

# CITY OF ROCKLAND, ME CHAPTER 19 CLARIFYING EDIT

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## CHANGE SUMMARY

*Overview of the clarifying edit and reorganization of Chapter 19 – the City's land use and zoning requirements*



# BACKGROUND

The Chapter 19 Clarifying Edit project is a reorganization and reformatting of Rockland land use regulations to make them easier to understand and use. It includes summary tables for finding and comparing information at a glance, more concise, user-friendly language, and an intuitive and searchable format. No significant changes in policy or requirements are proposed except where necessary to align with standard practice, eliminate conflicts and inconsistencies, or to address legal issues.



**SIMPLE.**

*Updated regulations will be easier to navigate and will include graphics to outline a clearer process, from start to finish.*



**EFFICIENT.**

*The updated structure will be more streamlined, making the review and approval process clearer and easier to administer.*

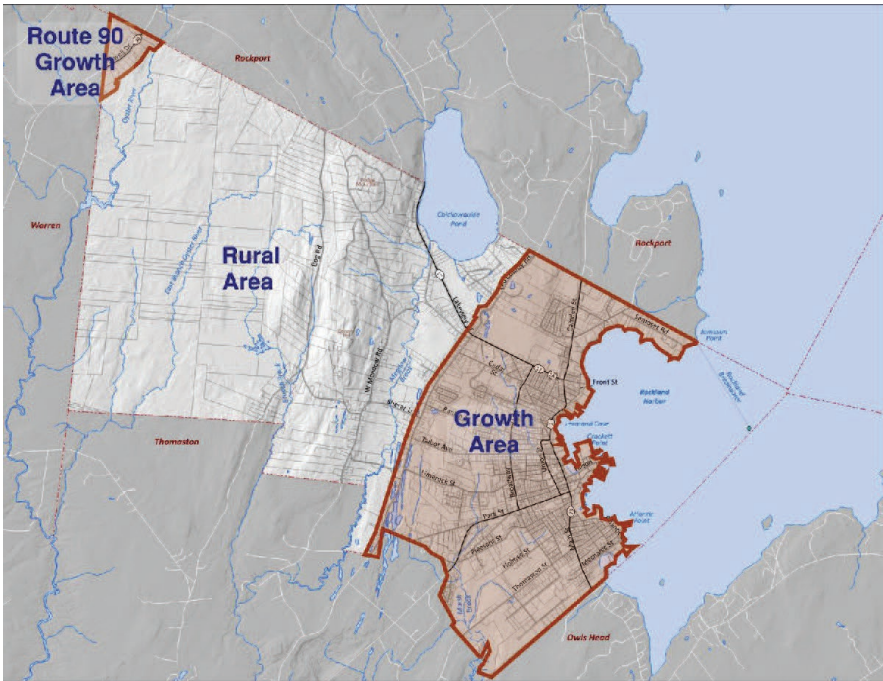


**THOUGHTFUL.**

*This update will set the stage for future policy discussions including implementation of the 2022 Comprehensive Plan.*

## What's Involved?

- Organization improvements that make information easier to find and follow
- More concise, user-friendly language
- No significant changes to underlying policy, except where necessary to align with current City practice, eliminate conflicting or overlapping terms, or address legal issues
- No changes to the Zoning Map or development standards for zoning districts



# REVIEW OF MAJOR CHANGES

This Summary provides the purpose of each section and a high-level review of clarifying edits made in each section. View the full draft here: <https://rocklandmaine.gov/chapter-19/final-draft>

## Article 1 -- Administration

This Article establishes the Planning Board, Zoning Board of Appeals, and Comprehensive Planning Commission including roles and responsibilities for each board.

- Planning Board authority section has been added and is based on state law, and current City practice.
- Roles and responsibilities of the Comprehensive Planning Commission have been revised based on state law, and current City practice.
- There are no changes to the Zoning board of Appeals.
- Zoning amendment language has been moved to Article 2 General Provisions
- Removed reference to an "Official Map" that may have existed decades ago but isn't relevant now.

## Article 2 -- The Zoning Ordinance

This Article includes most of the standards, rules and processes of Zoning. It expresses the purpose and applicability of the Zoning Ordinance, the rules of interpretation, the process for amendments, non-conformance criteria, violations and enforcement, definition of terms, and establishes all City zoning districts and the uses and dimensional standards for development.

### Article 2. §201 General Provisions

- Language has been added to assign the authority to administer the Zoning Ordinance to the Code Enforcement Officer, consistent with state law and city practice.
- Rules of interpretation have been consolidated and updated to reflect current practice.

- As recommended by legal counsel, a process to amend the Zoning Ordinance and map has been clearly established based on state law, current practice and by combining current language from several sections. A requirement for a Planning Board Public Hearing has been added
- All zoning amendments will continue to be referred to the Comprehensive Planning Commission for their recommendation.

### Article 2 §202 Non-Conformance in Non-Shoreland Areas and Violations

This section addresses the rules for expanding or enlarging a legally non-conforming use or structure or changing a non-conforming use to another use. Only formatting changes are proposed

- Language addressing violations is unchanged.
- Non-conformance in Shoreland areas is addressed in §208

### Article 2 §203 Violations and Enforcement

- No changes are proposed to this section

### Article 2 §204 Definitions

- Existing terms were extensively reviewed for consistency with state law, state shoreland zoning, the state building and floodplain codes, and local practice.
- Some terms were revised or eliminated based on recommendation from legal counsel including the definitions "family" (revised) and "sole source pharmacy" (eliminated)
- Similar definitions for things that are treated as the same in practice were consolidated and clarified e.g. "water dependent" and "marine dependent" uses in Waterfront zones.
- Definitions were edited to be more timeless e.g. "automobile repair" and "social services"
- Terms that were included in Chapter 19 but not defined now have definitions e.g. "restaurant" and "school"
- Some existing definitions included



standards such as a size limit or number of parking spaces e.g. “accessory apartment” and “home occupation”. In these cases, the standards were moved from the definition and inserted with other standards in the Land Use section.

- A detailed account of how and why each definition was edited is here: <https://rocklandmaine.gov/chapter-19/definitions-comparison>

### **Article 2 § 205 Zones**

This section identifies the City's 19 zoning districts, that serve as the City's “underlying” zoning districts and establishes the City's official zoning map, 3 overlay zones, and 6 Contract/Conditional zones. There are no changes to these zones or the Zoning map.

- The current Zoning Ordinance refers to a zone which does not exist on the official zoning map – Recreation Zone (19-304.19). This zone is not included in this proposed Ch 19 Edit.
- Existing Contract/Conditional zones were added to allow easier access and reduce the risk that someone would not have complete information about their property

### **Article 2 § 206 Land Uses**

This section provides a list of permitted and conditional uses and indicates where these uses are allowed.

- Tables are included for categories of zone types (e.g. residential, commercial) to provide information in an easy to use format. Currently, permitted uses are listed in separate sections making it difficult to find information or compare uses across different zones.
- References to applicable development standards are added for user convenience
- The focus is now on permitted and conditional uses. On the advice of legal counsel, lists of prohibited uses have been eliminated because, as a

practical matter, if a use is not on the permitted or conditional list it's already prohibited. A general standard prohibiting nuisances remains in effect

- Specific prohibited activities were listed as footnotes, such as drive-through windows.
- Footnotes in each table are included to specify the unique conditions in the current zoning ordinance associated with a specific use. For example: in the C2 and C3 zones no more than 25% of the street level of a building shall be dwelling units.
- Land use standards for permitted and conditional uses were consolidated here and include “accessory dwelling units”, “bed and breakfast”, “flag lots”, “home occupations”, “mobile home parks”, and “energy facilities”
- “Special Use Classes”, where allowed are now listed in their relevant zones as conditional uses rather than in a separate section that the reader might not know exists.
- Other uses currently listed as “special uses” have been included in a new “Land Use Standards” section. These include: “pre-engineered membrane structures”, “seasonal container restaurants”, “short term rentals” and “telecommunications towers”

### **Article 2. § 207 Dimensional Standards**

This section establishes the dimensional standards such as setbacks and building height, (and how to measure them) that apply in all zones

- Dimensional standards are provided in tables for categories of zone types (e.g., residential, commercial) These standards include typical zone dimensions such as minimum lot size, setbacks, lot area, structure and lot coverage. Footnotes are included where applicable to define specific requirements for a zone.
- No changes are proposed to any zone dimensions in the CH 19 Clarifying Edit. All existing regulations are included in

the table for ease of use.

- Standards for preservation of water views in the Downtown Zone, Tillson Overlay have been removed because they refer to a City-adopted "Scenic Viewshed" designation that doesn't exist. Building setbacks in the underlying districts remain and viewshed setbacks can be re-established in the future with adequate planning.
- Waterfront Zone Incentives for viewshed protection remain in place

#### **Article 2 § 208 Shoreland Zoning**

This section sets land use standards imposed by the state to protect both coastal and inland shorelands and wetlands.

- This section has been reformatted; no substantive changes are proposed.

#### **Article 3. Parking and Driveways**

This section sets standards for off-street parking and driveways.

- A separate section for parking and driveways has been established to improve user convenience.
- The Parking table provides a ratio of the minimum number of off-street parking spaces on a site required for each permitted use.
- Shared parking continues to be encouraged.
- The option for a reduction in minimum on-site parking has been revised for clarity and clear standards for application and approval have been added.
- The current "satellite parking" has been renamed "remote parking" and the approval process and criteria clarified. The revised language increases the distance for remote parking from 600 feet to 1,000 feet to be more flexible in practice.

#### **Article 4 § 401 Supplemental Standards**

This section has been added to consolidate rules for specific uses

- Included here: cluster housing, manufactured housing, yard sales,

seasonal container restaurant/food wagon, short term rentals and parking of trailers and motor vehicles.

- For cluster housing, language related to application procedures and design standards will be moved to Chapter 16 since they apply to the Planning Board process. Dimensional standards, uses and ownership options for open spaces remain in CH 19.
- No other changes are proposed

#### **Article 4 § 402 Performance Standards**

This section sets forth the regulations for land use and development generally and addresses dust and odors, lighting, noise and vibration, refuse disposal, water discharges, and landscaping/buffering.

- Text has been reformatted into tables where possible
- Standards that applied solely to grid scale energy production have been moved to the land use standards section.
- New tables for landscaping and buffering standards will greatly improve ease of use
- No changes are proposed to the specific standards of this section.

#### **Article 4 § 403 Architectural and Visual Appearance – General Standards**

This section established design standards such as height, massing, facades, and roof shape and materials for buildings subject to Site Plan Review.

- No changes are proposed to the existing language. Existing graphics have been enhanced to provide additional guidance.

#### **Article 4 § 403.1 Architectural and Visual Appearance – Downtown and Tillson Ave Overlay zones**

- These standards apply within the areas listed above. No changes are proposed except the removal of references to a viewshed study that hasn't been completed.

#### **Article 5 § 501 Directional Sign Regulations**

This section regulates the placement and maintenance of directional signs in public rights of

way

- This section has been reformatted and no changes are proposed

### **Article 5 § 502 Sign Regulations**

This section sets standards for signs on private property.

- Sign regulations are reformatted to be easier to understand. New graphics are included to display sign measurements and the various sign types.
- No changes to specific standards or regulations are proposed.

