriented to maximize pedestrian safety and convenience;

(ii) located to break up parking areas into smaller areas of no more than fifty (50) spaces each;

(iii) designed to accommodate snow plowing and storage without damage to the plants and trees.

iv. Landscaping shall be provided except in the case of automobile drop-off loading area, or a vehicular entry in to a building, in order to enhance the appearance of the site and avoid impact to occupants from exhaust fumes and noise. The landscaped area should be no less than fifteen (15) feet deep from all buildings, except in commercial and industrial zones where the depth need be no more than four (4) feet, provided that the building footprint is less than twenty-five hundred (2,500) square feet. The area shall be landscaped with shrubs, groundcover, and trees where appropriate, and may include a walkway if the area is fifteen (15) feet deep or more.

v. To accommodate circumstances where the recommended landscaping may not fit site conditions, an applicant may submit an alternative plan for the siting of landscaped areas provided that an equal or greater amount of landscaped area is provided than would be otherwise required.

(b) Perimeter Landscaping.

Parking lots shall be landscaped adjacent to other uses and rights-of-way with trees, shrubs, fencing, and earth berming to avoid the impact of glare, headlights, parking lot lights, noise, and dust and to protect and enhance visual character as follows:

i. Abutting a public right-of-way:

(i) Where a parking area that includes six (6) or more parking spaces abuts a public right-of-way, a continuous landscaped strip shall be established between the right-of-way boundary line and the parking area and shall be maintained in

good condition. It may be interrupted only by a driveway meeting the standards of this ordinance. In areas other than the Downtown, Commercial 3, Plaza Commercial, Business Park, and Rural Residential 1 zones, when the parking area abuts an arterial or collector street, the perimeter planting shall be at least ten (10) feet wide and should be planted with at least three (3) canopy trees, four (4) understory trees, thirty (30) shrubs, and six (6) evergreen trees per one hundred (100) linear feet of street frontage or fraction thereof exclusive of the width of the driveway. When it abuts any other right-of-way, it shall be at least six (6) feet wide and should be planted with at least two (2) canopy trees, two (2) understory trees, twenty (20) shrubs, and four (4) evergreen trees per one hundred (100) linear feet of street frontage exclusive of the width of the driveway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications. In the Plaza Commercial, Business Park, and Rural Residential 1 zones the landscaped strip shall be at least ten (10) feet wide and should be planted with at least three (3) canopy trees, six (6) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the driveway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion to the above specifications. The plantings shall be designed and located so as not to interfere with sight distance along the right-of-way and traffic safety.

(ii) In the Downtown Zone, the landscaped strip shall be at least six (6) feet wide and should be planted with at least three (3) canopy or evergreen trees, four (4) understory trees, and twenty (20) shrubs per one hundred (100) linear feet of street frontage exclusive of the width of the driveway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion to the above specifications.

ii. Where a commercial parking facility or a parking area serving a nonresidential use abuts a residential zone or a lot wholly or partially in residential use, a continuous landscaped strip shall be established between the adjoining zone or use and the parking area at least ten (10) feet wide and shall be maintained in good condition. It may be interrupted only by a single pedestrian pathway at each abutting property line no more than five (5) feet wide. The landscape strip shall be planted with at least three (3) canopy trees, four (4) understory trees, thirty (30) shrubs and six (6) evergreen trees per one hundred (100) linear feet of frontage. The number of trees for frontage less than one hundred (100) feet shall be in proportion to the above specifications. For every mature canopy or evergreen tree existing in the area prior to construction of the parking lot and preserved within the buffer area, the required number of new trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building permit issued for the development, it shall be replaced with two (2) similar trees meeting the standard of this ordinance. As an alternative, a dense hedge or screen composed of at least 2/3 evergreen plantings four (4) feet or more in height at the time of planting of a type which will reach six (6) feet or more in height within five (5) years may be substituted. If the land is bermed to a height of two (2) feet or more, the height of the plantings may be adjusted.

H. Buffering and Screening

(1) Purpose

The following buffer standards are intended to protect the public welfare. Buffers of plantings, berms, and/or walls, fences or natural features should:

- (a) separate conflicting land uses, zones or activities from one another;
- (b) create visual barriers which obscure buildings, signs, headlights, glare, vehicles or other modifications of the landscape;
- (c) reduce the impact of noise;
- (d) reduce air pollution, wind, dust, dirt, and litter and contribute to healthy air and water quality;
- (e) help prevent undesirable access to dangerous areas; and
- (f) direct the eye to more attractive views in keeping with the planned character of the City.

(2) General Standards

(a) Unless otherwise stated, buffer requirements shall apply to perimeter property lines of projects and along arterial and collector streets in the Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Industrial, Business Park, and Rural Residential 1 zones, and in master planned developments. The perimeter property lines of projects shall be considered to be the perimeter lines of:

- i. business or industrial parks;
- ii. master planned residential, commercial, or mixed use developments;
- iii. single commercial, business, or industrial developments not associated with a subdivision or park or master planned development.

(b) Natural features shall be maintained whenever possible to meet buffer requirements. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops, do not exist or are insufficient to provide an effective buffer, landscaped buffers shall be created. Indigenous plantings shall be used whenever possible.

(c) Although this ordinance does not prohibit landscaping within a street or street right-of-way, no part of the right-of-way shall be used to satisfy buffer requirements.

(d) Landscaping and Maintenance

See section G above.

(3) Multifamily and Nonresidential Uses Abutting a Residential Zone.

(a) The required side and back yards of nonresidential uses that abut properties in residential zones, or of multifamily uses that abut properties in single family residential use, shall be retained in their natural vegetated state to the maximum extent possible to provide a visual screen between uses. The buffer may be part of the setback.

(b) Where natural buffering does not exist, or is not possible to be retained, or is not sufficient to achieve an effective, complete visual screen, the required side and back yards shall be landscaped to provide a visual screen between uses. It may be interrupted only by a single pedestrian pathway at each abutting property line no more than five (5) feet wide. In areas other than the Downtown, Transitional Business 3, Commercial 3, Plaza Commercial, Business Park, and Rural Residential zones, the landscaped strip shall be at least ten (10) feet wide and shall be planted with at least three (3) canopy trees and twelve (12) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications.

In the Downtown Zone, the landscaped strip shall be at least six (6) feet wide and shall be planted with at least three (3) canopy evergreen trees, four (4) understory trees and fifteen (15) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications.

In the Transitional Business 3, Commercial 3, Plaza Commercial, Business Park, and Rural Residential zones, the landscaped strip shall be at least thirty (30) feet wide and shall be planted with at least three (3) canopy trees, twelve (12) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion with the above specifications.

For every mature canopy or evergreen tree existing prior to development and retained within the buffer area, the required number of new trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building permit issued for the development, it shall be replaced by two (2) similar trees meeting the standard of this ordinance.

(4) Front Yards of Multifamily and Nonresidential Uses.

The required front yards of multifamily and nonresidential uses shall be maintained in a landscaped condition.

(5) Exposed Areas and Areas for Commercial Outdoor Storage.

Exposed machinery installation, sand and gravel extraction operations, and areas for the storage and collection of discarded or uninspected vehicles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a minimum, the screening shall include dense evergreen hedges, four (4) feet or more in height at the time of planting, of a type that shall reach six (6) feet or more in height within five (5) years. If the land is bermed to a height of two (2) feet or more, the height of plantings may be adjusted. All such plantings shall be maintained as an effective, complete visual screen. Where a potential safety hazard to children would be likely to arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and be provided and be maintained in good condition.

(6) Areas for Outdoor Sales and Automobile Repair in the Rural Residential 1 Zone.

Areas for outdoor sales and automobile repair in the Rural Residential 1 Zone shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a minimum, the screening shall include a dense evergreen hedge, four (4) feet or more in height at the time of planting, of a type that will reach six (6) feet or more in height within five (5) years. If the land is bermed to a height of two (2) feet or more the height of plantings may be adjusted. All such plantings shall be maintained as an effective, complete, visual screen. Where a potential safety hazard to children would be likely to arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and be maintained in good condition.

I. Storage of Materials and Machinery.

All outside storage areas, areas used for the storage or collection of discarded automobiles, auto parts, metals, and any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on other land uses and properties in the area. All materials stored outdoors shall be screened from public view. Walls, fencing, screening dense plant material, or a combination of material can be used to achieve this intent.

Where a potential safety hazard to children would likely arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and maintained in good condition.

J. Preservation of Water Views.

Development in Transitional Business 2 and Transitional Business 3 zones shall preserve water views to the maximum extent feasible. In the Transitional Business 3 zone, a fifty (50) foot wide space between buildings at least every one hundred fifty (150) feet shall be provided to afford views of the waterfront from public rights-of-way.

K. Transportation, Traffic, and Curb Cuts.

In the Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Transitional Business 1, Transitional Business 2, Transitional Business 3, Neighborhood Commercial, Business Park, and Industrial zones:

(1) development proposals shall include a program identifying all proposed traffic controls, parking areas, interior traffic circulation and traffic interface with public highways and pedestrian and bicycle safety.

The Program shall demonstrate that additional traffic generated by the project itself can be accommodated on existing public highways or that satisfactory improvements, if necessary, will be made at the developer's cost. The Planning Board may require a Traffic Impact Study also at the developer's expense. Where traffic studies indicate, deceleration lanes and/or turning lanes will be provided.

Development proposals shall discourage conventional strip development by the use of centers or clusters of development, shared accessways, and buffer zones.

(2) Whenever possible, development proposals shall use access from existing side streets where they abut the premises on secondary street frontage in cases where they will not create a hazardous nuisance to those sending streets. Where this access is not available, a single accessway or curb-cut should provide access to the entire parcel. All lots from the same original parcel should be accessed from this central point.

L. The above alternative Performance Standards shall be adhered to, however, proposals of exceptional merit that meet the spirit of these standards may be accepted by the Planning Board. Eff: 9/11/96

Sec. 19-317 Design Standards

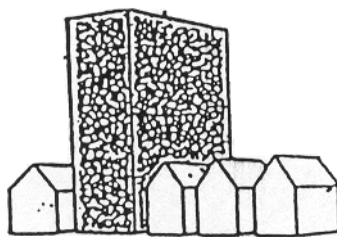
A. Design Standards Of General Applicability.

1. General Standards: To protect, enhance, and perpetuate the City's historic, cultural, and architectural heritage and to enhance the City's attraction to residents, and visitors and to serve as a support and stimulus to business and industry, construction of a new building or structure or addition to an existing structure shall be of such design, form, proportion, mass, configuration, building materials, texture, color, and location on a lot as will be compatible with existing buildings or blocks of buildings in the area and with streets and open space to which it is visually related and in keeping with the area. In areas of the City where structures have little or no historic value, new construction or renovations shall enhance the area rather than replicate existing structures. These standards shall not apply to structures in the Industrial Zone, Downtown Zone, or Tillson Avenue Area Overlay Zone, (The Downtown and Tillson Avenue Area Overlay Zones are subject to design standards set forth in Sec. 19-317(B)). In areas of the City that are rural in nature and have no clear pattern or style of construction, these standards shall be used as guidelines for future development to achieve visual compatibility. Throughout these standards compatibility is not meant to mean uniformity. Residential new construction or renovations that do not require Planning Board approval under the provisions of Chapter 16 of this Code shall not require Planning Board review under the provisions of this Ordinance unless the Code Enforcement Officer denies a building permit because of the provisions herein.

2. Special Standards: New construction or renovations shall be visually compatible or superior in terms of:

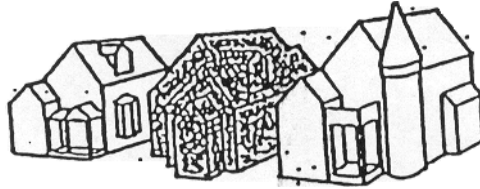
A. Height. The height of the proposed building or additions to existing buildings relate the overall height of new construction to that of neighboring structures. As a general rule, construct new buildings to a height comparable to the average height of existing buildings from the historic period on the same side of and across the street.

Avoid new construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

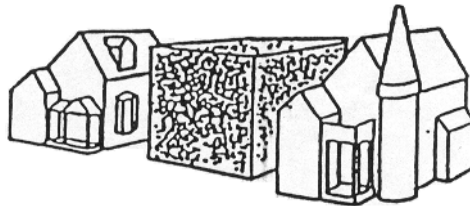


B. Proportion of Buildings Front Facade and Massing. The relationship of the width of the building to the height of the front elevation should be visually compatible with buildings, structures, and open spaces where it is visually related.

In reviewing a proposed new building or structure, or additions to existing buildings, break up uninteresting box-like forms into smaller, varied masses comparable to the historic structures or blocks of buildings from the historic period. Variety of form and massing are often elements essential to the character of the historic streetscape.



Avoid single, monolithic forms that are not relieved by variations in massing. Box-like facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and facade articulation.



C. Relationship of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building should be visually compatible with that of buildings to which it is visually related.

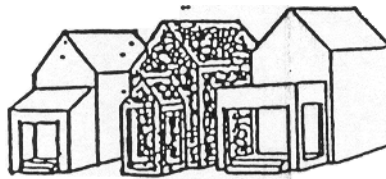
In reviewing a proposed new building or structure or addition to an existing building, respect the recurrent alternation of wall areas with door and window elements in the facade. Also consider the width-to-height ratio of bays in the facade. The placement of openings with respect to the facade's overall composition, symmetry, or balanced asymmetry should be studied.



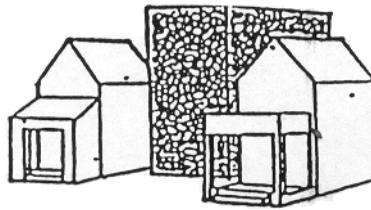
D. Spacing of Buildings on Streets. The relationship of the building to the open space between it and adjoining buildings should be visually compatible with those of buildings to which it is visually related when zoning regulations permit.

E. Entrance and/or Porch Projection (Setback). The relationship of entrance and porch projections to sidewalks and streets should be visually compatible with those of buildings to which it is visually related.

In reviewing a proposed new building or structure or an addition to an existing building, maintain the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of neighboring buildings when zoning regulations permit. If exceptions are made, buildings should be set back into the lot rather than closer to the street. If existing setbacks vary, new buildings should conform to historic siting patterns.



Avoid violating the existing setback pattern by placing new buildings in front of or behind the historic facade. Avoid placing buildings at odd angles to the street, unless in an area where diverse siting exists, even if proper setback is maintained.



F. Materials, Textures, and Color. The relationship of materials, textures, and color of the facade of a building should be visually compatible either with that of the predominant materials used in the buildings to which it is visually related or compatible with materials traditionally used in the City.

G. Roof Shapes. The roof shape of a building should be visually compatible with that of the buildings to which it is visually related. When no clear pattern exists, a roof pitch of 5/12 or steeper should be used, or the building should be designed so as to appear to have a pitched roof.

In reviewing a proposed new building or structure, or an addition to an existing building, relate the roof forms of the new building to those found in the area. Although not entirely necessary, duplication of the existing or traditional roof shapes, pitches, and materials in new construction is one way of making new structures more visually compatible.

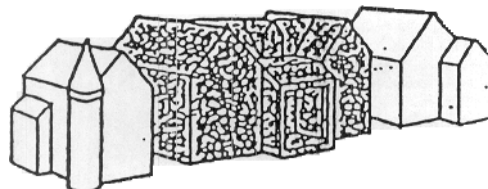


Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.

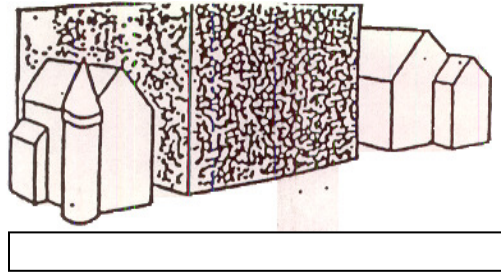


H. Scale of Buildings. The size of the building, the mass of the building in relation to open spaces, the window, door openings, porches, and balconies should be visually compatible with those characteristics of buildings and spaces to which it is visually related.

In reviewing a proposed new building or structure, or addition to an existing building, relate the size and proportions of new structures to the scale of neighboring buildings. Although much larger than its neighbors in terms of square footage, the building shown maintains the same scale and rhythm as the existing buildings.



Avoid buildings that in height, width, or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape, although it might be appropriate in a different location.



I. Directional Expression of Front Elevation. A building should be visually compatible with the building, squares, and places to which it is visually related in its directional character, whether this is vertical character, horizontal character, or non-directional character. This provision is not intended to apply to residential subdivisions covered in Chapter 16 of this Code.

In reviewing a proposed new building or structure, or addition to an existing building, relate the vertical, horizontal, or non-directional facade character of new buildings to the predominant directional expression of nearby buildings. Horizontal buildings can be made to relate to the more vertical neighboring structures by breaking the facade into smaller masses that conform to the primary expression of the streetscape as shown below.

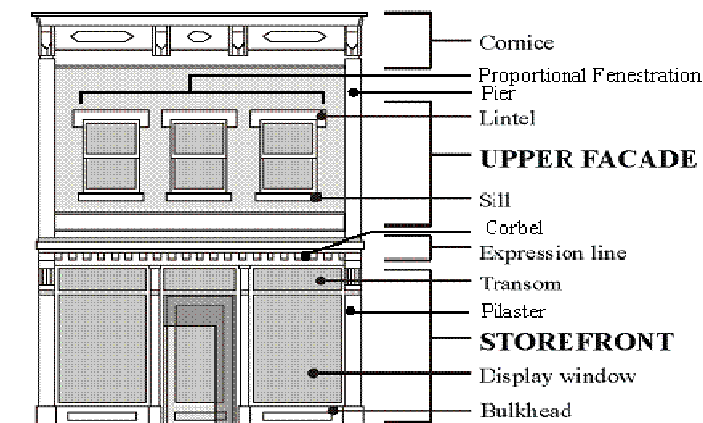


3. Applicability; Alternate Proposals: The above Design Standards shall be adhered to within all zones within the City except in the Industrial Zone, Downtown Zone, or Tillson Avenue Area Overlay Zone, however, that alternative proposals of exceptional design merit that meet the spirit and intent of these Standards may be accepted by the Planning Board. Eff: 9/10/97

B. Minimum Architectural Design Standards – Downtown Zone And Tillson Avenue Overlay Zone.

1. Policy and Purpose. The 2005 Tillson District & Waterfront Redevelopment Plan called for public infrastructure improvements and zoning changes to foster the expansion of the downtown into the Tillson and Waterfront area, including the establishment of urban design standards to ensure both the preservation of the working waterfront on Crockett’s Point, and the “New England character” of an extended Downtown. The City finds that requiring consistently high quality design and adherence to the following design standards will best ensure these goals, economic development in the City generally, and the protection and enhancement of the value and redevelopment potential of property subject to the standards. These design standards are intended to achieve, in an extended Downtown and redeveloped waterfront, a balance between historic architecture and a differentiated, modern built environment.

2. Terminology.



3. Applicability. No building or structure may be constructed or substantially renovated in the Downtown Zone or Tillson Avenue Area Overlay Zone unless the Planning Board first determines that the architectural plans and elevations for such building satisfy the architectural design standards set forth in this subsection; provided, however, that in the Tillson Avenue Overlay Zone the architectural design standards set forth in this section shall not apply to a building the primary use of which is proposed for one or more functionally water dependent uses. Nor may any building or structure that is to be converted from a primary, functionally water-dependent use to another use be substantially rehabilitated or renovated in the Downtown Zone or Tillson Avenue Area Overlay Zone without such Planning Board determination. The Code Enforcement Officer shall not issue any building permit for a building subject to such design standards without such Planning Board approval, and shall not issue a certificate of occupancy that does not comply with the plans and elevations upon which the Planning Board based its approval.

For the purposes of this subsection, “substantially renovated” shall mean additions to or the reconstruction or repair of a structure at a cost, over a ten year period, of 75% or more of the pre-construction assessed value of the structure. “Substantially renovated” shall also include the repair, reconstruction, or replacement of a structure that is removed, damaged, or destroyed by more than fifty percent (50%) of its assessed value by fire, flood, storm, or other hazard, risk, loss, or act not at the volition or under the control of the owner or occupant of such structure.

4. Procedures and Meetings. Upon the receipt of any application for site plan approval or a building permit for a building or structure subject to the requirements of this section, the Code Enforcement Office shall notify the Chair of the Planning Board and schedule the application for review by the Planning Board, which review shall be performed in conjunction with site plan review, where applicable. The applicant shall provide the Code Enforcement Office with plans and/or elevations depicting the architectural features and materials proposed for the facades of the building, and details of specific architectural, lighting, landscaping, and other pertinent features that the applicant represents satisfies these architectural design standards, together with any and all other plans and materials required for site plan review or a building permit, as may be applicable.

5. Findings. The Planning Board shall approve an application received pursuant to this section unless the Board finds that the building or structure would, if erected or substantially renovated, result in a marked absence of architectural elements characteristic of the predominant architecture of structures on Main Street between Park and Lindsey Street constructed prior to 1941, including but not limited to street and sidewalk orientation of the structure; functional pedestrian entrances from adjacent public ways; horizontal expression lines such as cornices, window and door sills and lintels, story expression lines, transom windows, and bulkheads; vertical expression lines such as pilasters, piers, and corbels; and the size and proportional arrangement of doorways and fenestration. These design standards are intended to require the use of traditional architectural elements, but not to impose any particular architectural style or to foreclose modern design that invokes, but does not mimic, the historic Downtown architecture in Rockland. Eff: 04/13/11

ARTICLE IV Comprehensive Planning

Sec. 19-401 Comprehensive Planning

The Rockland Comprehensive Plan is hereby established to be maintained and periodically updated by Ordinance as a document physically separate from the Rockland Code for reasons of convenience. Eff: 11/19/85

Sec. 19-402 Establishment of Commission

A Comprehensive Planning Commission is hereby established pursuant to Title 30-A, §§ 4324-4327 of the Maine Revised Statutes.

Sec. 19-403 Organization; Term

The Comprehensive Planning Commission shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council. The Mayor and the City Manager shall serve as ex-officio non-voting members of the Commission. The Commission shall annually elect its Chairman from among its members. The term of the members shall be three (3) years, except that of the seven (7) first appointed, two (2) shall be appointed for a term of one (1) year, two (2) for two (2) years, and three (3) for three (3) years. There shall also be two (2) alternate members appointed by the Mayor and

confirmed by the City Council who shall fill in for absent Commission members and who may be appointed to fill any vacancies on the Commission.

Sec. 19-404 Duties of Comprehensive Planning Commission

The Comprehensive Planning Commission shall prepare a comprehensive master plan for adoption by the City Council pursuant to Title 30-A, §§ 4324-4327 of the Maine Revised Statutes.

After the City Council had adopted a master plan as provided in this Section, no regulation, official map, or zoning or other plan shall be enacted, established, or amended, under the provisions of Sections 19-104 to 19-106 inclusive, and no plat, street, or way shall be approved, under such provisions, until the Comprehensive Planning Commission shall have reported its recommendations in regard thereto, and no public building, structure (except as authorized under the provisions of the Revised Statutes of Maine), utility or roadway, or street, way, park, or other public land shall be authorized, established, or modified in location or extent until the Comprehensive Planning Commission shall have reported its recommendations in regard to the location and extent thereof. This report shall be made only after the Commission has made a careful investigation and is convinced that the plans or regulations recommended by it will fit in with the comprehensive master plan for the development of the City. If the Commission fails to report within thirty (30) days after submission to it of a proposed action, it shall be deemed to have approved such action.

After the appointment of a City Engineer, no plat shall be approved under the provisions of Section 19-105 until the Engineer has had opportunity to report thereon in regard to grades, feasibility of drainage and sewerage, and character of road surfacing. Eff: 05/09/07

Sec. 19-405 Communications

It shall be the responsibility of the Chairman of the Comprehensive Planning Commission and the Chairman of the Planning Board to maintain regular communications between the Board and the Commission. The Board and the Commission shall meet together whenever their Chairmen shall deem necessary and shall meet together to consider final drafts of any completely new Comprehensive Plan.

State Law Reference: 30-A M.R.S., §§ 4301 et seq. Eff: 4/10/96

ARTICLE V Energy Advisory Committee

Sec. 19-501 Establishment of Committee

An Energy Advisory Committee is hereby established to advise the City Council on matters pertaining to energy sources, energy consumption, energy efficiency, and related environmental issues in the City of Rockland.

Sec. 19-502 Organization; Term

The Energy Advisory Committee shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council. The Mayor and the City Manager shall serve as ex-officio non-voting members of the Committee. The Committee shall annually elect its Chairman from among its members. The term of the members shall be three (3) years, except that of the seven (7) first appointed, two (2) shall be appointed for a term of one (1) year, two (2) for two (2) years, and three (3) for three (3) years.

Sec. 19-503 Duties of the Energy Efficiency Advisory Committee

The Energy Advisory Committee is charged with developing and recommending to the City Council for review and possible implementation a Municipal Energy Policy that would serve as a guide for City government. The goals of this City Energy Policy shall include: (1) identifying cost effective options for reducing energy use within city government; (2) insuring that long term energy use and related energy cost are factored into city policy, planning and purchasing decisions; (3) identifying places within City Government where the use of alternative energy technologies should be explored; and (4) identify places where City actions may directly impact energy use in the community.

The Committee shall follow any energy related policy adopted by the City Council, report back to the Council on those policies' effectiveness and recommend changes where needed. Working from energy use and energy cost data provided to the Committee in August of each year by the Finance Director, the Energy Advisory Committee shall report to the Council in December of each year on City energy use in the prior fiscal year.

In addition, the Committee is charged with identifying and researching potential projects as well as evaluating possible projects suggested by Council, City Staff or members of the community and then making recommendations to Council on ways City government can encourage and support energy efficiency, environmental conservation and sustainable energy development in all segments of the Rockland community. In fulfilling this task, the Committee's responsibilities may

include, but are not limited to, providing community education on any successful energy initiatives within City government that could also benefit the business community if replicated there. Likewise, the committee shall work with City staff to ensure educational materials on any energy conservation opportunities for residential or business properties through programs like the Efficiency Maine Trust are readily available to members of the community who might benefit.

The Energy Committee shall also serve as the advisory committee for any energy, or energy-related environmental grants the City may apply for and/or receive. Eff: 11/12/10

ARTICLE VI Floodplain Management

The Rockland Floodplain Management Ordinance is hereby established to be maintained and periodically updated by Ordinance as a document physically separate from the Rockland Code for reasons of convenience. Eff: 8/9/99