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ROCKLAND PLANNING AND CODE OFFICE

TABLE OF CONTENTS

ARTICLE 1	**ADMINISTRATION**
Sec. 19-101	**PLANNING BOARD**
Sec. 19-102	**ZONING BOARD OF APPEALS**
Sec. 19-103	**COMPREHENSIVE PLANNING COMMISSION**
ARTICLE 2	**ZONING**
Sec. 19-201	**GENERAL PROVISIONS**
Sec. 19-201.1	Title, Purpose, and Applicability
Sec. 19-201.2	Rules of Interpretation
Sec. 19-201.3	Nuisance and Unsafe Buildings
Sec. 19-201.4	Zoning Ordinance Amendments
Sec. 19-202	**NON-CONFORMANCE IN NON-SHORELAND AREAS**
Sec. 19-203	**VIOLATIONS AND ENFORCEMENT**
Sec. 19-204	**DEFINITIONS**
Sec. 19-205	**ZONES**
Table 205-1	Zone Purposes
Table 205-2	Dimensional Standards, Tillson Avenue Overlay Zone
Table 205-3	Dimensional Standards, Commercial Corridor Overlay Zone
Sec. 19-206	**LAND USES**
Table 206-1	Residential Zones
Table 206-2	Transitional Business and Neighborhood Commercial Zones
Table 206-3	Commercial and Industrial Zones
Table 206-4	Waterfront Zones
Sec. 19-206.F	Woodland and Wildlife Zone "G"
Sec. 19-206.G	Land Use Standards
Sec. 19-207	**DIMENSIONAL STANDARDS**
Table 207-1	Residential Zones
Table 207-2	Transitional Business (TB) and Neighborhood Commercial (NC) Zones
Table 207-3	Commercial Zones

Table 207-4	Waterfront Zones
Sec. 19-208	**SHORELAND ZONING**
Table 208.1	Land Uses in Shoreland Areas
Sec. 19-209	**CONTRACT OR CONDTIONAL ZONES**
ARTICLE 3	**PARKING AND DRIVEWAYS**
Sec. 19-301	**PARKING**
Table 301-1	Table of Parking Requirements
Sec. 19-302	**DRIVEWAYS AND CURB CUTS**
ARTICLE 4	**STANDARDS**
Sec. 19-401	**SUPPLEMENTAL STANDARDS**
Sec. 19-401.1	Clustered Housing
Sec. 19-401.2	Mobile Homes and Manufactured Housing
Sec. 19-401.3	Yard Sales
Sec. 19-401.4	Seasonal Container Restaurants and Food Wagons
Sec. 19-401.5	Short-term Rentals
Sec. 19-401.6	Parking of Trailers and Motor Vehicles on Residential Properties
Sec. 19-402	**PERFORMANCE STANDARDS**
Sec. 19-403	**STANDARDS FOR ARCHITECTURAL AND VISUAL APPEARANCE**
Sec. 19-403.1	General Standards
Sec. 19.403.2	Downtown Zone and Tillson Avenue Overlay Zone
ARTICLE 5	**SIGNS**
Sec. 19-501	**DIRECTIONAL SIGN ORDINANCE**
Sec 19-502	**SIGNS**

ARTICLE I ADMINISTRATION

Sec. 19-101 PLANNING BOARD

A. ESTABLISHMENT OF BOARD: A Planning Board is hereby established as the municipal reviewing authority as defined by the Revised Statutes of Maine 30-A, **§ 4301(12)** and by any subsequent amendments thereto for the tasks listed below in Sec. D Roles and Responsibilities.

B. 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 Board shall elect annually, in January of each year, its Chair and Secretary from among its members. Should the position of Chair become vacant during such year, the Board shall elect another of its members to serve as Chair for the remainder of that year. The term of the members shall be three (3) years. Such terms shall expire December 31 of each year as designated. As of the effective date of this section, no member shall be elected as chair of the Board more than six (6) consecutive times; and as of the effective date of this section no member shall serve more than five (5) consecutive terms on the Board. Service on the Board prior to 11-9-2018 shall not be included in such calculations. The secretary shall be responsible for taking minutes at each meeting of the Board and shall forward copies of the minutes to the City Manager for distribution once such minutes are accepted by the Board. There shall also be one (1) alternate member of the Board who shall serve a term of three (3) years. The alternate member shall attend all meetings of the Board, may participate in any discussions or hearings, but shall only vote on Board matters if a full quorum is not present at such meeting. When a vacancy occurs on the Board, the alternate member may be appointed to fill such vacancy.

C. PLANNING BOARD AUTHORITY: In addition to the jurisdiction conferred on it by state law and the ordinances of the City and in accordance therewith, the Planning Board shall have the following jurisdiction and authority:

1. To hear, review, and offer its recommendations to the City Council on applications to amend the Zoning Ordinance and City Code related to land use, planning and development.
2. To hear, review, and approve, conditionally approve, or deny applications for subdivisions.
3. To hear, review, and approve, conditionally approve, or deny applications for Site Plans and/or conditional use permits.
4. To hear, review, and approve, conditionally approve, or deny site plans for regulated projects in shoreland areas.
5. To prepare and offer its recommendations to the City Council with regard to the City's annual Capital Improvement Plan.
6. To aid and assist the City Council, City departments, and agencies of the City in implementing general plans and in planning, developing, and completing specific projects.

7. To employ or contract with experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and for such other expenses as may be necessary and proper, provided, however, that such expenditures shall not exceed the funds appropriated for the purpose by the City Council.

Sec. 19-102 ZONING BOARD OF APPEALS

A. ESTABLISHMENT OF BOARD AND 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. Such terms shall expire December 31 of each year as designated. This Board shall annually elect, in January of each year, its own Chair and Secretary from among its members and determine its own rules of procedure. Should the position of Chair become vacant during such year, the Board shall elect another of its member to serve as Chair for the remainder of that year. As of 11-9-2018, A) no member shall be elected as chair of the Board more than six (6) consecutive times; and B) no member shall serve more than five (5) consecutive terms on the Board. Service on the Board prior to 11-9-2018 shall not be included in such calculations. The Secretary shall be responsible for taking minutes at each meeting of the Committee and shall forward copies of the minutes to the City Manager for distribution once such minutes are accepted by the Committee. In addition, there shall also be one (1) alternate member of the Board who shall serve a term of three (3) years. The alternate member shall attend all meetings of the Board, may participate in any discussions or hearings, but shall only vote on Board matters if a full quorum is not present at such meeting. When a vacancy occurs on the Board, the alternate member may be appointed to fill such vacancy. A Municipal Officer or his/her spouse may not be a member or alternate of the Zoning Board of Appeals pursuant to 30-A M.R.S. § 2691(2)(B).

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.

B. POWERS AND DUTIES: 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:

1. **Administrative appeals**: To hear and decide appeals arising from a zoning determination or interpretation of a zoning regulation; the issuance or failure to issue a permit by the Code Enforcement Officer or his authorized agent; the issuance of a notice of violation under Ch. 4 and/or 7; a determination regarding the application of the Floodplain Management Ordinance under Ch. 19, Art. VI; the denial, suspension, or revocation of a solid waste license by the City Council pursuant to Ch. 14, Art. I, Sec. 14-112(7); a decision of the Water Pollution Control Facility Director or a Local Plumbing Inspector pursuant to Ch. 14, Art. IV, Sec. 14-423; or other appeal authorized by law or ordinance and assigned to the jurisdiction of the Zoning Board of Appeals.

a) Standing for appeals Any person having a particularized injury as a result of, 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 or other authorized official under Chapter 4, 7, or 19, has standing to appeal such decision, action, or failure to act to the Zoning Board of Appeals.

b) Appeal procedure: Except when a person having standing to appeal demonstrates good cause, an appeal must be filed with the Code Enforcement Office within 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 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 landowners, and reviewing the appeal. The Code Enforcement Officer shall forthwith transmit to the Board a copy of the notice of appeal. The Zoning Board of Appeals shall hear such appeal within 90 days, which deadline may be extended by the Chair upon the agreement of the parties. A failure by the Board to decide the appeal within six (6) months of the date of a completed notice of appeal shall be deemed a denial of the appeal. The Chair may require that the parties submit a narrative summary, a list of witnesses to be called at the hearing, and copies of exhibits to be submitted to the Board for its consideration; 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 of general circulation in the City, and, with respect to appeals brought pursuant Chapter 4, 7, or 19, by mailing notification to land owners within 300 feet of the subject property. The appellant and applicant may appear in person, or by attorney or other agent.

c) Standard of review; burden of proof: The Zoning Board of Appeals shall review administrative appeals *de novo*. That is, the Board shall hold a hearing at which it may receive and consider all relevant evidence, either written or oral. The party that filed the appeal shall have the burden of proof as to all matters in the appeal.

d) Decisions: Upon the conclusion of the hearing, the Zoning Board of Appeals shall vote to affirm, modify, or reverse the decision that is the subject of the appeal. The decision of the Board shall not be final until the earlier of A) the approval of a written notice of decision by the Board at a public meeting, which decision shall whenever feasible include findings of fact and conclusions of law, shall be signed by the Chair, and shall be served on the parties; or B) the passage of six months following the date of the completed notice of appeal.

2. Variances: To hear and decide applications for variances when the Code Enforcement Officer shall have denied an application for a building permit or otherwise determined that a dimensional requirement in the applicable zoning regulations precludes a proposed development or an element thereof.

a) Standard of review; burden of proof**:** A variance from a dimensional requirement or limitation imposed in Chapter 19, Section 19-207 Dimensional Standards 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 not permitted or conditionally permissible under Section 19-206. 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.

b) Procedure: The person requesting a variance shall file with the Code Enforcement Office a Variance Application on a form provided for that purpose by the Code Enforcement Office; and pay to the City the variance application fee as prescribed 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 landowners, and reviewing the variance application. A detailed and scaled site plan showing the shape and dimensions of the lot, the dimensions and location of existing and proposed buildings and additions, any natural or topographic peculiarities of the lot, the location of any water body adjacent to the property, and the distances to the nearest principal and accessory structures on abutting properties must be included with the variance application. The Code Enforcement Officer shall determine when a variance application is complete, and forthwith transmit to the Board a copy of the completed application. Though determined to be complete by the Code Enforcement Officer, the Chair may request additional information relating to the application. The Zoning Board of Appeals shall hear and grant, grant with conditions, or deny the application within 90 days of the date of the completed application, which deadline may be extended by the Chair upon the agreement of the parties. A failure by the Board to issue a decision on the application within six (6) months of the date of the completed application shall be deemed a denial of the application. The Board, 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 of general circulation in the City, and by mailing notification to landowners within 300 feet of the subject property. The applicant may appear in person, or by attorney or other agent. The decision of the Board of Appeals shall be in writing and shall be effective as of the earlier of the date of such written notice of decision or the date the decision is announced by the Board Chair at a meeting of which the applicant was provided notice. The written notice of decision shall include, as conditions, the time limitations set forth in Subsection 19-202(2)(F).

c) Evidence of recordation: If granted, the approved variance shall be set forth in a certificate that shall be recorded by the applicant on the Knox County Registry of Deeds within 90 days. The Code Enforcement Officer may not issue a building permit for work authorized by a variance until and unless he is provided with evidence of its recordation.

d) Commencement, completion of the work: The work authorized by the variance shall be commenced within six (6) months and shall be substantially completed within one (1) year of the date on which the variance is effective, 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.

3. **Floodplain variances**: Variances from requirements of the Floodplain Management Ordinance of the City of Rockland, Maine shall be subject to procedures set forth in Article VI of that Ordinance.

4. **Disability variances**: The Board also may hear, grant, grant with conditions, or deny applications for disability variances pursuant to 30-A M.R.S. § 4353(4-A).

5. **Determination of zone boundaries**. To determine precise zone boundary lines to the extent authorized by Section 19-205.2

C. APPEALS TO SUPERIOR COURT: Pursuant to Title 30-A, Maine Revised Statutes, Section 2691(3)(G) and Maine Rule of Civil Procedure 80B, appeals from the decision of the Board to Superior Court must be filed within 45 days of the date of the vote on the original decision.

Sec. 19-103 COMPREHENSIVE PLANNING COMMISSION

A. ESTABLISHMENT OF COMMISSION: Comprehensive Planning Commission is hereby established pursuant to Title 30-A §§ 4324 - 4327, and for the responsibilities listed in section C below.

B. ORGANIZATION AND TERMS: The Commission shall consist of seven (7) members who shall be appointed by the Mayor and confirmed by the City Council. The Mayor (or designee) and the City Manager (or designee) shall serve as ex-officio non-voting members of the Commission. The Commission shall elect annually, in January of each year, its Chair and Secretary from among its appointive members. Should the position of Chair become vacant during such year, the Commission shall elect another of its member to serve as Chair for the remainder of that year. The term of the appointive members shall be three (3) years. Such terms shall expire December 31 of each year as designated. As of the effective date of this section, no member shall be elected as chair of the Commission more than six (6) consecutive times; and as of the effective date of this section no member shall serve more than five (5) consecutive terms on the Commission. Service on the Commission prior to November 9, 2018 shall not be included in such calculations. The secretary shall be responsible for taking minutes at each meeting of the Commission and shall forward copies of the minutes to the City Manager for distribution once such minutes are accepted by the Commission. There shall also be two (2) alternate members of the Commission who shall serve a term of three (3) years. The alternate member shall attend all meetings of the Commission, may participate in any discussions or hearings, but shall only vote on Commission matters if a full quorum is not present at such meeting. When a vacancy occurs on the Commission, the alternate member may be appointed to fill such vacancy.

C. ROLES AND RESPONSIBILITIES:

1. Prepare and recommend a Comprehensive Plan pursuant to Title 30-A, §§ 4324-4327 of the Maine Revised Statutes to the City Council.
2. Review applications to amend Chapter 19 and make a recommendation to the City Council regarding each application's consistency with the Comprehensive Plan.
3. Prepare and recommend to the City Council changes and amendments to the Comprehensive Plan.
4. After the City Council has adopted a Comprehensive Plan as provided in this Section, no regulation, or zoning or other plan shall be enacted, established, or amended, until the Comprehensive Planning Commission shall have reported its recommendations in regard thereto to the City Council, 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 to the City Council in regard to the location and extent thereof. This report shall be made only after the Commission has made a careful investigation to determine that the plans or regulations recommended by it will fit in with the

Comprehensive 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.

D. **COMMUNICATION WITH PLANNING BOARD**: It shall be the responsibility of the Chairperson of the Comprehensive Planning Commission and the Chairperson of the Planning Board to maintain regular communications between the Board and the Commission. The Board and the Commission shall meet together whenever their Chairperson shall deem necessary and shall meet together to consider final drafts of any completely new Comprehensive Plan.

ARTICLE 2: ZONING ORDINANCE

Sec. 19-201 GENERAL PROVISIONS

Sec. 19-201.1 TITLE, PURPOSE, AND APPLICABILITY

A. TITLE: This Article is titled the "Zoning Ordinance," and be cited as, Chapter 19, Article II of the Revised Ordinances of the City of Rockland (*original adoption 1983, updated and clarified 2022*), and be included as such in the "General Code."

B. PURPOSE: The intent of the Ordinance is to protect the health, safety, and general welfare of the residents of Rockland, consistent with the City's Comprehensive Plan, through standards that govern the orderly and compatible use of land; the form and mass of buildings; and the relationship of development to the public realm, open spaces, and the environment.

C. APPLICABILITY: No building or structure shall be erected, structurally altered, enlarged, repaired, moved, rebuilt, or used; and no land shall be sold, leased, conveyed, used, developed, or altered except in conformance with the provisions of this Ordinance.

D. AUTHORITY TO ADMINISTER: The City of Rockland Code Enforcement Officer has the authority to administer and to make interpretations of the Zoning Ordinance.

E. DELEGATION OF AUTHORITY: Whenever a provision requires the head of a department to perform an act or duty, that provision will be interpreted as authorizing the department head or officer to delegate that responsibility to others over whom he or she has authority.

F. ENFORCEMENT: The Code Enforcement Officer is authorized to institute or cause to be instituted in the name of the City any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the Ordinance.

Sec. 19-201.2 RULES OF INTERPRETATION

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 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. GRAPHICS AND ILLUSTRATIONS: Graphics and illustrations are included to illustrate the intent of the text. In the case of a conflict between the text and any graphic or illustration, the text controls.

D. LISTS AND EXAMPLES: Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only, and shall not be construed as being limited to the items or examples listed.

E. TIME: When a number of days is specified as a period from a certain day within which or after or before which an act is authorized or required to be completed, time is computed as the number of calendar days excluding the calendar day when the act is authorized or required to be completed. Business days shall be interpreted as days on which the City of Rockland is open for business.

F. WORD TENSES: Words used in the present tense include the future.

G. SINGULAR, PLURAL REFERENCES: The singular number includes the plural and the plural, the singular.

H. GENDER: Words denoting one (1) gender apply to all genders.

I. OBLIGATORY TERMS AND CONJUNCTIONS: The terms in the text of the Ordinance shall be interpreted in accordance with the following rules of construction:

1. **Mandatory terms**: The terms "must," "shall," or "will" are mandatory terms that express a requirement or impose an obligation.
2. **Prohibitive terms**: The terms "must not," "shall not," "will not," and "may not" express a prohibition.
3. **Suggestive terms**: The term "should" expresses a recommendation or suggestion and does not express a requirement or imposition.
4. **Permissive but not mandatory terms:** The term "may" is permissive and does not express a requirement or imposition.
5. **And:** The conjunction "and" indicates that all connected words or provisions apply.
6. **Or:** The conjunction "or" indicates that the connected words or provisions may apply singly or in any combination.
7. **Either:** The conjunction "either […] or" indicates that the connected words or provisions apply singly, but not in combination.

J. STATUTORY REFERENCES: Whenever the Statutes of Maine are cited, such citation includes all acts additional thereto and amendatory thereof.

K. SEVERABILITY: 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.

Sec. 19-201.3 NUISANCE AND UNSAFE BUILDINGS

A. NUISANCE: As provided by, and subject to the terms of the Revised Statutes of Maine, any building, 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.

B. 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 Code Enforcement Officer or the Fire Chief, or from complying with the lawful requirement of the Code Enforcement Officer or the Fire Chief.

Sec. 19-201.4 ZONING ORDINANCE AMENDMENTS

A. AMENDMENTS TO ZONING TEXT, ZONING MAP, AND CONTRACT OR CONDITIONAL ZONES: It shall be the authority of the City Council to adopt or amend the zoning regulations, including amendments to the official Zoning Map in accordance with procedures set forth in this Article.

B. PROCEDURE FOR AMENDMENTS TO ZONING TEXT, ZONING MAP, AND CONTRACT OR CONDITIONAL ZONES

1. Application:

a) An application for a text or zoning map amendment or a contract or conditional zone may be filed with the City Clerk on a form provided by the City by A) the owner of property (or their authorized agent); or B) other persons with equivalent right, title, or interest in the property (or their authorized agent); or C) any person as permitted by the Constitution and laws of the State of Maine. A payment of a nonrefundable application fee, as established by the City Council to cover the administrative costs and costs of required hearings, shall accompany each application. If an application is withdrawn by the applicant prior to the submission of the advertisement to the newspaper to announce the public hearing, a refund of one-half the amount of the application fee shall be returned to the applicant provided that costs incurred by the City have been paid in full.

All applications shall include the following:

1) A typed or neatly printed narrative explaining the purpose and effect of, and justification for, the proposed change.

2) A properly drafted ordinance containing the proposed zoning amendment in a format meeting the requirements of the City Clerk.

3) If a zoning map amendment is proposed, two (2)-copies of a map clearly displaying the zoning district boundary proposed to be changed and the surrounding area.

4) Two (2) sets of mailing labels and a list of each property owner within the area proposed for a zoning map amendment, including property directly abutting the area proposed to change. Such list and labels shall include the owner's name and mailing address and the tax parcel number for each property subject to the proposed amendment.

2. Completeness: Requests for a zoning text or zoning map amendment, or a contract or conditional zone shall be reviewed by the City Planner who shall provide recommendations to the applicant regarding the completeness of the application, if

additional information is required, and the review process required for the application. Depending on the nature of the application, additional information may be required including professionally prepared technical reports. The cost of required information, if necessary, shall be the responsibility of the applicant.

3. **Review of Consistency with Comprehensive Plan:** All applications for a text or zoning map amendment or a contract or conditional zone 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.

4. **Review by Planning Board and public hearing:** All applications for a text or zoning map amendment or a contract or conditional zone shall be referred by the City Council to the Planning Board for report within thirty (30) days.

   The Planning Board shall conduct a public hearing before a final decision is made on a contract or conditional zone, zoning text, or zoning map amendment.

   a) Notice timing: Notice of the Planning Board hearing must be posted in City Hall at least 13 days before the public hearing and published at least two (2) times in a newspaper having general circulation in Rockland; the first publication to be at least 12 days before the hearing and the second publication to be at least seven (7) days before the hearing.

   b) Notice required: The notice shall include a description of the contract or conditional zone or zoning text amendment and a map, if applicable, showing any proposed changes.

5. **Conditions and restrictions**: For contract or conditional zoning agreements, only conditions and restrictions relating to the physical development or operation of the property may be imposed under this section.

6. **Reporting recommendations to council:** The Planning Board and the Comprehensive Planning Commission, shall submit recommendations in writing to the City Council within 30 days of receiving a referral. No amendments shall be enacted into law until the Planning Board and the Comprehensive Planning Commission have reported or until forty-five (45) days has elapsed, which ever first occurs. If the Planning Board and/or the Comprehensive Planning Commission fail to report within forty-five (45) days after submission to it of a proposed action, it shall be deemed to have approved such action.

7. **Zoning Map Maintenance**: All amendments to the "Zoning Map" shall be entered upon the City of Rockland geographic information system database. The Zoning Map shall be 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

Sec. 19-202 NON-CONFORMANCE IN NON-SHORELAND AREAS

A. PURPOSE: It is the intent of these provisions to promote land use and conformities, except those non-conforming conditions that legally existed before the effective date of this Ordinance (9-11-1996) 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 19-204 of this Ordinance.

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 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.

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 with the following conditions:
   a) Lot lines: No part of the addition or expansion shall be closer to any property line than the closest part of the existing structure.
   b) Structure coverage: The structure coverage within each setback area (e.g., 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 10-15-1999.
   c) Structure height: 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.
   d) Foundations: Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:
      1) 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 Sec. 202.C.2 Relocation, below;

2) That the completed foundation does not extend beyond the exterior existing dimensions of the structure; and

3) That the foundation does not cause the structure to be elevated by more than three (3) additional feet.

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 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:

a) The size of the lot;

b) The slope of the land and other site features;

c) The potential for soil erosion;

d) The location of other structures on the property and on adjacent properties;

e) The location of the septic system and other on-site soils suitable for septic systems;

f) The physical condition and type of foundation present, if any; and

g) The type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or replacement:

a) Any non-conforming structure or part of a structure, which is located less than the required setback 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 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 C.2 Relocation, above.

b) Any non-conforming structure which is removed, damaged, or destroyed by 50% 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.

D. NON-CONFORMING USES:

1. **Expansions:** Expansions of non-conforming uses are prohibited, except those 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.

2. **Resumption of non-conforming use prohibited:** 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. 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.

3. **Change of non-conforming 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.

E. NON-CONFORMING LOTS:

1. **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.

2. **Lots with structures:**

   a) Two (2) 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.

   b) Resumption of a non-conforming lot with structure prohibited: 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.

   c) Two (2) 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.

3. **Contiguous lots—vacant or partially built:** If two (2) 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 (1) 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 Subsection (E.3), 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.

4. **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.

F. **NON-CONFOMANCE IN WATERFRONT ZONES**: 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 Sec.206 Land Uses, and such building may be reconstructed or structurally altered and the non-conforming use changed subject to the following regulations:

1. **No extension of use**: A non-conforming use, other than existing dwellings, 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.

2. **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. This section shall not apply to existing dwellings, provided that the enlargement and/or alteration is in compliance with Section 207. Dimensional Standards.

3. **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.

4. **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.

G. **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.

Sec. 19-203 VIOLATIONS AND ENFORCEMENT

A. 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. The Code Enforcement Officer shall keep a record of such complaints.

B. 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 their own initiative, they 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 they 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 their place of residence or of their 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.

C. 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. 19-204 DEFINITIONS

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

Accessible ramp: 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 curbing 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.

Accessory dwelling unit: A second dwelling unit located within or attached to a single-family dwelling or in an accessory structure located on the same lot. The accessory dwelling unit shall not be considered an additional dwelling unit for purposes of the minimum lot size zoning standards, and also is subject to the land use standards of Sec. 19-206.G.1

Accessory structure or use: A use or structure which is subordinate and customarily incidental to the principal use or structure located on the same lot. Accessory uses, when aggregated, shall not subordinate the principal use of the lot.

Adult amusement store: Any establishment having as a portion of its stock in trade, whether for sale, rental, or other use, or that derives any revenue from the sale, rental, or other use of, any “sexual device” intended to provide direct physical stimulation, or any live or filmed, animated, printed, or digitized depiction or description of either a “sexual act” or “sexual contact” as defined in MSRA 17-A § 251 and as amended from time to time provided however that such an establishment whose inventory for such purposes does not exceed 10% of total inventory wholesale value or generate in excess of 10% of the revenue of the establishment shall not constitute an “adult amusement store.”

Agricultural market: A facility or event used primarily for retail marketing of agricultural output of local farms, including retail sales of articles made with local agricultural output, such as jams and jellies, maple products, cheese, cider, herbs/spices, baked goods, wreaths, flower arrangements, soaps, and candles.

Agricultural products—animals: Animals and their products that are useful to humans including, but not limited to: forages, grains and feed crops, dairy and dairy products, poultry and poultry products, manure, and compost, or any other animal or animal products that supply humans with food, feed, fiber, or fur. Farm stands are allowed as an accessory use.

Agricultural products—plants: Plants and their products that are useful to humans and including, but not limited to: forages and sod crops, grains and feed crops, and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, or plant products that supply humans with food, or plant-based fiber. "Agricultural products - plants" does not include trees grown and harvested for forest products. Farm stands are allowed as an accessory use.

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.

Alley or alleyway: A private or public passage or way which A) is less than the usual width of a street or road; B) may be open to but is not designed primarily for vehicular traffic; C) intersects or opens onto a road or street; and D) is primarily used for the ingress or egress or convenience of two (2) or more owners of abutting real properties, giving access to the rear of lots or buildings.

Alter: That which is rebuilt, reconstructed, rehabilitated, restored, removed, or demolished.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Art gallery: An establishment or building for the display or sale of visual art.

Athletic fields: Land prepared for playing outdoor sports such as but not limited to: baseball, soccer, field hockey, lacrosse, and track.

Automobile—body shops: Any premises where automobile body and frame repair activities such as painting, collision repair, and body and fender work is conducted.

Automobile—dealership: A business establishment that sells or leases new or used automobiles. Automobile repair and necessary warranty work is allowed as an accessory use.

Automobile—repair: The maintenance and repair of automobiles, excluding activities performed at automobile body shops.

Automobile—sales, small-scale used: Any facility where 12 or fewer automobiles are kept on premises for sale. Automobile repair necessary in preparation of sale is allowed as an accessory use.

Bank: A financial institutional that accepts deposits from the public while simultaneously making loans.

Bar: An establishment primarily devoted to the serving of alcoholic beverages and in which the service of food is incidental to the consumption of such beverages.

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

Bed and breakfast establishment: Any dwelling in which two (2) or more bedrooms for transient lodging or boarding and lodging are provided and offered to one (1) or more natural persons by the owner for compensation for less than one (1) week, except as permitted pursuant to Ch. 11, Art. II, Sec. 11-210(2), and subject to the land use standards of Sec 19-206.G.2.

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.

Boat storage: A yard, place, or structure where boats/ships are stored.

Café incidental to 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 drive-through windows associated with an incidental retail café.

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.

Cannabis: The leaves, stems, flowers, and seeds of a cannabis plant, whether growing or not. “Cannabis” includes concentrate but does not include industrial hemp as defined in 7 M.R.S §2231(1) nor a cannabis product.

Cannabis, adult-use—cultivation facility: A facility licensed to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare, and package adult-use cannabis; to sell adult-use cannabis to cannabis manufacturing facilities, to cannabis stores, and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores.

Cannabis, adult-use—manufacturing or manufacture: The production, blending, infusing, compounding, or other preparation of cannabis and cannabis products, including, but not limited to: cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

Cannabis, adult-use—products manufacturing facility: A facility licensed under this chapter to purchase adult-use cannabis from a cultivation facility or another products-manufacturing facility; to manufacture, label, and package adult-use cannabis and adult-use cannabis products; and to sell adult-use cannabis and adult-use cannabis products to cannabis stores and to other cannabis products manufacturing facilities.

Cannabis, adult-use—store: A facility licensed under this chapter to purchase adult-use cannabis, immature cannabis plants and seedlings from a cultivation facility; to purchase adult-use cannabis and adult-use cannabis products from a cannabis products manufacturing facility; and to sell adult-use cannabis, adult-use cannabis products, and/or immature cannabis plants and seedlings to consumers.

Cannabis, adult-use—testing facility: A facility licensed under this chapter to develop, research, and test cannabis, cannabis products, and other substances.

Cannabis—cultivation or cultivate: The planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing, or cannabis extraction.

Cannabis—extraction: Cannabis extraction means the process of extracting cannabis with solvents or gases.

Cannabis, medical—business: Medical Cannabis Cultivation Facility, Medical Cannabis Manufacturing Facility, Medical Cannabis Testing Facility, Registered Dispensary, Registered Caregiver Retail Store, Adult-Use Cannabis Cultivation Facility, Adult-Use Cannabis Products

Manufacturing Facility, Adult-Use Testing Facility, or Adult-Use Cannabis Store licensed under this Ordinance.

Cannabis, medical—caregiver retail store: A store that has attributes generally associated with retail stores, including, but not limited to: a fixed location, a sign, regular business hours, accessibility to the public, and sales of goods or services directly to a consumer, and that is used by a registered caregiver to offer cannabis plants or harvested cannabis for sale to qualifying patients.

Cannabis, medical—caregiver: A natural person or an assistant of that natural person that provides care for a qualifying patient in accordance with applicable state law.

Cannabis, medical—cultivation facility: A facility used for cultivation, processing, storage, and/or distribution of medical cannabis at a location which is not the registered caregiver's primary residence. A medical cannabis cultivation facility shall be considered a commercial use.

Cannabis, medical—home cultivation: Cultivation of medical cannabis by a qualifying patient or cannabis for personal adult use by a natural person 21 years of age or older at their own residence or a medical cannabis caregiver at their own primary year-round residence for use by a qualifying patient. Cannabis extraction using butane is prohibited. Medical cannabis home cultivation shall be considered an accessory use.

Cannabis, medical—manufacturing facility: A registered tier 1 or tier 2 manufacturing facility or a natural person authorized to engage in cannabis extraction under section 2423-F.

Cannabis, medical—registered caregiver: A person or an assistant of that person that provides care for a qualifying patient and is registered with the State of Maine in accordance with 22 M.R.S. §2425-A.

Cannabis, medical—registered dispensary: An entity registered under section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Cannabis, medical—testing facility: A public or private laboratory that: A) is authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and [2017, c. 447, §2 (AMD); 2017, c. 452, §3 (AMD)] B) is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body or is certified, registered, or accredited by an organization approved by the department.

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Car wash: Any area or building with equipment for washing cars, trucks, and/or other motor vehicles.

Cemetery: A burial ground for people. For the purposes of this document, crematoria are not allowed in cemeteries or considered to be an accessory use to a cemetery.

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.

Clustered housing subdivisions: A residential development design that contains 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 and to increase land conserved within the subdivision as open space. Clustered housing subdivisions permit reduced lot sizes, road frontage, and setbacks.

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 fishing: Harvesting or processing, or both, of wild marine organisms with the intent of disposing of them for profit or trade, not including subsistence fishing for personal use or charter boat fishing.

Commercial use: The use of lands, buildings, or structures, other than a "home occupation," with 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.

Community and civic buildings and uses: A facility for a public purpose, such as an auditorium, library, museum, or government building.

Corner lot, and/or through lot: A lot that abuts more than one (1) 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.

Daycare center: Facilities licensed by the State of Maine for the care of 13 or more children under the age of 13 years.

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

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 is accessory to a dwelling unit and shall not be regulated as a home occupation.

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: A physical or mental impairment that substantially limits major life activities; significantly impairs physical or mental health; or requires special education, vocational rehabilitation, or related services as further defined by 5 M.R.S. 4553-A as amended from time to time.

Distribution facility: A structure used for the receiving and shipping of goods and articles where goods are received and redirected for delivery to the ultimate customer at remote locations.

Driveway (in shoreland areas): A vehicular access-way less than 500 feet in length serving two (2) single-family dwellings or one (1) two-family dwelling, or less.

Dwelling of historical or cultural significance: Historically or culturally significant dwelling used as a museum, archive, office space, or similar function which is directly related to the promotion and preservation of the historical or cultural legacy of the property. A historically or culturally significant dwelling is one that has a particular historic, architectural, or archaeological significance to Rockland, the State of Maine and/or the United States relating to its cultural, social, economic, political, or architectural heritage; or which is associated with historic persons, important events or themes in local, state, or national history, as determined by the Planning Board. Concurrent residential occupancy is allowed but not required. There may be up to three (3) on-site employees. Hours of operation shall be limited to between 8 a.m. and 6 p.m.

Dwelling—multi-family : A residential structure containing three (3) or more residential dwelling units for a term of at least one (1) month, including apartment houses and apartment hotels, but excluding boarding houses, inns, lodging houses, hotels, motels, and short-term rentals.

Dwelling—single-family: A structure containing not more than one (1) dwelling unit and used by its owner or the owner's tenant as a residence for a natural person or a family for a term of at least one (1) month. A community living arrangement is deemed a single-family dwelling as defined in, 30-A, Maine Revised Statutes, Section 4357-A – Community Living Arrangements, as amended from time to time

Dwelling—two-family: A residential structure including two (2) dwelling units.

Dwelling unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1), and containing kitchen facilities, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain kitchen facilities, sleeping, and toilet facilities, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

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.

Energy facility—community-based renewable energy project: An electricity-generating facility that generates electricity from an eligible renewable resource as defined in 35-M.R.S §3210 at least 51% of which is owned by one (1) or more qualifying local owners.

Energy facility—distributed power generation: Electric power generation equipment with thermal energy recovery, which will offset the base or peak power consumed at the site where the power generation equipment is located, or the base or peak power consumed at other sites that are under the same or affiliated ownership as the power generation site. At least 50% of the thermal energy must be consumed at the site where the power generation equipment is located or at other sites that are under the same or affiliated ownership as the site where the power generation equipment is located. The remainder of the thermal energy may be distributed to third parties under contract. The following fuels may not be used in distributed power facility: uranium, plutonium, solid waste (as defined by the Resource Conservation and Recovery Act, 42 U.S.C. §6903 as amended), construction and demolition debris, and treated or engineered wood products.

Energy facility—distributed power storage: Electric power storage equipment, which is designed and operated to provide or to offset the base or peak power consumed at the site where the power generation equipment is located, or the base or peak power consumed at other sites either in Rockland or in an adjacent municipality.

Energy facility—grid-scale power generation facility: Any electrical power generation facility that is designed or will be operated to sell either base load or the peak demand electricity generated under one (1) or more power purchase agreement(s) or other contractual arrangements for consumption by others via the local utility and/or the ISO New England, Inc. managed transmission and distribution systems. Subject to the land use standards of Sec. 19-206.G.8.

Energy facility—micro community-based renewable: A community-based renewable energy project, consisting of photovoltaic solar systems of not more than 10 kilowatts, and any other renewable energy projects having a capacity equal to or less than one (1) kilowatt.

Equipment sales and service: A business selling and servicing farm, landscaping, and construction equipment such as backhoes, cranes, bulldozers, excavators, and tractors, and accessory time-saving attachments and other similar equipment and vehicles.

Essential services (in non-shoreland areas): Gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, broadband and other data transmission, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; cable television, municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, service drops, or buildings necessary for furnishing services, fire alarms, police call boxes, traffic signals, hydrants, and similar accessories, but shall not include telecommunication towers.

Essential services (in shoreland areas): 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; cable television, 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, 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 (in shoreland areas): 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 (1) 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 (1) natural person, or a group of two (2) or more natural persons living together as a single housekeeping unit, sharing common kitchen and bathroom facilities. For the purposes of this definition, no more than eight (8) unrelated natural persons may occupy a dwelling unit as a single housekeeping unit.

Farm stand: A temporary or permanent structure used for the display and sale of agriculture related products where at least 85% of the products offered for sale were either produced on the property on which the farm stand is located.

Fence: 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.

Flag lot: A lot located generally to the rear of another lot, but with owned or deeded access suitable for ingress and egress extending to a street. Flag lots shall not be required to meet minimum street frontage and are subject to the land use standards of Sec. 19-206.G.3.

Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than a designated height.

Food pantry: A facility where food is distributed typically at no cost to natural persons and families.

Food wagon/seasonal container restaurant: A stand, trailer, vehicle, or other small mobile structure outfitted for selling or for serving light meals and snacks to the public subject to the standards of Sec. 19-401.4. The term "food wagon" and/or "seasonal container restaurant" does not include pushcarts that are removed daily or vehicles selling food from the street in accordance with Chapter 15, Article I, Section 15-109.

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

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

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

Fraternal and service organizations: A group of people formally organized for a common interest with regular meetings and formal written membership requirements. The serving of alcohol, providing of entertainment, and preparation and serving of food are typical activities. Sleeping quarters are not considered an accessory use.

Freshwater wetland: Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, which are: of 10 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 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 cannot 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 cannot reasonably be located or operated at an inland site; and uses that primarily provide general public access to coastal or inland waters.

Funeral home: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funerals.

Golf course: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards, excluding miniature golf and golf driving ranges. A golf course may include a clubhouse with a restaurant; retail sales of golf clothing; and equipment, shelters, and other accessory uses typically associated with a golf course.

Great pond: Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 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.

Half-story: 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.

Home occupation: An occupation or profession which is primarily conducted in a residential structure or property. 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.

Home occupation level 1: Shall have no visible outdoor evidence of the occupational use. Such occupations may include the offices and workspace for professionals who live on site and who do not regularly see clients on site and subject to the land use standards, Sec. 19-206.G.4.

Home occupation level 2: Shall have very low impacts. Such occupations may include any uses allowed in Home Occupation Level 1 as well as small scale offices of professionals who serve clients on site one (1) at a time; such offices may include no more than one (1) on-site employee who does not also live on-site. Subject to the land use standards of Sec. 19-206.G.5.

Home occupation level 3: Business operations on a residential property with moderate impacts of use. Such occupations may include any uses allowed in Home Occupation Levels 1 and 2 as well as a daycare home, trades services, studios, or minor repair excluding motor vehicle repair, and subject to the land use standards of Sec. 19-206.G.6.

Hotel: A commercial establishment offering sleeping accommodations for a fee for 17 or more travelers and others on a transient or semi-permanent basis, including varying levels of accessory services for occupants and/or the general public such as restaurants, shops, and meeting rooms.

Increase in non-conformity of a structure (in shoreland areas): Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity 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 non-conformance of the existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity 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 non-conforming 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 (1) group not to exceed 10 individuals and which involves site improvements which may include, but not be limited to: a gravel pad, parking area, fireplace, or tent platform.

Industrial (in shoreland areas): The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional: A nonprofit 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.

Kitchen facility: An area that contains any, some, or all of the following facilities for food preparation, storage, and/or sanitation: a stove, oven, convection oven, microwave, hotplate or other cooking or food warming equipment; any size refrigerator or freezer; and/or any type of sink, including a bar sink or wet bar but not including a bathroom sink.

Licensed forester: A forester licensed under 32 M.R.S. Chapter 76.

Light assembly: The assembly, packaging, or processing of finished products which is performed predominantly by hand and the accessory equipment thereto.

Light industrial: Industrial activities involving the manufacturing, fabricating, packaging, processing, or assembly of component parts or finished products from previously prepared materials. Light industrial uses may include machine shops and metal fabrication but shall not include the processing of raw materials or salvaging operations. This use may include ancillary sales of products manufactured on-site. Light industry is capable of operating in such a manner as to control the external effects of the manufacturing processes and meet the performance standards of Sec. 19-302.

Lodging, permanent and temporary—independent: A structure other than single-, two-, or multi-family structure in which, for a fee, provides independent living sleeping accommodations for 16 or fewer natural persons on either a transient or permanent basis, with or without meals served to occupants only, but without separate kitchen facilities for individual occupants, such as boarding houses and congregate housing. The building may include a separate, additional dwelling unit occupied by the owner or manager that includes kitchen facilities for such owner or manager's personal use.

Lodging, permanent and temporary—with services: A building structure other than single-, two-, or multi-family structure in which a State of Maine-licensed operator provides living and/or sleeping accommodations and services such as housekeeping, personal care, transportation, therapeutic, supervisory for 16 or fewer natural persons on either a temporary or permanent basis. Meals and/or common kitchen facilities are provided. An additional dwelling unit occupied by the owner, manager, or supervisor that includes kitchen facilities is allowed as an accessory use.

Lot: 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 structure and its accessory structures together, including any required open space.

Lot line: A line that forms a boundary of a property dividing one (1) lot from another, or from a street or water body or other public space.

Manufactured housing: Consistent with M.S.R.A 30-A, §4358 as amended from time to time. A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of its own chassis, or an independent chassis, to a building site. The term shall include any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purposes of this section, 2 types of manufactured housing are included. Those two types are:

1. Newer mobile homes: Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that 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 or electrical systems contained in the unit.

(a) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

2. Modular homes: Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that 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 in the unit.

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.

Marine educational institutions: Any educational institution, part of the function of which is marine-related or marine-dependent education.

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.

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.

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.

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 (in shoreland areas): Any operation within any 12-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and/or transports the product removed, away from the extraction site.

Minimum lot width (in shoreland areas): The closest distance between the side lot lines of a lot. When only two (2) lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mixed-use development—marine: 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 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.

Mobile home park: A contiguous parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes, and subject to the Land Use Standards of Sec. 19-206.G.7.

Mobile home park lot: means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality may require a lot to be designated on a mobile home park plan.

Mural: A work of visual art that otherwise meets the definition of “sign” in this Section that is created by an artist; and does not contain the name of, nor directly advertise the thing, person, business, activity, or place upon which it is attached or otherwise affixed, or advertise any other thing, person, business, activity, or place; and does not contain a logo or trademarked symbol; and does not contain a picture, symbol, or device of any kind that relates to a commercial business, product, or service offered on the premises where it is located.

Museum: A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

Native: Indigenous to the local forests.

Natural person: A human individual.

Neighborhood—amusement center: A structure containing commercial recreational games, including, but not limited to: pinball machines, arcade video machines, and other games.

Neighborhood—retail: A retail establishment offering a limited line of groceries and household items of which at least 60% of floor area is dedicated to retail sales of groceries. On-site consumption of alcoholic beverages is prohibited.

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 (1) or more of the following dimensional requirements; setback, height, lot coverage, or footprint, 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 (in non-tidal shoreland area 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."

Nurseries and greenhouses: A place where plants are grown for transplanting, for use as stock or grafting, or for sale. Greenhouses are structures designed to allow natural light and are used for tender plants or to extend the growing season. Nurseries are shaded or exposed outdoor areas.

Office: An establishment that engages in the processing, manipulation, or application of business information or professional expertise, which may or may not offer services to the public. An office is not materially involved in the fabricating, assembling, warehousing, or on-site sales of physical products for the retail or wholesale market, nor engaged in the repair of products.

Outdoor recreation: A place designed and equipped for the conduct of outdoor sports and/or leisure time activities such as mini-golf, disc golf, batting cages, bumper boats, and golf driving ranges, but excluding campgrounds, outdoor amusement centers, spectator sports facilities, racetracks, or other similar facilities. Accessory buildings that are necessary for storage, and the safe and secure operation of the outdoor recreation use are allowed.

Outdoor sales or display: The keeping of goods and/or materials outside that are for sale to the public or that display products outdoors that are sold inside are allowed as an accessory use to a retail use. This definition does not apply to the sales or displays of automobiles.

Outdoor storage: The keeping of goods and/or materials in the same place for more than 24 hours that are not for sale to the public, including, but not limited to: landscaping materials, construction materials. This definition does not include boat storage.

Parking facility: A parking lot or parking structure for motor vehicles.

Parking structure: A multi-level structure containing vehicular parking in which at least one (1) level is used primarily for the purpose of storing motor vehicles, and which does not necessarily have enclosing walls.

Parking lot: A parcel of land designed for the parking of motor vehicles at surface level and for such accessory uses as are for the immediate comfort and convenience of motorists, not including a trailer camp.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity. Also see definition of "natural person."

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland—permanent: Structures which remain in or over the water for seven (7) months or more in any period of 12 consecutive months.

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 12 consecutive months.

Principal use: The main or primary use conducted on a lot or located within a building or structure, as distinguished from a use which is wholly incidental or accessory.

Processing: 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.

Public access or open space: An area on a particular site, dedicated, granted, or covenanted for the express use of the general public.

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, Winooski, Sunday.

Recreation/entertainment facility–indoor: A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to: movie theaters, live performance venues, night clubs, indoor sports arenas, bowling alleys, skating centers, physical adventure game facilities, and pool halls.

Recreational facility (in shoreland areas): 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 (in shoreland areas): A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one (1) or more natural 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.

Religious institution: A building or portion of a building used for religious worship, and education for all ages including, but not limited to: churches, synagogues, masjids, mosques, and other places of worship.

Replacement system (in shoreland area): A sub-surface wastewater disposal system intended to replace: A) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or B) any existing overboard wastewater discharge.

Research and development: The process and activity of obtaining new knowledge that can be used to create new technology, products, services, or systems for use or for sale.

Residence quarters: Residential 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.

Residential care—assisted living facility: A residential facility consisting of dwelling units occupied by seniors and/or natural persons with disabilities 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 natural persons, entities, or agencies.

Residential care—nursing home: A facility in which nursing care and medical services are prescribed by or performed under the general direction of natural persons licensed to practice medicine or surgery in this State, for the accommodation of convalescent or other natural 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

Residential care—private non-medical facilities: A house or other place that, for consideration, is maintained wholly or partly and licensed for the purpose of providing 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.

Residential renovation—existing structures: Two-family or multi-family units that are created within an existing building where no additions are constructed except those necessary to meet the Life Safety Code and where all required parking can be created on the site and the maximum building coverage can be met.

Restaurant: Any eating and drinking establishment where food and beverages are served and consumed. Kitchens within restaurants may be shared with other food preparation entities for off-site sales as an accessory use.

Retail business: The selling of goods or merchandise to the public or end users of the goods. A retail business may offer incidental services to include uses accessory to the sale of such goods, including, but not limited to: light assembly of products sold on-site, the sale of prepared food for consumption off the premises, and/or an incidental retail cafe. A retail business does not include motor vehicle sales and service or motor vehicle service stations, restaurants, or lodging facilities.

Riding stable: A facility and contiguous land under common ownership used for the art or practice of horsemanship.

Riprap: Rocks, irregularly shaped, and at least 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 25 square miles to its mouth.

Road (in shoreland area): 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.

Roll-off container: A box container that can be left on any site, separate from a truck. Generally available in several sizes, up to 40 cubic yards.

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 three-square occurs in fresher areas.

School: An institution with facilities used for the offering of courses, lectures, training seminars, performing arts instruction, or other similar use, including, but not limited to: public or private nursery, kindergarten, elementary, middle, secondary education, trade schools, and accessory structures and uses necessary to support those activities, including athletic facilities and playgrounds.

Semi-trailer: A truck trailer equipped with one (1) or more axles and constructed so that the front end rests upon a truck tractor.

Service drop (in a shoreland area): Any utility line extension which does not cross or run beneath any portion of a water body provided that: A) in the case of electric service: (i) 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 (ii) the total length of the extension is less than 1,000 fee; or B) in the case of telephone service (i) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or (ii) the extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

Services—construction: Activities involved in the construction industry, including the preparation of materials that require heavy machinery, or the storage of heavy equipment used in construction, and the storage of explosives, such as but not limited to: concrete production, well drillers, site construction contractors, and highway and road contractors.

Services—health and medical: An outpatient establishment furnishing services such as medical, dental, physical and occupational therapy, and mental health services.

Services—personal: An establishment providing personal care, health and fitness, and other specialized services.

Services—social: An establishment or activity undertaken to advance the welfare of citizens in need.

Services—trades: The production shop and/or office space of a natural person in a skilled trade or craft, where all the activity is conducted indoors. May include accessory showrooms of up to 4,000 square feet of total floor area.

Shoreland zone: The land area located A) within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; B) within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; C) within 250 feet of the upland edge of a freshwater wetland; or D) within 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.

Short term rental ("STR"): The use of all or part of a legally existing dwelling unit for short-term rental to a person or family unrelated to the owner or lessee of the unit, for consideration, for periods of less than one (1) month.

Sign: Any structure, display, picture, logo, symbol, device, or representation which is designed or used to advertise a 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.

Signs—advertising: Signs that include identity of the business and services, or of products that are for sale or produced on the premises. All advertising signs must be located on the same premise as the business.

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.

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

Small engine repair: A business establishment that repairs and maintains low-power internal combustion engines powered by gasoline or electricity.

Stonework: The shaping, preparation, or setting of stone for cemetery monuments, steps, landscaping, retaining walls.

Storage facility—compartmentalized: A fully enclosed or secured building or area with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous materials. Units may or may not be climate controlled. For the purposes of this definition, stackable storage pods shall be considered compartmentalized secured unit and may be stored indoors or outdoors.

Storage facility—warehouse and storage: A structure or building where goods or materials are stored, but not distributed to other sites.

Story: 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.

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.

Street: For the purposes of Chapter 19, a street may be accepted by the City as a public street, state route or and highway, and/or private road.

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, poles, wiring and other aerial equipment normally associated with service drops, as well as guying and guy anchors. Buildings separated only by party walls, without openings, shall be treated as separate buildings. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Structure—principal: A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same premises.

Structure—temporary: A structure that used for incidental to or accessory to the residential or commercial property on which it is located and that is in place for no more than one (1) year, unless the Planning Board issues a permit for no more than one (1) additional year. These structures do not have to meet any design standards, nor the standards of the building code adopted by the City. Temporary structures shall not be used for the storage or repair of a recreational or fishing vessel or fishing equipment.

Studio: Workroom or rooms for the creation of artistic works or for the instruction in any of the arts.

Substantial start (in shoreland areas): Completion of 30% 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 in which the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming pool: 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.

Telecommunications tower: Any mast, pole, monopole, lattice tower, or other structure designed to support one (1) or more antennas used to transmit, receive, distribute, provide, or offer wireless telecommunications services.

Tidal waters: All waters affected by tidal action during the maximum spring tide.

Tiny home: A living space up to 400 square feet, not including a trailer, semitrailer, camp trailer, recreational vehicle, or manufactured housing, permanently constructed on either: A) a foundation with living space excluding porches, garages, and other unheated space, or B) a frame or chassis; is designed for use as permanent living quarters; and that (i) complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire, and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane, fire, and life safety for recreational vehicles; (ii) does not exceed 400 square feet in size; (iii) does not exceed any dimension allowed for operation on a public way under this Title 29-A M.R.S.A; and (iv) is a vehicle without motive power.

Transportation facility: The storage and dispatch of vehicles, and vessels that move people and cargo, and the movement of people and cargo between modes of transportation.

Tributary stream: 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 20 feet) tall or taller.

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.

Vegetation: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4½ feet above ground level.

Vehicle fueling stations: Any premises where use is the retail supply, installation and/or dispensing of gasoline, and/or other motor fuels, lubricants, batteries, tires, and motor vehicle accessories. This use may include retail establishments (e.g., convenience stores). This use does not include stand-alone, alternative-fuel charging units for vehicles.

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.

Veterinary clinic: A place for the provision of medical care to animals.

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 roofs.

Water body: Any great pond, river, or stream.

Water crossing: Any project extending from one (1) 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.

Wholesale: Enterprises engaged in the processing and/or storage of goods, wares, or merchandise in a warehouse for distribution to other destinations. Retail sales or direct sales to consumers is allowed as an accessory use.

Wholesale businesses including retail and manufacturing: Wholesale, storage, and distribution of goods, wares, or merchandise. Manufacturing of products to be stored and distributed and/or retail sales are allowed as an accessory use.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Sec. 19-205 ZONES

A. 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. General zones

a) Residential A Zone
b) Residential AA Zone
c) Residential B Zone
d) Elderly Residential B-1 Zone
e) Rural Residential Zone 1 RR1 Zone
f) Rural Residential Zone 2 RR2 Zone
g) Transitional Business 1 TB1 Zone
h) Transitional Business 2 TB2 Zone
i) Transitional Business 3 TB3 Zone
j) Transitional Business 4 TB4 Zone
k) Resort RT Zone
l) Commercial C1 Zone
m) Commercial C2 Zone
n) Commercial C3 Zone
o) Plaza Commercial PC Zone
p) Downtown DT Zone
q) Neighborhood Commercial NC Zone
r) Business Park BP Zone
s) Industrial I Zone
t) Woodland & Wildlife G Zone
u) Waterfront Zones (1, 2, 3, 3A, 4, 5)

2. Shoreland zone

3. Overlay zones

a) Tillson Avenue Area Overlay Zone
b) Commercial Corridor Overlay Zone
c) Chickawaukie Overlay Zone

B. ZONING MAP:

1. **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.

2. **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.

3. **Record of zone boundaries:** The location and boundaries of the designated zones are as shown on the "Official Zoning Map" as adopted by the City Council pursuant to paragraph A above, and amendments thereof shall be recorded in the Minutes of the City Council as maintained by the City Clerk and the Official Zoning Map amended accordingly.

C. ZONE BOUNDARY LINES:

1. **Establishing 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 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.

2. **Uses on lots in multiple districts**: Where a zone boundary line divides a lot in a single or joint ownership of record at the time such line is adopted, the permitted and conditional uses for the less-restricted portion of such lot shall extend not more than 30 feet in the more restricted portion, provided that the major portion of the lot is located in, and the lot has at least 20 feet of frontage on a street in, the less-restricted zone. Such extended use shall be deemed to be conforming.

D. ZONE PURPOSE STATEMENTS

Zone purposes shall be as established per Table 205-1 below.

Table 205-1. Zone Purposes

ZONE PURPOSES	
ZONE DESIGNATION	**PURPOSES AND PERMITTED USES WITHIN ZONE(S)**
General Zones	
Residential A, AA	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.
Residential B	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.
Residential B-1	To protect and provide for affordable elderly housing development.
Rural Residential 1 **RR-1**	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.
Rural Residential 2 **RR-2**	To permit agriculture, animal husbandry, low-density residences, and other appropriate uses in the City's rural areas; to protect sensitive natural resources; and to preserve the rural character of this area. Only uses and development standards that are consistent with these purposes are permitted, in order to maintain the rural character of the area for current and future residents.
Transitional Business **TB-1**	To offer the opportunity for non-residential 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.
Transitional Business **TB-2**	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.
Transitional Business **TB-3**	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.
Transitional Business **TB-4**	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.

Table 205-1. Zone Purposes, *continued*

ZONE DESIGNATION	PURPOSES AND PERMITTED USES WITHIN ZONE(S)
General	
Resort **RT**	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.
Commercial 1 **C-1**	To accommodate general highway-oriented business uses on large parcels.
Commercial 2 **C-2**	To accommodate general business uses on smaller parcels that are increasingly pedestrian-oriented as the areas approach Downtown.
Commercial 3 **C-3**	To accommodate general highway-oriented business uses on large parcels.
Plaza Commercial PC	To accommodate commercial centers for highway-oriented businesses.
Downtown DT	To promote a compact, historic, commercial district to serve as the retail, office, institutional, financial, governmental, and cultural center of the community. This zone allows mixed uses that are compatible with existing uses and architectural scale.
Neighborhood Commercial **NC**	To provide for the day-to-day or convenience needs of adjoining residential neighborhoods. This zone is located adjacent to established or proposed residential areas. Therefore, districts should be fairly small with limited uses that serve the adjoining neighborhood(s).
Business Park **BP**	To promote the development of business parks which include a mix of light industrial, wholesale trade, distribution, and service uses that are designed, constructed, and maintained to be compatible in appearance and operation with professional offices and office complexes. Because of the diverse land-use mix, design standards are required to assure compatibility**.**
Industrial **I**	To permit a variety of industrial uses that are compatible with other residential and non-residential uses in neighboring areas of the City and to allow more than one principal use or structure on any lot in the Industrial Zone.
Woodland and Wildlife G	To preserve the unique area commonly known as the "Rockland Bog" in its wild and natural state, at the same time affording private landowners reasonable use of their environmentally-sensitive property and outdoor recreation enjoyment by the public on publicly-owned property.
Waterfront (WF)	
Waterfront 1 **WF-1**	Primarily a marine-dependent zone. Any use of this zone must have a direct or indirect need for proximity or access to the water.
Waterfront 2 **WF-2**	Primarily a commercial area with limited opportunities for multi-family uses as mixed-use developments.
Waterfront 3 **WF 3**	Primarily a commercial and maritime area.
Waterfront 3a **WF-3a**	Primarily a commercial/industrial and maritime use area.
Waterfront 4 **WF-4**	Primarily a commercial use area with limited opportunities for multi-family uses as mixed-use developments.
Waterfront 5 **WF-5**	Resource Protection (RP) area for the first 125 feet from the high-water mark. Where shoreline stabilization has been completed, the RP may be reduced to 90 feet from the high-water mark. To develop 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.

Table 205-1. Zone Purposes, *continued*

ZONE DESIGNATION	PURPOSES AND PERMITTED USES WITHIN ZONE(S)
Shoreland	
Shoreland Zone	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.
Overlays	
Tillson Avenue Overlay Zone	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.
Commercial Corridor Overlay Zone	To implement (on parcels abutting the City's major commercial corridors like Route 1 outside the Downtown) land-use principles intended to stem sprawl and encourage aesthetically pleasing, mixed-use development along said corridors. The City Council, in adopting the Commercial Corridor Overlay Zone, finds that enhanced streetscapes, achieved through investments in the public right-of-way and in-fill development on private property, will enhance the economic well-being of the community and the public health, welfare, and safety. Creating safe and accessible streetscapes will draw customers for businesses and occupants for multi-dwelling housing complexes, utilizing varied modes of transportation, and bringing renewed vitality and economic activity to under-utilized areas on the City's arterials outside the Downtown.
Chickawaukie Overlay Zone	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.

E. OVERLAY ZONES

1. Tillson Avenue Overlay Zone

a) 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:

1) Functionally-water-dependent uses

2) Museums, such as aquariums

3) Residential uses limited to a density of 60% of total building floor area(s). Residences shall not be permitted on the ground/street level floor. Floor area of parking for residential uses shall not be counted when determining residential density.

b) Use restrictions: In addition to any restrictions of use in the underlying zone, the following restrictions apply in the Tillson Avenue Area Overlay Zone:

1) Drive-through facilities are not allowed.

2) Retail businesses are limited to a maximum of 6,000 square feet of floor area on the first floor, except that grocery stores and retail sales relating to functionally-water-dependent uses are exempt from this size limitation.

3) Outdoor storage is allowed as an accessory use to functionally-water-dependent uses.

4) Hotels are limited to no more than 100 units/rooms 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.

c) Dimensional standards: Notwithstanding the dimensional standards of the underlying zone, the following standards in Table 205-2 apply:

Table 205-2. Dimensional Standards, Tillson Avenue Overlay Zone

TILLSON AVENUE OVERLAY ZONE	
STANDARD	**DIMENSIONAL DETAIL**
Maximum Building **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. Areas further than 75 feet, horizontal distance, from the normal high-water line: No Limit. Note: Publicly accessible courtyards at ground level shall not be included for purposes of building coverage calculations.
Maximum Front Setback (Principal Structures and Accessory Structures with building coverages of 150 sf. or more) Eff: 4-11-2012	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. However, functionally-water-dependent uses, maritime facilities, and marinas are exempt from a maximum front-setback requirement. Such Maximum Front Setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly accessible park, plaza or similar area, that is located closest to the principal façade of the proposed structure. To be eligible for such enhanced maximum front setbacks, the public access area must contain landscaping, and exclude parking.
Minimum Front Setback (Principal and Accessory Structures)	None
Minimum Side Setback (Principal and Accessory Structures)	12 feet

2. Commercial Corridor Overlay Zone

a) Compatibility with underlying zones: The requirements and standards set forth in this Commercial Corridor Overlay Zone shall prevail to the extent they conflict with the regulations for zones in which parcels subject to this Overlay Zone are located. Except as provided in this Commercial Corridor Overlay Zone, the regulations for the underlying zone applicable to particular parcels apply to said parcels. Additions to existing buildings are subject to the regulations of the underlying zone and not the Commercial Corridor Overlay Zone.

b) Standards: The following space and bulk standards in Table 205-3 shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone:

Table 205-3. Dimensional Standards, Commercial Corridor Overlay Zone

COMMERCIAL CORRIDOR OVERLAY ZONE	
STANDARD	**DIMENSIONAL DETAIL**
Maximum Building Coverage	85%
Maximum Lot Coverage	85%
Minimum Floor Area Ratio	None
Minimum Front Setback	None; provided, however, that in the event the public right-of-way upon which the parcel fronts cannot fully accommodate an esplanade and sidewalk between the proposed structure or addition and the outer edge of the existing paved roadway or—if the City Council has adopted a master plan for alterations to the right-of-way—the outer edge of the proposed alteration of the paved roadway, then any new structure or addition shall be set back the lesser of 10 feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.
Maximum Front Setback for Primary Structures	A. Single Primary Structure Developments: • Ten feet, except when additional footage is needed/used for outdoor seating, sidewalk, green space, public park or similar public amenity approved by the Planning Board. B. Multiple Primary Structure Developments: • Ten feet for at least one primary structure; • Other primary structures may be located between the setback-compliant structure and the rear property line. C. In the event a minimum front setback is imposed under these overlay standards, the maximum front setback shall be measured from the outer edge of the sidewalk and esplanade.
Minimum Landscaped Front Setback for Surface Parking Areas	40 feet
Minimum Side Setback	Ten feet, except where the parcel abuts a residential zone or a parcel on which the use is solely residential, in which instance the side setback of the underlying zone shall apply.
Minimum Principal Building Height	Two stories; allow one more story if a view or waterfront walkway can be preserved or created.

Table 205-3. Dimensional Standards, Commercial Corridor Overlay Zone, *continued*

Surface Parking Lots	Areas for surface parking may not be located between a building and a street, except to provide handicap parking.
Building Design	Primary and accessory structures shall employ varying setbacks, heights, roof treatments, doorways, window openings, and/or other structural or decorative elements to reduce apparent size and scale of the structures and to preserve views to the water wherever possible. A minimum of 20 % of the structures' facades that are visible from a public street shall employ actual projections or recesses with a depth of a least 6 feet. No uninterrupted façade shall extend more than 50 feet. Rear and side building facades shall be designed to complement the architectural treatment of the primary façade.

2. Chickawaukie Overlay Zone

a) 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*.

b) Requirements: 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. are subject to the following requirements:

1) 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.

2) No excavation, grading, or filling in excess of 500 square feet in area shall begin between November 1 and March 15.

3) 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 five (5) 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 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 erosion control standards of Sec. 19-208.R.4, is submitted and approved.

4) 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 90 pounds, or two (2) bales per 1,000 square feet. 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.

5) 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 15 of the year the land use begins. Permanent measures shall be in place no later than November 1 of the year the land use begins.

c) 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.

d) 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 19-208.R.4.

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, except:

(a) Gardens greater than 500 square feet in area: New household gardening activity in excess of 500 square feet. shall have an Erosion and Sediment

Control Plan as described in Sec. 2.a.; however, the Plan does 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 feet from the center of any drainageway.

(d) Performance guarantee provisions stated in this Ordinance apply.

Sec. 19-206 LAND USES

A. USE OF LAND OR STRUCTURES: The use of all land and structures shall be in accordance with the standards of this Section. It is the intent that, when in doubt, this Article should be interpreted to accommodate the goals of the City's Comprehensive Plan and other plans.

B. UNLISTED USES: No person shall erect, alter, or use any building, structure or land for any use except as allowed in the zone in which it is located; nor shall any person, except as otherwise provided in this Section, 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 Section, except in a zone where in such new use is permitted.

C. MULTIPLE USES: In non-residential zones (TB 1-4, NC, C 1-3, DT, PC, PB, I RT, WF 1-5), multiple principal uses are allowed provided all of the uses are either permitted or conditional uses in the district in which it is located.

D. CHANGE OF USE*:* Except in the case of conditional uses, or except as otherwise provided in Chapter 16 Article II, any person desiring to change the use of any land or structure provided no expansions to the structure are proposed, to another permitted 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.

E. LAND USE TABLES:

1. **Uses:** The permitted uses and conditional uses in each zoning district are indicated in Tables 206-1 through 206-4. A "P" in a cell of Tables 206-1 through 206-4 indicates that the use is permitted in that zoning district; a "C" in a cell of 206-1 through 206-4 indicates that the use is permitted only after the applicant obtains conditional use approval. Permitted and conditional uses are subject to compliance with the standards listed in the far right-hand column of that line of these tables, and approval under Chapter 16, Site Plan approval may be required.

Table 206-1. Residential Zones

RESIDENTIAL ZONE LAND USES P = Permitted C = Conditional						
Land Use	**A[1,2]**	**AA[1,2]**	**B**	**RR1[3]**	**RR2[3]**	**Standard**
Dwelling, single-family	P	P	P	P	P	
Dwelling, two-family	P		P	P	P	
Dwelling, multi-family			P	P		
Accessory dwelling unit	P	P	P	P	P	**Sec.19-206.G.1**
Bed and breakfast establishments	C		C	P	P	**Sec.19-206.G.2**
Home occupation level 1	P	P	P	P	P	**Sec.19-206.G.4**
Home occupation level 2	P		P	P	P	**Sec.19-206.G.5**
Home occupation level 3	C		C	P	C	**Sec.19-206.G.6**
Accessory uses to permitted uses	P	P	P	P	P	
Agricultural market			C[4]		C	
Agricultural products–animals			C	P	P	
Agricultural products–plants			C	P	P	
Automobile—body shops				C[5]		
Automobile—dealership existing						
Automobile—repair				C[5]		**Sec. 19-402.H.7**
Automobile—sales, small scale used				C[6]		**Sec.19-206.K**
Campground					C	
Cannabis, medical—manufacturing facility				C[7]		**Sec. 19-206.G.12**
Cannabis, adult use—manufacturing facility				C[7]		**Sec. 19-206.G.12**
Cemetery			C	C	C	
Community and civic structure			C	C	C	
Daycare businesses			C			
Daycare center			C	P		
Dwelling of historical/cultural significance	C	C	C	C	C	
Energy facility—distributed power storage			C	C[8]	C[8]	**Sec.19-206.G.8**
Energy facility—micro community renewable			C	C	C	
Equipment sales and service				C		
Essential services (non-shoreland areas)			C	P	C	
Essential services (shoreland areas)			C	P	C	
Flag lot	C	C	P	P	P	**Sec.19-206.G.3**
Former school at parcel 22-D-2	P					**Sec.19-206.G.10**
Former public school buildings	C					**Sec.19-206.G.10**
Fraternal and service organization				P		

[1] Farm animals such as fowl, mules, donkeys, sheep, goats, cattle, swine, or non-domesticated animals are not allowed; no breeding or other commercial purposes for dogs or rabbits are allowed.

[2] Domesticated chickens compliant with Chapter 3, Article 3 are permitted.

[3] Drive-up and drive-through windows are prohibited.

[4] Limited to parcels fronting on Old County Road and operated by the owner of the parcel or by a natural person whose primary residence is located on the parcel.

[5] No more than 12 vehicles or pieces of machinery may be kept at any one time; except that up to 20 vehicles or pieces of equipment may be kept if they are not visible from other properties. All vehicle and equipment storage areas must be screened from view.

[6] Up to 30 vehicles are allowed. One (1) additional vehicle is allowed for each 10,000 square feet of undeveloped lot size which exceeds the minimum lot size in this zone, and one (1) additional vehicle for each 10 feet of street frontage exceeding the minimum required street frontage in this zone.

[7] Facility may be no more than 750 square feet and may have no more than four (4) employees.

[8] The distributed power generation facility must be located on the same or adjacent lot to be served by the energy produced. None of the following fuels are allowed; uranium, enriched uranium, plutonium, or solid waste as defined by the Resource and Recovery Act as amended. Facilities with a capacity of less than 500kwh shall not require Planning Board approval.

Table 206-1. Residential Zones*, continued*

Land Use	A[1,2]	AA[1,2]	B	RR1[3]	RR2[3]	Standard
Funeral home	C			P		
Golf course	C[9]		P			
Lodging, permanent and temporary—independent			C			
Lodging, permanent and temporary—with services			C			
Mobile home park			P			**Sec.19-206.G.7**
Monument and stonework				P		
Nursery and greenhouse			C[10]	P	P	
Office				P		
Outdoor recreation				C		
Public access or open space			P	P	P	
Religious institution	C		P	P		
Residential care—assisted living facility			C[11]			
Residential care—private non-medical facility	C		C			
Riding stable			C	C	P	
School			C	P		
Services—health and medical				C		
Services—personal				P		
Services—social				P[12]		
Services—trades				P		
Small engine repair				P		
Telecommunication towers						**Sec.19-206.G.9**
Temporary structure			C	C	C	**Sec.19-206.G.11**
Veterinary clinic				P	P	
Wind turbine less than 110 kw			C	C	C	

[9] No building may be constructed. No artificial lighting or parking spaces may be constructed for the golf course use.
[10] Allowed only north or west of Old County Road; no greenhouse heating facilities may be located within 60 feet of the front lot line or 25 feet of any other lot line.
[11] Must be connected to public water and sewer.
[12] May be expanded up to 2,000 square feet in floor area, if social services building existed as of 5-14-1997.

Table 206-2. Transitional Business and Neighborhood Commercial Zones

TRANSITIONAL BUSINESS AND NEIGHBORHOOD COMMERCIAL ZONE LAND USES P = Permitted C = Conditional						
Land Use	**TB 1[1]**	**TB 2[1]**	**TB 3[1]**	**TB 4[1]**	**NC[1]**	**Standard**
Dwelling, single-family	P	P	P	P	P	
Dwelling, two-family	P	P	P	P	P	
Dwelling, multi-family	P	P	P	P	P	
Accessory dwelling unit	P	P	P	P	P	**Sec.19-206.G.1**
Bed and breakfast	P	P	P	P		**Sec.19-206.G.2**
Home occupation level 1	P	P	P	P	P	**Sec.19-206.G.4**
Home occupation level 2	P	P	P	P	P	**Sec.19-206.G.5**
Home occupation level 3	P	P	P	P	P	**Sec.19-206.G.6**
Accessory uses to permitted uses	P	P	P	P	P	
Art gallery	P	P	P	P		
Automobile—body shop existing as of 7-12-21	C					
Automobile—dealership existing		C				
Cemetery	C	C	C	C	C	
Community and civic structure	P	P	P	P	C	
Daycare center	P		P	P		
Energy facility—distributed power storage	C[2]	C[2]	C[2]	C[2]	C	**Sec. 19-206.G.8**
Energy facility—micro community renewable	C	C	C	C	C	
Essential services (non-shoreland areas)	P	C	C	C	C	
Essential services (shoreland areas)	P	P	C	C	C	
Funeral home	P	P	P	P		
Hotel			P	P		
Lodging, permanent and temporary—independent				P		
Lodging, permanent and temporary—with services				P		
Museum	P	P	P	P		
Neighborhood—amusement center					P[3]	
Nursery and greenhouse			P	P		
Office	P	P	P	P	P[6]	
Outdoor recreation			C			
Public access or open space	P	P	P	P		
Religious institution	P	P	P	P		
Residential care—assisted living facility	P	P	P	P		
Residential care—nursing home	P	P	P	P		
Residential care—private non-medical facility	P	P	P	P		

[1] Drive-up and drive-through windows are prohibited.

[2] In the TB 1-4 Districts, the distributed power storage facility must be located on the same or adjacent lot to be served by the energy produced. In all districts, none of the following fuels are allowed: uranium, enriched uranium, plutonium, or solid waste as defined by the Resource and Recovery Act as amended. Facilities with a capacity of less than 500kwh shall not require Planning Board approval.

[3] Limited to 1,000 square feet total floor area.

Table 206-2. Transitional Business and Neighborhood Commercial Zones, *continued*

Land Use	TB 1[1]	TB 2[1]	TB 3[1]	TB 4[1]	NC[1]	Standard
Restaurant	P[4]	P[4]	P	P	P[5]	
Retail business	P[6]			P	P[5]	
Riding stable	C	C	C	C	C	
School	P	P	P	P		
Services—health and medical	P	P	P	P		
Services—personal	P	P			P[6]	
Services—social	P	P				
Services—trades	P	P		P		
Telecommunication towers				C	C	**Sec.19-206.G.9**
Temporary structure	C	C	C	C	C	**Sec.19-206.G.11**
Wind turbine less than 110 kw	C	C	C	C	C	
Vehicle service station					P[6]	

[4] Limited to a maximum of 1,500 square feet of all space for restaurant use and hours of 7a.m-10 p.m.; drive-up, drive-through windows, and live, amplified music are prohibited.
[5] Limited to a maximum of 2,800 square feet of building footprint.
[6] Limited to a maximum of 1,200 square feet of all space for retail use.

Table 206-3. Commercial and Industrial Zones

COMMERCIAL AND INDUSTRIAL ZONE LAND USES P = Permitted C = Conditional									
Land Use	**RT[1]**	**C1**	**C2**	**C3**	**PC**	**DT**	**BP**	**I[2]**	**Standard**
Dwelling, single-family	P					P[3]			
Dwelling, two-family		P	P[4]	P		P[3]			
Dwelling, multi-family		P[5]	P[4,5]	P[5]		P[3]			
Accessory dwelling unit	P					P			**Sec.19.206.G.1**
Accessory uses to permitted uses	P	P	P	P	P	P	P	P	
Home occupation level 1	P	P	P	P		P			**Sec.19-206.G.4**
Home occupation level 2	P	P	P	P		P			**Sec.19-206.G.5**
Home occupation level 3	P	P	P	P		P			**Sec.19-206.G.6**
Bed and breakfast establishments						P			**Sec.19-206.G.2**
Adult amusement store		C			C				
Art gallery						P			
Athletic fields							P		
Automobile—body shops								P	
Automobile—dealership existing		P	P	P					
Automobile—repair		C	C	P					
Banks								P	
Bar		P	P	P		P			
Boat storage		C[6]		P			P	P	
Cannabis, adult use—cultivation facility		C	C	C				C	**Sec. 19-206.G.12**
Cannabis, adult use—products manufacturing		C	C	C				C	**Sec. 19-206.G.12**
Cannabis, adult use—store		C	C	C		C		C[7]	**Sec. 19-206.G.12**
Cannabis, adult use—testing facility		C	C	C				C	**Sec. 19-206.G.12**
Cannabis, medical—caregiver retail store		C	C	C		C		C	**Sec. 19-206.G.12**
Cannabis, medical—cultivation facility		C	C	C				C	**Sec. 19-206.G.12**
Cannabis, medical—manufacturing facility		C	C	C				C	**Sec. 19-206.G.12**
Cannabis, medical—registered dispensary		C	C	C					**Sec. 19-206.G.12**
Cannabis, medical—testing facility		C	C	C				C	**Sec. 19-206.G.12**
Car wash		C	C		P				
Cemetery	C	C	C	C	C	C	P[8]	C	
Community and civic structure	C	P	P	P	C	P	P	P	
Daycare center		P	P	P		P			
Distribution facility							P	P	
Energy facility—community-based renewable								C	
Energy facility—distributed power storage	C	C	C	C	C	C	C	C	

[1] No drive-up or drive-through windows are allowed.
[2] More than one (1) principal use or structure is allowed on any lot.
[3] On the street level, dwelling units may not exceed 25% of that level on the following streets: Limerock, School, Museum, Orient, Oak, Park, Pleasant, Winter, Tillson, Lindsey, Kimball, Park and Main; and Union except between Oak and Elm streets and between Tax Map 4D-14 and Lindsay Street.
[4] Residential uses as of 7-2-18 may be rebuilt and expanded if in compliance with the minimum lot area per dwelling unit of the zone.
[5] On the street level, no more that 25% of the street level shall be dwelling units.
[6] Only allowed on parcels fronting on New County Road.
[7] Must be co-located with another adult-use cannabis facility as permitted by state law.
[8] Must be in existence as of 12-10-18.

Table 206-3. Commercial and Industrial Zones, *continued*

Land Use	RT[1]	C1	C2	C3	PC	DT	BP	I[1]	Standard
Energy facility—grid scale power generation								C[9]	Sec.19-206.G.8
Energy facility—micro community renewable	C	C	C	C	C	C	C	C	
Essential services (in non-shoreland areas)	C	P	P	P	C	P	P	P	
Essential services (in shoreland areas)	C	P	P	P	C	P	P	P	
Flag lot				C					Sec.19-206.G.3
Funeral home		P	P	P					
Golf course	P								
Hotel	P					P			
Light assembly						P			
Light industrial		P[10]	P	P			P	P	
Lodging, perm and temp—independent		P	P	P	P	P[3]			
Lodging, perm and temp—with services		P	P	P	P	P[3]			
Museum						P			
Office		P	P	P	P	P	P	P	
Outdoor recreation		C	C						
Outdoor sales or display		P[11]	P[11]	P[11]					
Outdoor storage		P[11]	P[11]	P[11]					
Parking facility		P	P	P		P			
Pre-engineered tensile membrane structure		C	C	C				C	
Processing		P	P	P				P	
Public access or open space	P					P			
Recreation/entertainment facility—indoor		P	P	P	P	P	P		
Religious institution		P	P	P		P			
Research and development						P	P	P	
Restaurant	P[12,13]				P		P[12]	P[13]	
Retail accessory to permitted use							P	P	
Retail business		P	P	P	P	P			
Riding stable	C	C	C	C	C	C	C	C	
School		P	P	P		P			
Services—construction				P[14]			P[8]	P	
Services—health and medical		P	P	P	P	P			
Services—personal		P	P	P	P	P	P	C[15]	
Services—social		P	P	P	P	P			
Services—trades		P	P	P		P			
Storage facility—compartmentalized[16]				P			P	P	

[9] Energy producing fuels may not include uranium, enriched uranium, plutonium, or solid waste as defined by the Resource Recovery Act, 42 U.S.C.§6903), construction and demolition debris, or treated or engineered wood products, and having a setback of at least 200 feet from any property line shared with a lot on which a residential or mixed-use structure is located.

[10] Only allowed on portions of the zone along Route 1, Payne Avenue, and Park Street, and on lots adjacent to an existing railroad right-of-way.

[11] Only allowed as an accessory use to a permitted use.

[12] Only as an accessory use to a permitted use, no drive-up or drive-through window allowed.

[13] Take-out allowed provided no drive-up or drive-through windows.

[14] No processing of raw materials or outdoor stockpiling of products except those for retail sales.

[15] Use may occupy up to 40% of the total area of the structure.

[16] No cubicles shall be greater than 4,000 square feet.

Storage facility—warehouse and storage		C					P	P	

Table 206-3. Commercial and Industrial Zones, *continued*

Land Use	RT[1]	C1	C2	C3	PC	DT	BP	I2	Standard
Studio						P			
Telecommunication towers	C	C	C	C	C	C	C	C	**Sec.19-206.G.9**
Temporary structure	C	C	C	C	C	C	C	C	**Sec.19-206.G.11**
Transportation facility							P	P	
Vehicle fueling stations				P	P				
Wholesale business including retail, manufacturing		P	P	P	P	P	P	P	
Wind turbine less than 110 kw	C	C	C	C	C	C	C	C	

Table 206-4. Waterfront Zones

WATERFRONT ZONE LAND USES P = Permitted							
Land Use	**WF 1**	**WF 2**	**WF 3**	**WF 3a**	**WF 4**	**WF 5**	**Standard**
Accessory uses to permitted uses	P	P	P	P	P		
Aquaculture			P	P		P	
Automobile—dealership existing				P			
Bar				P			
Boat launching facility		P					
Cannabis, adult use—cultivation facility				P			**Sec. 19-206.G.12**
Cannabis, adult use—products manufacturing facility				P			**Sec. 19-206.G.12**
Cannabis, adult use—store				P			**Sec. 19-206.G.12**
Cannabis, adult use—testing facility				P			**Sec. 19-206.G.12**
Cannabis, medical—caregiver retail store				P			**Sec. 19-206.G.12**
Cannabis, medical—cultivation facility				P			**Sec. 19-206.G.12**
Cannabis, medical—manufacturing facility				P			**Sec. 19-206.G.12**
Cannabis, medical—testing facility				P			**Sec. 19-206.G.12**
Cemetery	C	C	C	C	C	C	
Community and civic structure	C	C	C	P	C	C	
Commercial fishing	P	P			P		
Daycare business				P			
Energy facility—distributed power storage	C	C	C	C	C	C	
Energy facility—micro community renewable	C	C	C	C	C	C	
Essential services	C	P	P	P	P	P	
Essential services (shoreland areas)	C	P	P	P	P	P	
Functionally-water-dependent uses	P	P	P	P	P		
Funeral home				P			
Golf courses				P			
Hotels		P	P	P	P		
Light assembly				p			
Light industrial			P	P			
Lodging, permanent and temporary—independent				P			
Lodging, permanent and temporary—with services				P			
Marina	P	P	P	P	P		
Marine educational institutions	P						
Maritime facility		P	P	P			
Mixed-use development—marine		P			P		
Museum				P			
Office		P		p	P		
Outdoor recreation						P[1]	
Outdoor sales or display				P[2]			
Outdoor storage				P[2]			
Parking facility				P			
Piers, docks, wharves, bridges	P	P	P	P	P		
Piers, docks, wharves, bridges—temporary only						P	
Processing				P			

[1] Only minimal structures are allowed.
[2] Allowed as an accessory use to a permitted use.

Land Use	WF 1	WF 2	WF 3	WF 3a	WF 4	WF 5	Standard
Public access or open space	P	P		P	P		
Recreation/entertainment facility—indoor				P			
Religious institutions				P			
Research and development			P	p			
Restaurants	P	P	P	P	P		
Retail businesses		P		P	P		
Riding stables	C	C	C	C	C	C	
School				P			
Services—health and medical				P			
Services—personal				P			
Services—social				P			
Services—trades				P	P		
Shoreline stabilization						P[3]	
Small engine repair				P			
Stonework				P			
Storage facility—warehouse and storage				P			
Studio				P			
Telecommunication towers							Sec.19-206.G.9
Temporary structures	C	C	C	C	C	C	Sec.19-206.G.11
Transportation facility				P			
Veterinary clinic				P			
Wholesale business, including retail and manufacturing				P			
Wind turbine less than 110 kw	C	C	C	C	C	C	

F. WOODLAND AND WILDLIFE ZONE "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.

1. Permitted uses:

a) Planting, pruning and harvesting forest trees.

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

c) Protection of vegetation, wildlife, water bodies, and wetlands:

1) On lots owned by the City of Rockland, vegetation shall not be substantially disturbed, and the land shall be managed to preserve wildlife habitats.

2) Privately-owned lots in this zone (or their agents) may prune or harvest mature trees for logs, pulp, or other commercial uses.

3) Water bodies, wetlands, and fish and wildlife shall be regulated in accordance with the laws and regulations of the State of Maine.

4) Dredging, draining, or filling of a freshwater wetland, or erecting or causing to be erected any permanent structure in, on, or over any freshwater wetland is

[3] Shoreline stabilization projects must be professionally engineered. If public walkways are proposed, they are subject to Planning Board review and approval. If a walkway is created on private property, a permanent public easement is required.

prohibited without a permit from the Planning Board. Freshwater wetlands shall mean wet meadows; marshes; swamps; bogs; or areas where ground water, flowing, or standing surface water or ice provides a significant part of the supporting substrate for a plant community of freshwater wetland vegetation either seasonally or permanently. A freshwater wetland can be contiguous with or isolated from great ponds, streams, rivers, and brooks. Wetland plants are those listed in the Army Corps of Engineers, National Wetland Plant List, May 2012, as amended from time to time.

2. **Prohibited**

   a) Construction of roads other than simple logging roads.

   b) Construction of dwellings or farm buildings, industrial or commercial buildings.

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

   d) Raising any domestic animals or poultry.

3. **Planning Board Review:** The Planning 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:

   a) Will not unreasonably interfere with existing aesthetic, recreational, navigational, or scenic uses;

   b) Will not unreasonably obstruct the natural flow of surface or sub-surface waters across or from the alteration area;

   c) 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;

   d) 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;

   e) Will not unreasonably damage spawning grounds or habitat for aquatic life, birds, or other wildlife;

   f) Will not lower the quality of any water; and

   g) 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.

G. LAND USE STANDARDS: The following standards shall apply to the following uses as indicated

in Tables 206-1 through 206-4, whether permitted or conditional.

1. **Accessory dwelling unit:** The accessory dwelling unit will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:
   a) The principal dwelling unit and the accessory dwelling unit shall remain under common ownership and one (1) of the units shall be owner-occupied at all times.
   b) The accessory dwelling unit shall not alter the basic character of the principal dwelling unit as a single-family dwelling.
   c) 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 cannot exceed 800 square feet or two-thirds of the floor area of the principal dwelling unit, whichever is greater.
   d) The accessory dwelling unit shall comply with all applicable codes and ordinances, including building and energy standards that apply to the principal dwelling unit.
2. **Bed and Breakfast establishments:** The bed and breakfast establishment will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:
   a) The property containing the bed and breakfast establishment shall also be the full-time, permanent residence of its owner during periods of operation.
   b) There shall be no provisions for cooking in any individual guest room.
   c) The maximum guest occupancy shall be 16 persons per night.
   d) No food or drink of any kind shall be sold to the general public.
   e) Bed and Breakfast establishments in a residential zones A, AA, B, RR-1, and RR-2 shall have no more than eight (8) rooms that may be rented unless the property has multiple buildings existing prior to 4-10-2002. In that case, additional rooms may be rented in the additional building or buildings up to a total of 12 rooms on the property. The additional rooms must be wholly within the building existing as of 4-10-2002. 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.
3. **Flag lots:** A flag lot will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria and any conditions imposed by the Planning Board:
   a) The narrow-access portion (the portion of the lot used for ingress and egress) 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.

b) The minimum lot area of the flag lot shall be the minimum lot size for the district in which the flag lot is located; the area of the access portion of the flag lot shall not be included in the calculation of the minimum lot area

c) Flag lots used for commercial uses, are allowed only one (1) commercial use or occupant per flag lot. Where the access portion of flag lots for commercial uses are adjacent to a residentially used parcel or a residential zone (A, AA, B, RR-1, RR-2) landscaping shall be installed to provide a buffer. The narrow-access portion of the flag lot shall also provide access to the adjacent parcel behind which the flag lot is primarily located (the "front lot"). The access shall be either through common ownership or deeded right of way, provided such front lot shall not have other access to or from the street.

d) Flag lots used for residential purposes (single-family or two-family as allowed by district), shall use the front setback requirement for the district in which the parcel is located, unless the required 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 (3).

e) Accessory structures to residential uses on flag lots, must meet the following standards:

    1) No more than two (2) accessory structures are allowed;

    2) The combined floor area for all accessory structures shall not exceed 700 square feet;

    3) The maximum height shall not exceed 18 feet; and

    4) The minimum setback shall be 5 feet.

f) In the AA District, only a single-family detached dwelling shall be allowed on the flag lot.

g) In the A, B, RR-1, and C3 Districts, single-family or two-family dwellings are allowed provided all other space and bulk standards can be met.

h) In the C3 District, flag lots with frontage on Farwell Drive shall be accessed by a driveway serving other commercial or mixed uses, to minimize the number of curb cuts.

i) In the C3 District, single-family dwellings on flag lots shall have a fire suppression system in conformance with the Life Safety Code.

j) The person proposing the flag lot may submit a name for the access road for City review. In order to avoid confusion; the name of the access road shall not be similar to the name of other streets or locations in the City. The City reserves the right to designate any name for the road, and to name and number it in accordance with

E-911 standards. The Department of Public Services shall install the sign. The owner of the flag lot shall be responsible for the cost of the sign and post.

k) The access portion of the lot shall be:

1) For residential uses—minimum of 30 feet and a maximum of 50 feet in width

2) For commercial uses—minimum 50 feet in width.

3) No structures may be built in the access portion.

l) The access road of flag lots must contain a minimum depth of 15 inches of bank-run gravel, and must have drainage, ditches, and culverts at all appropriate points.

m) All necessary utilities, access roads, and necessary slopes and drainage shall be contained within the access portion of the lot.

n) The access road constructed on the right-of-way must be a minimum width of 12 feet for residential uses and a minimum width of 18 feet for all other uses.

o) All flag lots for residential uses must provide a turn-around for public safety vehicles near the home.

p) Residential uses on flag lots that are longer than 100 feet must have a fire-suppression system in conformance with the Life Safety Code. If the residential use does not have a fire-suppression system, then a bump out on the driveway that is at least 15 feet wide and 20 feet long shall be provided for every 150 feet of access road.

q) Permit review process: The plan for the access road must be approved by the Fire Chief or his/her designee with regard to the safe passage of firefighting and other emergency equipment over the access portion of the flag lot.

4. **Home Occupation Level 1:** Home Occupation Level 1 will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:

a) No employees outside the immediate family in residence are permitted.

b) No face-to-face sales or services conducted on the premises except for single-pupil instruction limited to 9 a.m. to 5 p.m. is permitted.

c) Deliveries shall be made by mail, UPS, or similar services.

d) Noise limitations contained in Sec. 19-302.6 pertaining to residential zones shall apply.

e) No signs are permitted.

5. **Home Occupation Level 2:** Home Occupation Level 2 will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:

a) One (1) on-site employee outside the immediate family in residence is permitted.

b) Hours of operation are limited to 9 a.m. to 5 p.m.

c) Deliveries shall be made by mail, UPS, or similar services.

d) Noise limitations contained in Sec. 19-302.6 pertaining to residential zones shall apply.

e) One (1) sign not exceeding 4 square feet in area is permitted.

f) The home occupation shall be limited to 20% of the combined floor area of the principal and accessory structures.

g) The home occupation shall be limited to three (3) parking spaces; all employee parking shall be provided on the site.

h) Lighting and fencing shall be residential in character.

i) No outdoor storage is permitted.

j) Clients may come to the home for face-to-face interaction; however, only incidental sales are permitted.

k) One (1) commercially registered vehicle related to the home occupation, with a gross vehicle weight rating or gross combination weight rating not exceeding 7,000 pounds shall be allowed on the site, including for example a van, minivan, SUV, pickup truck, small utility trailer, or the like.

6. **Home Occupation Level 3:** Home Occupation Level 3 will be approved only if the applicant has demonstrated that the proposed unit meets the following criteria:

a) Up to three (3) on-site employees outside the immediate family in residence are permitted.

b) Hours of operation are limited to 8 a.m. to 6 p.m.; for daycare homes, these hours of operation only apply to the outdoor hours of play.

c) Deliveries shall be made by mail, UPS, or similar services.

d) Noise limitations contained in Sec. 19-403.6 pertaining to residential zones shall apply.

e) One (1) sign not exceeding 4 square feet in area is permitted.

f) The home occupation shall be limited to 30% of the combined floor area of the principal and accessory structures.

g) The home occupation shall be limited to six (6) parking spaces; all employee parking shall be provided on the site.

h) Lighting and fencing shall be residential in character.

i) Outdoor storage is restricted to small areas that are screened so that the stored materials are not visible from other lots or roadways.

j) Clients may come to the home for face-to-face interaction; however, only incidental sales are permitted, except that there is no limitation on sales of items produced as part of the home occupation.

k) One (1) commercially registered vehicle related to the home occupation, with a gross vehicle weight rating or gross combination weight rating not exceeding 10,000 pounds, shall be allowed on-site, including for example a van, minivan, SUV, pickup truck, small utility trailer, or the like.

7. **Mobile home parks:** To assure a safe and healthful environment, mobile home parks shall be reviewed by the Rockland Planning Board under Site Plan Review Ordinance, Section 16-101 through 16-110 of this Ordinance. Mobile home parks shall further conform to the following requirements:

a) Applicability 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.

b) 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.

c) 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 32 feet and a pavement width of not less than 20 feet.

d) Service streets: The park shall be provided with service streets with well-drained, stabilized, or paved surfaces maintained in good repair and well lighted at night. The pavement width shall be not less than 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 26 feet; and where parking is permitted on both sides of the street, the total width of such street shall be not less than 32 feet.

e) Size of park: The park shall have an area of at least 10 acres.

f) Mobile home park lot: Each mobile home park lot shall contain a minimum area of 6,000 square feet and shall be not less than 60 feet wide and 100 feet long. The bounds of each lot shall be clearly marked, and the lot shall be well-surfaced or seeded to provide adequate drainage beneath and adjacent to any mobile home parked thereon. Each individual mobile home park lot 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.

g) 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.

h) 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 ensure that the garbage cans shall not overflow.

i) 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.

j) Placement of mobile homes: No mobile home shall be placed less than 10 feet from the side of any individual mobile home space, and there shall be not less than 35 feet between any two mobile homes. Nor shall a mobile home be placed less than 100 feet from any house located on any adjacent lot, nor less than 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.

k) Extension and alteration of mobile home parks: Existing mobile home parks may be extended or altered in conformance with the provisions of this Section.

l) 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 19-102. A variance shall not allow the establishment of a mobile home park in a zone in which a mobile home park is not a permitted or conditional use.

8. Energy facility—distributed power generation: Grid-scale power generation facility shall meet the following use standards:

a) No net increase of emissions: Facilities that will serve one or more existing commercial, industrial, institutional, municipal, and/or residential facilities shall demonstrate no net increase in the emissions of regulated air pollutants as compared with the annual emissions currently generated to provide electricity and thermal energy for the facility or facilities to be served by the grid-scale power generation facility or system, whether such electricity and thermal energy is currently generated on-site or purchased over the grid.

b) Reduction of emissions: Facilities serving one (1) or more new or substantially expanded commercial, industrial, institutional, municipal, and/or residential facilities shall demonstrate a net reduction of total point source emissions of regulated air pollutants by at least 10% of the air pollutants that would be emitted, including tractor trailer emissions generated within Rockland from the transport of fuel or feedstock to the facility and idling at the facility, to provide such facility with electricity from the grid and on-site thermal energy in the absence of the grid-scale power generation

facility. Such net emissions reduction shall be maintained so long as the facility remains in operation.

c) Grid-scale power generation facilities emissions: A net reduction of total point source emissions of regulated air pollutants shall be achieved. The excess thermal energy produced in the power generation process must be utilized to replace the thermal energy currently being produced at existing commercial, industrial, institutional, municipal, and/or residential facilities in Rockland. The total air emissions from the grid-scale power generation facility, including tractor trailer emissions generated within Rockland from the transport of fuel or feedstock to the facility and idling at the facility, must be 25% less than the total current permitted or modeled emissions for the facilities to which the grid-scale power generation facility would provide thermal energy. If this provision cannot be directly met by utilization of the excess thermal energy, the developer of the grid-scale power generation facility can meet this provision by funding energy efficiency upgrades at buildings and commercial facilities in Rockland that would provide sufficient additional reductions to meet this requirement. Emissions reductions under this provision must be contractual. Such net emissions reduction shall be maintained so long as the facility remains in operation.

d) Calculating emissions: For the purposes of measuring emissions for compliance with these use standards, emissions shall be calculated and modeled as the sum of all annual emissions for all regulated parameters currently emitted by existing sources as described above, compared with the sum of the annual emissions projected for the proposed power generation system or facility. Emissions calculations for power purchased over the grid shall be based on the current emissions profile for Standard Offer power, as approved by the Maine Public Utilities Commission and in effect at the time the application is found to be complete.

e) Regulated air emissions: Values for NOx. SOx, CO, CO2, and PM and any other air emissions parameters regulated in air emissions licenses for the existing facilities being offset, or of the proposed new power generation system or facility, shall be included in the analysis. The applicant shall submit data for three (3) years under existing conditions, and the municipal review authority may designate the reference year for permitting purposes. Where air emissions data are not available for existing systems either of two (2) methodologies may be used separately or in combination to model existing emissions. One option is to model emissions based on fuel consumption and characteristics (e.g., higher heating values [“HHV”], ash content, etc.) data acceptable to the Planning Board, assuming a system efficiency of not less than 80% for the existing system. The second option is to use EPA-accepted benchmark and reference values for the types of air emissions sources modeled. The applicant shall submit existing conditions and post-construction models to the local permitting authority.

f) Fugitive emissions: Gas piping safety grid scape power generation facility that is proposed to be fueled by natural gas, propane, or other gaseous fuel source, must demonstrate that the facility has made provisions for minimizing, to the greatest extent that is reasonably practicable, the risk that any structure, infrastructure, storage tank, equipment, or process at the facility will leak, emit, discharge, or otherwise allow to escape any natural gas, methane, propane, or other gaseous fuel into the air, whether internally or externally to the facility. Such facility shall comply with the following codes and standards in effect as of 4-11-2016, or as thereafter amended:

1) National Fire Protection Association ("NFPA") 54 (National Fuel Gas Code);
2) NFPA 52 (Vehicular Gaseous Fuel Systems Code);
3) NFPA 56 (Standard for Fire and Explosion Prevention);
4) NFPA 56PS (Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Piping Systems);
5) NFPA 85 (Boiler and Combustion Systems Hazards Code);
6) NFPA 86 (Standards for Ovens and Furnaces)
7) American National Standards Institute ("ANSI") Z223.1 (National Fuel Gas Code);
8) ANSI 380.1 (Guide for Gas Transmission and Distribution Piping Systems);
9) Advanced Systems Management Interface ("AMSE") B31.3 (Process Piping Standards);
10) ASME B31.8 (Gas Transmission and Distribution Piping Systems Code);
11) Title 32, Maine Revised Statutes ("M.R.S.") Ch. 130 (Propane and Natural Gas Act);
12) 32 M.R.S. Ch. 139 (Maine Fuel Board);
13) 02-658 Code of Maine Regulations (Maine Fuel Board Rules);
14) 35-A M.R.S. Ch. 45 (Natural Gas Pipeline Utilities); and
15) 35-A M.R.S. Ch. 47 (Gas Utilities).

g) Code enforcement inspections and revocation: The Code Enforcement Officer shall conduct periodic inspections after issuing a certificate of occupancy or otherwise require the facility's operator to demonstrate that the applicable air pollutants emissions limitation is achieved and maintained and may revoke said certificate of occupancy following notice and the operator's failure to cure and/or seek the imposition of penalties and other remedies available under applicable law. The facility's operator shall, within three (3) days, report to the Code Enforcement Officer

the occurrence of any air emissions license exceedance, and of any notice of violation issued regarding the operation of the Grid-Scale Power Generation Facility.

h) Water vapor: The Planning Board or other applicable permitting authority shall condition the site plan approval and/or building permit, as may be applicable, for the operation of any cooling tower or other mechanism utilized to cool water utilized in any power generation or other production facility by exposing such water to the ambient air or by another open cooling process that causes the emission of water vapor upon the applicant's demonstration that:

1) Water vapor emissions at property line
Such cooling process employs best-available control technologies to eliminate or reduce such water vapor emissions. Such technologies must, at a minimum, preclude the emission of water vapor and precipitation beyond the facility's boundary line in a manner or amount that constitutes a public or private nuisance;

2) Use of cooling towers
The cooling tower is equipped with efficient drift eliminators that achieve drift reduction to a maximum of 0.002% of the recirculated water volume for counterflow towers and 0.005% of the recirculated water flow for cross-flow towers. Such cooling tower shall have the following capabilities:

(a) Shall be equipped with conductivity probe(s) to automatically determine the blow-down frequency, and flow meter to measure and totalize flow;

(b) Shall contain a side-stream filtration system or other technologies to remove solids while minimizing tower water loss;

(c) Shall incorporate biological and pH control measures that automatically treat the tower water when the tower is in operation;

(d) Shall incorporate an inspection and maintenance program for the cooling process facility, including periodic disinfection of areas where pooling may occur; and

(e) Open-system cooling towers having a capacity of under 500 tons shall be set back at least 75 feet from the property line; cooling towers having a capacity of 500 or more tons shall be set back 200 feet from the property line.

i) Water quantity for facilities commissioned after 4-11-2016: New electric power generation facilities and new processes serving existing facilities requiring a new or amended permit from the City, which are permitted or commenced on or after 4-11-2016, shall comply with all of the following standards affecting the quantity of water consumed at such facility:

1) Water based heat transfer
Cooling, steam generation, and other processes or systems that utilize water for heat transfer in grid-scale power generation facilities, distributed power storage facilities, or community-based renewable energy projects shall be designed and engineered to recycle or reuse at least 80% of the water drawn from the water company, well, aquifer, or other potable water supply source serving the facility. No such minimum reuse or recycling requirement shall be imposed where the source water is processed municipal or other wastewater.

2) Water consumption limit
No single community-based renewable energy project, distributed power generation facility, or grid-scale power generation facility may draw or consume more than 250,000 gallons of unprocessed source water per day for make-up water for electrical power generation.

3) Maintaining flows for fire suppression during reduced water supply
To assure the maintenance of sufficient flows for fire suppression and other uses throughout the year, including during periods of drought or reduced water supply, the operator of a facility located in or adjacent to the Rockland Industrial Park shall either

(a) Have demonstrated to the satisfaction of the permitting authority that there will be no reduction in the available supply and flows for such other uses, or

(b) Have provided for sufficient on-site water storage to meet the facility's requirements without reducing the water supply available for such other uses.

4) Record of water usage, recycling and discharge requirements
Operators of such facilities shall monitor, measure, and record their water usage, recycling, and discharge levels and, at least monthly, report the same to the Code Enforcement Officer.

5) Water plume dispersion model
Applicant shall submit with its application a dispersion model of the anticipated water vapor plume.

j) Property line setbacks: Open-system cooling towers having a capacity of under 500 tons shall be set back at least 75 feet from the property line; cooling towers having a capacity of 500 or more tons shall be set back 200 feet from the property line.

k) Noise standards: Noise shall be measured utilizing the Octave Band Center Frequency of Measurement, as follows:

Octave Band Center Frequency of Measurement	Grid-Scale Power Generation Facilities	
Hz	Property Line	Residential Zone Line[1]
31.5	83 dBa	72 dBa
63	82 dBa	71 dBa
125	77 dBa	65 dBa
250	73 dBa	57 dBa
500	67 dBa	51 dBa
1000	61 dBa	45 dBa
2000	57 dBa	39 dBa
4000	53 dBa	34 dBa
8000	50 dBa	32 dBa
Single Number Equivalent	70 dBA	55 dBA

1. "Residential Zone Line" means the nearest point on the property line of the nearest parcel of land that is in a residential zone, in every direction.

l) Measuring noise: Sound pressure levels shall be measured on a sound level meter at all lot lines of the site, at a height of at least 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 10 decibels (dBs) for a single period, no longer than 15 minutes, in any given day.

m) Multiple zones: 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.

n) Enforcement: 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.

o) Compliance, inspection, and maintenance; required installation inspector: The facility's operator shall hire a professional engineer to inspect and approve the contractor's installation and ensure code compliance. Fuel gas supply systems shall be monitored with combustible gas monitors with remoting alarming back to the facility. The combustible gas monitors must be inspected and tested on a monthly basis as part of a preventive maintenance schedule and program.

p) Periodic city inspections: The Code Enforcement Officer and/or the Fire Chief or his/her designee shall conduct periodic inspections after issuing a certificate of occupancy or otherwise require the facility's operator to demonstrate that the applicable gas piping safety provisions are complied with; and may revoke said certificate of occupancy following notice and the operator's failure to cure and/or seek the imposition of penalties and other remedies available under applicable law.

The facility's operator shall, within three (3) days, report to the Code Enforcement Officer any release of fugitive emissions. Eff: 08-10-2016

q) Inspection and maintenance requirements: Developers or operators of grid-scale or distributed power generation facilities shall prepare, obtain City of Rockland approval of, and comply with an inspection and maintenance program for the facility. Each such program shall include, at minimum:

1) Annual inspections and documentation of needed and completed repairs.

2) A maintenance schedule, identifying elements requiring routine maintenance, the maintenance to be performed, and the frequency of such maintenance activities.

3) Noise testing prior to and at least annually after obtaining a Certificate of Occupancy for the facility, and upon request by the Code Enforcement Officer.

4) Annual submittal to the Code Enforcement Officer of proof of continued compliance with federal or state air emissions license(s) or permit(s) and annual submittal of a report of the continuance of any air emissions reductions required under Subsection 19-316(A)(2), when applicable.

5) Cooling tower and chemical tower treatment maintenance practices.

6) Annual pressure testing and inspections of natural gas or propane supply piping, in the presence of the Fire Chief or his/her designee.

7) Verification of the operation of the combustible gas monitoring system, if applicable.

8) Pressure-testing of all natural gas or propane supply piping downstream of the gas utility demarcation point to the facility. Pressure tests shall comply with NFPA 54 or 56, based on system pressure. The pressure test shall be witnessed by the local authority and signed off. The test report shall be submitted to the City within five (5) days of completing the test.

9) All other testing and inspections required under Chapter 19 or applicable law or regulation.

r) Compliance with state and federal licenses or permits and local regulations: The Planning Board or other applicable permitting authority shall condition the establishment of any new power generation facility that requires either a state or federal air emissions license or permit upon A) the applicant's receipt of such license(s) or permit(s), and B) the applicant's demonstration that the facility shall comply with the applicable emissions limitation. The facility operator shall strictly adhere to the above codes and standards pertaining to operations, maintenance, and testing on an annual basis. Such maintenance procedures, inspections, and testing shall be properly documented with formal procedures, test sheets with sign-

offs, and inspections by the local authority. The annual testing shall include the following tests at a minimum:

1) Verification of the operation of the combustible gas monitoring system; and

2) Pressure-testing of natural gas or propane supply piping downstream of the gas utility demarcation point to the facility. Pressure tests shall comply with NFPA 54 or 56, based on system pressure. The pressure test shall be witnessed by the local authority and signed off. The test report shall be submitted to the City within five (5) days of completing the test.

s) Enforcement authority: 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.

t) Non-compliance events: In the event of non-compliance with any required component of the inspection and maintenance program, the Code Enforcement Officer shall give notice of such default and, no sooner than 10 days following such notice, may revoke the operator's certificate of occupancy upon the operator's failure to cure said non-compliance and/or seek the imposition of penalties and other remedies available under applicable law.

9. Telecommunication towers: Telecommunication towers shall meet the following standards so as to encourage the use of existing structures as an alternative to new tower construction; encourage the joint use of towers; encourage the design and construction of towers and antennae which minimize adverse visual impacts; ensure compliance of all telecommunications facilities with current federal, state, and local regulations; facilitate the provision of wireless telecommunications services; and prevent harm to the health, welfare, and visual environment of Rockland and its citizens.

a) In addition to the submission requirements of Chapter 16 Site Plan Review, the following information must be submitted:

1) A visual impact analysis using photo simulations of the proposed tower as it would be seen from residential areas, public rights of way, and public parks and other sites as deemed appropriate by the Planning Department.

2) Any other materials required for a standard permit under this Section or any other ordinance of the City of Rockland.

3) Location of towers on or near historic structures, historic districts, and scenic corridors. Towers and antennae may be approved on or near historic structures

and districts and designated scenic corridors by special exception and only if so concealed as to be substantially invisible. The views of, and vistas from, such structures, districts, and corridors shall not be impaired or diminished by the placement of telecommunications towers and antennae.

b) Height

1) No new telecommunications tower shall exceed 100 feet in height. However, in the event of dense vegetation or other substantial obstacles to signal propagation, towers can extend to a height of no more than 20% above the average tree canopy height within 1,000 feet of the proposed tower.

2) Telecommunications facilities that simulate objects that typically occur in landscapes similar to the proposed location (except billboards, electrical transmission, or telecommunications towers) may exceed 100 feet in height if, based on the judgment of the City Planning Department, it would appear in context on the landscape, is aesthetically acceptable, and would be a preferable alternative to an undisguised tower.

3) Telecommunications facilities located atop or within existing buildings or structures may result in an overall increase in height of the structure of no more than 10% of the structure's height without the tower or the maximum height allowed in the zoning district in which the structure is located, whichever is less.

c) Co-location requirements:

1) Evidence of need for new tower
In all applications for construction of a new tower, the applicant must prove by substantial evidence that a *bona fide* need exists for the tower and that no reasonable combination of locations, techniques, or technologies will obviate the need. The applicant must further prove that it has made all reasonable efforts to procure antenna space on existing facilities and that the cost of co-location exceeds the cost of a new tower by at least 50%.

2) Documents needed
Prior to the issuance of a permit for a new tower, the applicant shall demonstrate commitment to joint use as follows.

(a) The applicant requesting the permit shall submit evidence to the city demonstrating that a genuine effort has been made to solicit additional users for the proposed new tower. Evidence of this shall include, at a minimum: copies of notices sent by registered mail, return receipt requested, to all other providers of cellular and wireless communications services within Knox County and adjacent counties, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a written response within 15 business days.

(b) The applicant shall sign an instrument, maintained by the city, agreeing to encourage and promote the joint use of telecommunications towers within the city and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.

(c) In order to encourage and facilitate co-location, existing signal towers located in any zone may be expanded if such expansion will house equipment that will be available for emergency responders. Tower expansions under this exception shall follow the same notification and review process as specified above. Any expansion may increase the height of the existing tower greater than 100 feet, but in no case shall the increase be more than 25 feet in height. All noise and lighting standards must be met for any such expansion.

d) Setbacks: No new tower shall be constructed without a setback from the tower's base of at least one-and-one-half times the tower height to a public or private road and at least two-and-one-half times the tower height to the nearest property line.

e) Equipment shelters: No equipment shed for a telecommunication tower shall exceed 750 square feet in area nor 12 feet in height. All such sheds shall be screened with vegetation or other aesthetically pleasing materials. Furthermore, all such sheds shall be secured with approved fencing and a locked gate.

f) Signs: No commercial messages nor any other signs beyond safety warnings and an identification sign of not greater than 6 square feet shall be placed on any tower or tower.

g) Electronic emissions and electromagnetic radiation: Prior to commencing regular operation of the tower, all tower owners and operators must submit a certificate of compliance with all current Federal Communications Commission regulations concerning electromagnetic radiation and other electronic emissions applicable to the tower. All tower operators and owners shall bring towers into compliance with any new federal, state, and local laws and regulations concerning electromagnetic radiation and other electronic emissions applicable to the tower in accordance with such regulations.

h) Prohibited locations: No new telecommunications tower shall be located in any residential zone or within 1,000 feet of any residential zone, TB1, TB2, or TB3 zones.

i) Removal of facilities: The owner of a tower shall establish a $10,000 cash security fund or provide the City with an irrevocable letter of credit in the same amount to secure the cost of removing an antenna, antenna array, or tower that has been abandoned. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the City of the transfer.

10. Former school buildings:

a) Former public school buildings in Residential A District: Discontinued for school use subject to the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II). These buildings are limited to the following uses:

1) Cultural and educational purposes which may include combined living/working space related to said cultural and educational purposes;

2) Housing; and/or

3) Elderly assisted living housing of no more than 30 units.

b) Parcel 22D2 on the Assessor's map: As long as the parcel is owned by the school system, the building may be used for any school purposes now enjoyed by the RSU #13 on the adjacent parcel. If the parcel is sold, conveyed, given, or otherwise disposed of or if the school system ceases to exist, then the parcel will revert back to the other permitted uses in the zone in which it is located.

11. Temporary structures: Temporary structures shall meet the following standards and time limitations:

a) Code conformance: Temporary structures are not required to conform with the Building Code, nor the design standards of the zone in which such a structure is located.

b) Residential use**:** Temporary structures are to be accessory and incidental to the residential use of the property and shall not be used for commercial purposes except for the storage or repair of a recreational or fishing vessel, or fishing equipment. All temporary structures are to be located on the same parcel as the principal structure.

c) Commercial or industrial use: Temporary structures are to be accessory and incidental to the commercial or industrial use of the property. All temporary structures are to be located on the same parcel the principal commercial or industrial use or on another parcel under the same ownership.

d) Time limitation: Temporary structures are allowed for one (1) year; at such time, the temporary structure shall be removed at the owner's expense. However, the Planning Board may extend the permit one (1) time and for no more than one (1) additional year. Applications for such temporary structure permits must be accompanied by a bond, bill of sale, or other instrument acceptable to the City Manager to guaranty the removal and disposal of the building.

12. Cannabis businesses

a) Purpose**:** The purpose of this article is to control cannabis businesses by controlling land uses consistent with state law and in a manner that prevents unintended consequences that could adversely impact the City of Rockland and its residents.

b) Review and notification process**:** Any proposal to establish a new or alter an existing cannabis business shall require approval of the Planning Board as a conditional use. The Planning Board and applicant shall follow the application and review process outlined in the Site Plan Review Ordinance (Chapter 16, Article II) and this Section. Notification of site walks and public hearings shall include all property owners within 300 linear feet, measured in a straight line from the property boundary of the proposed facility. Notification to property owners shall be mailed at least 10 days before the scheduled site walk and public hearing. In addition to other public notification requirements, the Code Office shall notify the Rockland Police Department and the Maine Department of Administrative and Financial Services prior to the public hearing on any application.

c) State authorization: Before submission of a conditional-use application, the applicant must demonstrate their authorization to cultivate, process, manufacture, test, and/or sell cannabis pursuant to state law. All applicants for an adult-use cannabis business must first obtain a conditional license by the State of Maine to operate the adult-use cannabis business, prior to submitting application.

d) Facilities prior to 10-1-2019: Medical cannabis production facilities that were operating with city approval prior to 10-1-2019 in their current location shall be treated as legally non-conforming uses if their location or use is not in conformance with this Ordinance. The owner or operator of a medical cannabis production facility may not cultivate, manufacture, test, or sell adult-use cannabis or sell, manufacture, or test medical cannabis without obtaining a Change of Use Permit for such activity in compliance with this Ordinance.

e) Limitation on the number of licenses issued: In accordance with Chapter 11, Section 222 of the Rockland City Code, no more than six (6) total cannabis business licenses for cannabis stores (either adult-use or caregiver retail) shall be issued and no more than three (3) cannabis store licenses shall be issued in each zoning district. Planning Board applications for cannabis stores shall be administered in accordance with the lottery system detailed in Section 11-222 of the City Code.

f) Exemptions: As an accessory use, cannabis home cultivation shall be allowed in any residence in every base zone and overlay zone, without any requirement for land use permitting.

g) Performance standards**:** In addition to other requirements of this Section and related provisions of other chapters within the City of Rockland Ordinances, the following shall apply to any application for a new or altered cannabis business:

1) Proximity to schools
No cannabis business shall be located within 500 feet of the property line of a preexisting public or private school, as measured from the property line of the proposed business.

2) Security
Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the City of Rockland Police Department and the Police Department finds the security measures are consistent with state requirements.

3) Outside appearance
No signs for cannabis businesses may involve advertising or marketing that has a high likelihood of reaching persons under 21 years of age or that is specifically designed to appeal particularly to persons under 21 years of age. The signs, marketing, or advertising is prohibited from making any health or physical benefit claims.

4) Odorous air contaminants
It shall be an unlawful nuisance for any person to cause or permit the emission of offensive odors from any source so as to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of property. Any proposed facility which may emit odoriferous substances must include detailed plans to mitigate such to the Planning Board before the approval is granted. 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 at the property line by the olfactory systems of the Odor Control Committee per the Rockland City Code, Chapter 10, Article III.

5) Waste management
All cannabis waste and/or residue from the cannabis business shall be disposed of in conformance with state law as well as this Section. Waste and/or residue shall not be placed in exterior refuse containers without first being made unusable and unrecognizable through grinding and incorporating it with non-consumable, solid wastes, such as paper, plastic, cardboard, food, grease, Bokashi or other compost activators, and/or soil, such that the resulting mixture is at least 50% non-cannabis waste. Composting, fermenting, and/or incineration on-site are allowed if undertaken in accordance with state and local regulations.

6) Extraction operations
   Cannabis extraction incorporating the use of butane is prohibited, except in the Industrial Zone.

7) Outdoor cultivation
   Outdoor cultivation of cannabis shall not be permitted, except cannabis home production of medical cannabis by a qualifying patient or cannabis for personal adult use by a person 21 years of age or older.

h) Cannabis business license: An annual license approved by the Rockland City Council in accordance with Chapter 11, Section 11-222 shall be required for all cannabis businesses.

Sec. 19-207 DIMENSIONAL STANDARDS

A. APPLICABILITY: Construction, alterations, and additions to structures and buildings are governed by this article, except when superseded by other applicable laws or ordinances.

B. RULES OF MEASUREMENT:

1. Lot dimensions:

a) Frontage—street: The continuous portion of a lot along one (1) public or private street. The street frontage standard does not apply to cul-de-sacs. In the case of cul-de-sacs, see Chapter 16 – Subdivision Ordinance, cul-de-sac frontage standards.

b) 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.

c) Lot area (non-shoreland area): The area of a lot enclosed within the boundary lines of a lot.

d) Lot area (in shoreland areas): 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 (2) lots.

2. Lot coverage and floor area:

a) Structure coverage: The horizontal area measured at the outside of the exterior walls of all principal and accessory structures on a lot including cantilevered portions of the building, projections, and porches, decks, steps greater than 25 square feet, and similar attached structures integral to the building and contributing to its mass, not including roof overhangs.

b) Lot coverage: The proportion of lot area that includes structure coverage and impervious built improvements on the ground surface such as paving, driveways, parking areas, and walkways.

c) Floor area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

3. Setback dimensions:

a) Setback (in non-shoreland zones): The minimum horizontal distance between the front, side, or rear lot line and the nearest point of the building, including decks or any covered projections thereof, of the lot. Setbacks shall not apply to fences, flagpoles, raised garden beds, and other similar structures.

b) Setback (in shoreland areas): 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.

c) 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 building on the lot measured from overhangs or other permanent protrusions. Steps that do not exceed 25 square feet are not subject to the front setback requirement.

NOTE: Accessible ramps are exempt from setback calculations.

d) Setback—front infill lot: The front setback of an infill lot may be between the front setback requirement for the district in which it is located and the front setbacks of the principal building on the abutting lots.

e) 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 building on the lot measured from overhangs or other permanent protrusions.

NOTE: Corner lots have no rear setback.

f) Setback—rear exception: The distance from the rear line of the lot, extending the full width of the lot to the nearest part of no more than two (2) accessory structures with a combined floor area of up to 700 square feet and a maximum height of 18 feet.

g) Setback—side**:** The distance from the side property line to the nearest part of any principal or accessory building 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.

4. Building height:

a) Height of structure (in non-shoreland areas): The "height" of a 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 standpipes, 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.

b) Height of structure (in shoreland areas): 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.

c) 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 12 months prior to the application for a building permit for the purposed construction, the original grade shall be the average grade of the land that existed

prior to the alteration which shall be calculated by taking the original grade elevations every 10 feet along the perimeter of the foundation or proposed foundation, beginning at the lowest point. The average of all these elevations shall be the average original grade from which the height of the structure is measured.

5. Other standards:

a) Minimum distance between curb cuts: The distance between curb cuts shall be measured from the centerline of one (1) curb cut to the centerline of the next closest curb cut.

b) Corner clearance: Residential and Transitional Zones (A, AA, B, B-1, RR1-2, and TB 1-4). 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. In 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.

C. DIMENSIONAL STANDARDS TABLES: Tables 207-1 through 207-4 below establish the dimensional standards for each zone. The abbreviations used in the tables should be interpreted as follows: sf-square feet, ft-feet, un-unit, and ac-acre.

Table 207-1. Residential Zones

RESIDENTIAL ZONES DIMENSIONAL STANDARDS						
Lot Size and Land Area	**A**	**AA**	**B**	**B-1[1]**	**RR1**	**RR2**
Minimum Lot Size						2 ac
Sewered lots (sf)	10,000	20,000	6,400	6,400	20,000	
Non-sewered lots (sf)	20,000	20,000	20,000	20,000	43,560	
Minimum Lot Area per Dwelling Unit (sf)—Two or more units						
Sewered lots (sf)			5,000	5,000	20,000	
Non-sewered lots (sf,) first unit			20,000	20,000		
Non-sewered lots (sf) (or each add'l unit after first, if applicable)			10,000	10,000	43,560	
Exclusively for senior and accessible, multi-family (sf/unit)				600[2]		
Residential renovation of existing structures[3]			N/A			
Setback Requirements						
Minimum Front (ft)	25	35	15	15		25
Sewered lots					35	
Non-sewered lots					50	
Front infill lot option	P	P	P			
Minimum Side (ft)						
Principal structure	8	10	5	5	25	25
Accessory structure	5	5	5	5	10	10
Commercial or mixed uses abutting a residential zone					40	40
Senior housing[4]				25		
Minimum Rear	25	25	20	20		20
Sewered lots					20	
Non-sewered lots					30	
Commercial or mixed uses abutting a residential zone					40	40
Senior housing[1]				25		
Rear exception (ft)	5	5	5		10	10
Structure and Lot Coverage						
Maximum Structure Coverage (%)	40	40	60	60		20
East of Old County Road (as applicable)					40	
West of Old County Road (as applicable)					20	
Maximum Lot Coverage (%)						40
East of Old County Road (as applicable)					60	
West of Old County Road (as applicable)					30	
Structure Requirements						
Maximum structure stories	2.5	2.5	2.5	5	2.5	2.5[5]
Maximum building height (ft)	35	35	35	55	35	35
Street Requirements						
Minimum street frontage (ft)	100	125	80	80	200	200
Minimum Distance between Curb Cuts						
Public street					200	200
Private road					100	100

[1] All standards of the "B" District shall be met, except that the dimensional standards for the "B-1" District of this table supersede those same standards listed in the "B" District.

[2] Each unit may have no more than two (2) natural persons.

[3] The minimum lot area per dwelling unit requirement does not apply in the "B" District for building renovations that create additional units within existing buildings provided no additions are required (except those needed to meet Life Safety Codes, such as exterior stairs) and that the maximum structure coverage and the parking requirement can be met on-site.

[4] Side and rear setback may be less than 25 ft; no building shall be erected closer than 50 ft from any existing building on an adjoining lot.

[5] This standard does not apply to barns, silos, sheds, or other structures used for agricultural purposes, and wind power generation towers accessory to on-site use.

Table 207-2. Transitional Business (TB) and Neighborhood Commercial (NC) Zones

TRADITIONAL BUSINESS AND NEIGHBORHOOD COMMERCIAL ZONES DIMENSIONAL STANDARDS					
Standard	**TB 1**	**TB 2[1]**	**TB 3[1,2]**	**TB 4**	**NC**
Lot Size and Land Area					
Minimum Lot Size					
Residential uses					10,000
Sewered lots (sf)	5,000	5,000	5,000	10,000	
Non-sewered lots (sf)	20,000	20,000	20,000	20,000	
Non-residential and mixed use			43,560	43,560	10,000
Sewered lots (sf)	10,000[3]	10,000[2]			
Non-sewered lots (sf)	20,000[2]	20,000[2]			
Lot Area per Dwelling Unit, Two or more units					1,200
Sewered lots (sf)	2,000	2,000	2,000	5,000	
Non-sewered lots (sf)	10,000	10,000	10,000	10,000	
Minimum Setback Requirements					
Front (ft)	10	30	30	30	25
Front—infill lot option	P	P	P	P	
Side (ft)	15	15	15	15	15
Rear (ft)	20	20			
Rear single-family			20	20	20
Rear other than single-family			30	30	
Rear exception (ft)	5	5	5	5	
Rear accessory if over 700 sf	20	20	20		
Rear and side setback requirements for commercial or mixed uses abutting a residential zone	30	20	75	75	
Structure and Lot Coverage					
Maximum structure coverage (%)	40	40	30	30	40
Maximum lot coverage (%)	60	60	60	60	80
Structure Requirements					
Maximum first floor area (sf))				140,000	
Maximum structure stories	2.5	2.5			2.5
Maximum building height (ft)	35	35	35	40	35
Street Requirements					
Minimum street frontage (ft)	80	80	150	150	100
Minimum distance between curb cuts, public streets	50	150	150	150	100

[1] Parcels with 150 feet or more of street frontage that are proposing new development subject to Site Plan Review shall provide a view to the water that is no less than 50 feet wide and is unobstructed by any structure(s).

[2] See Sec. 19-402.C.2.e Lighting, 19-402.H.2.f Buffering, and 19-402.M Slopes for additional standards to be met in this zone.

[3] Change of use of an existing structure with residential only uses to a mixed use, on an existing lot of record as of 3-11-2013, is exempt from the lot area standards of this table for mixed use.

Table 207-3. Commercial Zones

COMMERCIAL ZONES DIMENSIONAL STANDARDS								
Standard	**RT**	**C-1**	**C-2**	**C-3**	**PC**	**DT**	**BP**	**I**
Lot Size and Land Area								
Minimum Lot Size (sf)		30,000	21,780	43,560	87,120		43,560	43,560
Single-family (sf)	20,000							
All other uses (sf)	43,560							
Minimum Lot Area/Dwelling Unit (sf)		1,200	1,200					
Single-family (sf)	20,000							
All other uses (sf)	40,000							
Minimum Setback Requirements								
Front (ft)		50 (30)[1]	10	50	50 (30)[1]	0	30 (20)[1]	30 (20)[1]
Single-family	50							
All uses other than single-family (sf)	75[2]							
Front--infill lot option	P							
Ground mounted solar systems (ft)								30
Front—maximum (ft)[3]						5[4] (15)[5]		
Side (ft)		20	10	25	50 (6)[6]	12	20[1]	20[1]
Single-family (ft)	30							
All uses other than single-family (sf)	100					0		
Ground mounted solar systems (ft)								30
Parcels adjacent to the water (ft)								
Side setback						12		
Separation between buildings						15		
Rear (ft)		30	10	30	50		25 (20)[1]	25 (20)[1]
Single-family	25							
All uses other than single-family (sf)	75[2]							
Accessory structures	25							
Rear exception	15							
Side and rear setbacks for non-residential or mixed uses abutting a residential zone or use		30	30	40	75 (6)[6]		50	75
Ground mounted solar systems								30

[1] The setback in parentheses is allowed when the extent of the setback is landscaped and unpaved except for sidewalks and access drives. No off-street parking or outdoor storage are allowed in this setback. The Planning Board must approve the reduced setback. All other projects must use the larger setback requirement.

[2] All uses other than single-family must add the amount of the structure height to the stated minimum setback requirement.

[3] Maximum front setbacks shall be measured from the inside edge of any park, plaza, or other exterior portion of the lot that abuts the primary street and to which the lot owner has granted the City of Rockland a public access easement in a form acceptable to the City Attorney. The inside edge shall be that point of the longest line or, in the event of a round or oval space, the curve formed by the publicly accessible park, plaza, or similar area, which is located closest to the principal façade of the proposed structure. To be eligible for the enhanced maximum front setbacks, the public access area must contain landscaping, and exclude parking.

[4] Five-foot setback from the property line for no less than 40% of the building façade as measured linearly.

[5] The remainder of the building shall have a front setback requirement of 15 feet measured linearly.

[6] The setback in parentheses is applicable to non-residential uses which are also in the PC Zone.

Table 207-3. Commercial Zones, *continued*

Standard	RT	C-1	C-2	C-3	PC	DT	BP	I
Structure and Lot Coverage								
Maximum structure coverage	30%	40%	50%	20%			50%	50%
Maximum lot coverage	50%	80%	80%	60%	85%		60%	80%
Structure Requirements								
Maximum stories				2.5	2.5	5		
Maximum height	55	45	35	35	35	65	45	65
Street Requirements								
Minimum Street Frontage	150	200	100	200	300		200	200
Frontage on an internal private road							100	100
Minimum Distance between Curb Cuts	150[7]	175[8]	100					
Public street				200	300		200	200
Private road				100			100	
Landscaping Requirements								
Required unpaved landscaped area							20	20
Separation of Sensitive Uses								
Minimum distance between adult amusement stores and sensitive uses[9]		300		300	300			

[7] No commercial driveway shall be allowed to Samoset Road except for emergency ingress or egress.

[8] When possible, access shall be from side streets.

[9] No adult amusement store may be within 300 feet from any residence, inn, bed and breakfast establishment, lodging house, assisted living facility, school, daycare, religious institution, athletic field, public access or open space with a playground or recreation facility, business holding a liquor license, special amusement, or entertainment licensed. The separation distance is measured form the entrance of the adult amusement store and the closest point on the property line of the incompatible use.

Table 207-4. Waterfront Zones – (Subject to Additional Table Notes 207-4.1, below)

WATERFRONT ZONES DIMENSIONAL STANDARDS			
Standard	**WF1, 2, 3, 4, 5**	**WF3A**	**Additional standards**
a. Maximum height[1]	40 ft	65 ft	
b. Floor area ratio (FAR)	40%	40%	4a below
c. Density[6] – Residential and marine mixed-use developments	7,500sf/unit	7,500sf/unit	
d. Minimum separation between structures on lots in separate and distinct ownership	24 ft	24 ft	
e. Waterfront lot[2] minimum setback from high water mark:			4a below
i. Functionally-water-dependent uses	0	0	
ii. Marine mixed use and permanent and temporary lodging—independent	75 ft	75 ft	
iii. All non-residential uses except the uses described in e, i. and ii. above of this Subsection[3]	25 ft	25 ft	
f. Non-waterfront lots—Minimum setback			
i. Front	15 ft	15 ft	
ii. Side	12 ft	12 ft	
iii. Rear	15 ft	15 ft	
g. Width of required landscaping:			
i. Along the front and rear lot lines if that lot line is adjacent to a street	15 ft	15 ft	
ii. Between a building and a side property line for non-waterfront lots	**12 ft**	**12 ft**	

Additional Table Notes 207-4.1 Waterfront Zones—Incentives and Standards

A. Floor area ratio incentives: The Planning Board shall grant an increase in the maximum FAR from 0.40 up to 1.0 in 0.20 intervals, or decreases in waterfront setbacks at 10% intervals in return for one (1) or more of the following:

1. Construction and maintenance of a 12-foot-wide public walkway along the water;

[1] Exception for structures existing as of 12-14-2005 which are converted to a mixed-use development: Such buildings 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.

[2] In determining "waterfront" for setback requirements, for a peninsula or a property with two (2) or three (3) "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 waterfront 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.

[3] The 25-ft setback applies to 80% of their water frontage, the remaining 20% of the waterfrontage may have a one-story building (no higher than 14 ft) which may be built within the 25-ft setback, even up to the high water mark.

2. 50-foot-wide spaces between buildings at least every 150 feet to afford views of the waterfront from the street.

3. 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.

4. Developing and maintaining public green space on 10% of a site shall yield an increase of 50% in the maximum floor area ratio, or a 10% reduction in the waterfront lot setback.

5. The waterfront lot setbacks 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/she may choose to take an additional 10% of the waterfront linear coverage OR an additional 25% increase in the FAR, BUT NOT BOTH.

6. No parking is allowed in the setback along the waterfront. A 12-foot-wide driveway for access is allowed in the waterfront setback.

B. Decreasing waterfront lot setbacks additional standards: Direct public access may 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. Erosion and sediment control: Filling, grading, lagooning, dredging, earthmoving 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.

D. 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.

E. Piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in length, and uses projecting into waterbodies: In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following:

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 developed 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 execute the activity and to be consistent with existing conditions, use, and character of the area.

F. **Roads and streets:** Construction of roads and streets shall conform to applicable requirements of Chapter 16.

G. **Sanitary standards:** Sanitary standards shall conform to applicable requirements of Chapter 14, Articles IV and V.

H. **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, 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 Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth of refusal.

Sec. 19-208 SHORELAND ZONING

A. 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.

B. 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.).

C. 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, the upland edge of a coastal wetland, including all areas affected by tidal action, the upland edge of a freshwater wetland, and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

1. **General development:** 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.

2. **Structures extending below normal high water and within wetlands**: 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.

D. EFFECTIVE DATE: This Ordinance, which was adopted by the City Council on 6-8-2009, 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 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 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.

E. 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:

1. **Section O, Table 208-1, Land Uses, Column 3** (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting); and Column 27 (Land management roads); and Eff: 07-10-2019
2. **Section 15 (O)** in its entirety; and
3. **Section 17:** Definitions, the definitions of "forest management activities," "residual basal area," "skid trail or skid road," and "slash".

F. 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.

G. 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.

H. 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.

I. 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 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 45-day period shall be governed by the terms of the amendment if such amendment is approved by the Commissioner.

J. DISTRICTS AND ZONING MAP:

1. **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:

   a) <u>Resource Protection</u>

   b) <u>Limited Residential</u>

   c) <u>Limited Commercial</u>

   d) <u>General Development</u>

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

   e) <u>Stream Protection</u>

2. **Scale of map**: The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

3. **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.

4. **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 30 days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

K. 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.

L. 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.

M. NON-CONFORMANCE:

1. **Purpose:** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section M. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

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, 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 19-204 for the definitions of non-conforming structures, non-conforming uses, and non-conforming lots.

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 if such addition or

expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs below.

1) After 1-1-1989, 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 M.5.b 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 1-1-1989 had been expanded by 30% in floor area and volume since that date.

2) 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 M.5.b Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section M.3.a above, and the foundation does not cause the structure to be elevated by more than 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.

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 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:

1) Trees removed in order to relocate a structure must be replanted with at least one (1) native tree, 3 feet in height, for every tree removed. If more than five (5) trees are planted, no single 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, which 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.

2) 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.

c) 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, 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 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 M.3.b.1-2 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 M.3.b.1-2 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 12.C.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 (1) year of such damage, destruction, or removal.

d) 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.

4. Non-conforming uses:

a) 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 M3.a above.

b) Resumption prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) 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- (1-) 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.

c) 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 M.3.d above.

5. Non-conforming lots:

a) 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.

b) Contiguous built lots: If two (2) 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 (2) 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.

c) Contiguous lots: vacant or partially built: If two (2) 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 (1) 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 two (2) or more contiguous lots, at least one (1) of which is non-conforming, owned by the same person or persons on 5-11-1994, 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

1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

2) Any lots that do not meet the frontage and lot size requirements of Section M.5.c.1 above 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.

N. ESTABLISHMENT OF DISTRICTS:

1. 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.

a) 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 5-1-2006. 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: A) habitat for species appearing on the official state or federal lists of endangered or threatened species; B) high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; C) high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; D) critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and E) shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

b) 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.

c) Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.

d) 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.

e) Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

2. **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.

3. **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 (2) or more contiguous acres in size devoted to a mix of residential and low-intensity business and commercial uses. Industrial uses are prohibited.

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

5. **Stream Protection District**: The Stream Protection District includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, or river, or within 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 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.

O. LAND USES: All land use activities, as indicated in Table 208-1, 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.

Table 208-1. Land Uses in the Shoreland Zone

Key to Table 208-1
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 in Table 208-1
GD: General Development
LC: Limited Commercial
LR: Limited Residential
RP: Resource Protection
SP: Stream Protection

The following additional note is applicable to Table 208-1, below

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.

Table 208.1. Land Uses in Shoreland Areas

LAND USE STANDARDS IN THE SHORELAND ZONE				
Type of Use	District			
	SP	RP	LR	LC
1. Non-intensive recreational uses not requiring structures, e.g., fishing, hiking	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	Yes	Yes
4. Fire prevention activities	Yes	Yes	Yes	Yes
5. Wildlife management practices	Yes	Yes	Yes	Yes
6. Soil and water conservation practices	Yes	Yes	Yes	Yes
7. Mineral exploration	No	Yes[2]	Yes[2]	Yes[2]
8. Mineral extraction including sand and gravel extraction	No	PB[2]	PB	PB
9. Surveying and resource analysis	Yes	Yes	Yes	Yes
10. Emergency operations	Yes	Yes	Yes	Yes
11. Agriculture	Yes	PB	Yes	Yes
12. Aquaculture	PB	PB	PB	Yes
13. Principal structures and uses				
a. Single-family and two-family residential, including driveways	PB[1]	PB[9]	CEO	CEO
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	PB[4]	PB	CEO	CEO
14. Structures accessory to allowed uses	PB[4]	PB	CEO	CEO
15. 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
16. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI
17. Home occupations	PB	PB	PB	CEO
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI
19. Essential services	PB[6]	PB[6]	PB	PB
a. Roadside distribution lines (34.5kV and lower)	CEO[6]	CEO[6]	Yes[12]	Yes[12]
b. Non-roadside or cross-country distribution lines involving 10 poles or fewer in the shoreland zone	PB[6]	PB[6]	CEO	CEO
c. Non-roadside or cross-country distribution lines involving 11 poles or more in the shoreland zone	PB[6]	PB[6]	PB	PB
d. Other essential services	PB[6]	PB[6]	PB	PB
20. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
21. Public and private rec areas involving minimal structural development	PB	PB	PB	CEO
22. Individual, private campsites	CEO	CEO	CEO	CEO
23. Campgrounds	No	No[7]	PB	PB
24. Road construction	PB	No[8]	PB	PB
25. Parking facilities	No	No[7]	PB	PB
26. Marinas	PB	No	PB	PB
27. Filling and earth moving of <10 cubic yards	CEO	CEO	Yes	Yes
28. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO
29. Signs	Yes	Yes	Yes	Yes

See footnotes, next page

[1]In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards.
[2]Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
[3]In RP not allowed in areas so designated because of wildlife value.
[4]Provided that a variance from the setback requirement is obtained from the Board of Appeals.
[5]Functionally-water-dependent uses and uses accessory to such water dependent uses only (*See note on previous page*).
[6]See further restrictions in Section 15.L.2.
[7]Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
[8]Except as provided in Section 15.H.3.
[9]Single-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.
[10]Except for commercial uses otherwise listed in this table, such as marinas and campgrounds, which are allowed in the respective district.
[11]Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
[12]Permit not required but must file a written "notice of intent to construct" with CEO.

P. LAND USE STANDARDS: All land use activities within the Shoreland Zone shall conform with the following provisions, if applicable.

1. Minimum lot standards

	Minimum Lot Area	Minimum Shore Frontage
Residential, per dwelling unit		
Within the Shoreland Zone, adjacent to tidal areas	30,000 sf	150 ft
Within the Shoreland Zone, adjacent to non-tidal areas	40,000 sf	200 ft
Governmental, institutional, commercial, or industrial, per principal structure		
Within the Shoreland Zone, adjacent to tidal areas, exclusive of those areas zoned for general development	40,000 sf	200 ft
Within the Shoreland Zone, adjacent to tidal areas zoned for general development	Underlying zone applies	None
Within the Shoreland Zone, adjacent to non-tidal areas	60,000 sf	300 ft
Public and private recreational facilities		
Within the Shoreland Zone, adjacent to tidal and non-tidal areas	40,000 sf	200 ft

2. **Land not counted toward minimum lot area:** 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. **Land on either side of a road**: 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 9-22-1971.
4. **Minimum lot width**: The minimum width of any portion of any lot within 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. **More than one (1) building or use**: If more than one (1) 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.

Q. PRINCIPAL AND ACCESSORY STRUCTURES:

1. **Setback from normal high water**: All new principal and accessory structures shall be set back at least 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 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 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, Maine Certified Soil Scientist, 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 80 square feet in area nor 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. **Height limitation:** 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 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. **Elevation above flood zone:** The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least 1 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 floodplain 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. **Maximum non-vegetated surface:** The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland Zone shall not exceed 20% 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:** 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 re-vegetated 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:

      1) 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;

      2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff; only native species may be used to establish the buffer area;

3) 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; and

4) 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. **Stairway allowance:** 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 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.

R. USE STANDARDS IN SHORELAND AREAS:

1. **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:**

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 existing developed or natural 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 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 6 feet for non-commercial uses.

e) 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.

f) 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.

g) 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.

h) 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 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.

2. **Campgrounds:** Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

   a) Campgrounds shall contain a minimum of 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.

   b) The areas intended for placement of a recreational vehicle, tent, or shelter, and utility and service buildings shall be set back a minimum of 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 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. **Individual private campsites:** Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

   a) One (1) campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.

   b) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 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 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

   c) Only one (1) 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.

   d) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.

   e) 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 landowner is required.

f) When a recreational vehicle, tent or similar shelter is placed on-site for more than 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.

4. **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:

   a) Auto washing facilities;

   b) Auto or other vehicle service and/or repair operations, including body shops;

   c) Chemical and bacteriological laboratories;

   d) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms;

   e) Commercial painting, wood preserving, and furniture stripping;

   f) Dry cleaning establishments;

   g) Electronic circuit assembly;

   h) Laundromats, unless connected to a sanitary sewer;

   i) Metal plating, finishing, or polishing;

   j) 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;

   k) Photographic processing; and

   l) Printing.

5. **Parking areas:**

   a) 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 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.

   b) 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.

   c) In determining the appropriate size of proposed parking facilities, the following shall apply:

      1) Typical parking space: Approximately 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long.

2) Internal travel aisles: Approximately 20 feet wide.

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

a) Roads and driveways shall be set back at least 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 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 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 20%, the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each 5% increase in slope above 20%.

Section R.6.a 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 R.6.a except for that portion of the road or driveway necessary for direct access to the structure.

b) 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.

c) 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.

d) Road and driveway banks shall be no steeper than a slope of 2 horizontal to 1 vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section R.14.

e) Road and driveway grades shall be no greater than 10% except for segments of less than 200 feet.

f) 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 50 feet plus two (2) 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.

g) 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:

1) Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated as follows:

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

2) Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.

3) On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30-degree angle downslope from a line perpendicular to the centerline of the road or driveway.

4) 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.

h) 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.

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

a) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed 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 16 square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

b) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed 12 square feet in the aggregate.

c) Residential users may display a single sign not over 3 square feet in area relating to the sale, rental, or lease of the premises.

d) Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed 2 square feet in area.

e) Signs relating to public safety shall be allowed without restriction.

f) No sign shall extend higher than 20 feet above the ground.

g) Signs may be illuminated only by shielded, non-flashing lights.

8. Stormwater runoff:

a) All new construction and development shall be designed to minimize stormwater 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.

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

9. Septic waste disposal: 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 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 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.

10. Essential services:

a) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

b) The installation of essential services, other than roadside 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.

c) Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.

11. 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 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:

a) 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 R.11.c below.

b) No part of any extraction operation, including drainage and runoff control features, shall be permitted within 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 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 50 feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

c) Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12-month period, ground levels and grades shall be established in accordance with the following:

1) 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.

2) The final graded slope shall be 2½ to 1 slope or flatter.

3) Topsoil 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.

d) 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.

12. Agriculture:

a) 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).

b) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within 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.

c) Agricultural activities involving tillage of soil greater than 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.

d) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies and coastal wetlands; nor within 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.

e) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies and coastal wetlands; nor within 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.

13. Clearing or removal of vegetation for activities other than timber harvesting:

a) In a Resource Protection District:

1) 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.

2) 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.

b) Except in areas as described in Section 13.a, above, and except to allow for the development of permitted uses, within a strip of land extending 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 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:

1) 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 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.

2) 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 this Section R.13.b.2, 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 (1,250 square feet) area as determined by the following rating system.

Diameter of Tree at 4½ feet above Ground Level	Rating (points)
2 to <4 inches	1
4 to <8 inches	2
8 to <12 inches	4
12 inches 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-by-50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and two (2) trees over 12 inches in diameter, the rating score is:

(4x1)+(2x2) + (3x4) + (2x8) = 36 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.

3) The following shall govern in applying this point system:

(a) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(b) Each successive plot must be adjacent to, but not overlap a previous plot;

(c) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;

(e) 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 R.13, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least five (5) saplings (each less than 2 inches in diameter at 4½ feet above ground level) for each 25-foot-by-50-foot rectangle area. If five (5) saplings do not exist, no woody stems less than 2 inches in diameter can be removed until five (5) saplings have been recruited into the plot.

(f) Notwithstanding the above provisions, no more than 40% of the total volume of trees 4 inches or more in diameter, measured at 4½ feet above ground level may be removed in any 10-year period.

(g) In order to protect water quality and wildlife habitat, existing vegetation under 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 R.13.b, above.

(h) Pruning of tree branches on the bottom one-third of the tree is allowed.

(i) 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 R.13.b 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.

c) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 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 10-year period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

d) 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 10,000 square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

e) Legally existing non-conforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

f) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Sec. 15.P.

14. Erosion and sedimentation control:

a) 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:

   1) Mulching and re-vegetation of disturbed soil.

   2) Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.

   3) Permanent stabilization structures such as retaining walls or rip-rap.

b) 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.

c) 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.

d) 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:

1) Where mulch is used, it shall be applied at a rate of at least one (1) bale per 500 square feet and shall be maintained until a catch of vegetation is established.

2) Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.

3) 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.

e) Natural and manufactured 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 25-year storm or greater and shall be stabilized with vegetation or lined with riprap.

15. 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.

16. 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.

17. 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 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.

S. ADMINISTRATION:

1. Administering bodies and agents:

a) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1.

b) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S. § 2691.

c) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

2. 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 non-conforming 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.

a) A permit is not required for the replacement of an existing road culvert as long as:

1) The replacement culvert is not more than 25% longer than the culvert being replaced;

2) The replacement culvert is no longer than 75 feet; and

3) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

b) 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.

c) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

3. Permit application:

a) 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 O, Table 208-1, Land Uses.

b) 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.

c) 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.

d) 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.

4. **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.

   a) 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.

   b) 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.

   c) Decision in writing: 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.

5. **Special exceptions:** In addition to the criteria specified in Section S.4 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:

   a) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

   b) 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.

   c) All proposed buildings, sewage disposal systems and other improvements are:

      1) Located on natural ground slopes of less than 20%; and

      2) Located outside the floodway of the 100-year floodplain 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 1 foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

      3) If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half the width of the 100-year floodplain

   d) 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.

   e) 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 floodplain, and its proximity to moderate-value and high-value wetlands.

6. **Expiration of permit:** Permits shall expire one (1) 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 (1) year of the issuance of the permit, the applicant shall have one (1) additional year to complete the project, at which time the permit shall expire.

7. **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.

8. **Appeals:** Any appeal of a decision of the Code Enforcement Officer under Section 19-102.B.1, or a variance request, shall be heard by the Zoning Board of Appeals pursuant to Chapter 19, Section 102.B.2. A decision of the Planning Board regarding the application of the Shoreland Ordinance to an application for approval of a subdivision or site plan may be appealed under Ch. 16, Art. I, § 16-109 or Art. II, § 16-206, respectively, to the Knox County Superior Court, pursuant to Maine Rule of Civil Procedure 80B. Eff: 02-11-2015.

9. **Enforcement:**

   a) Nuisances: Any violation of this Ordinance shall be deemed to be a nuisance.

   b) Code Enforcement Officer:

      1) 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.

      2) The Code Enforcement Officer shall conduct on-site inspections to ensure 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.

      3) 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.

   c) 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.

d) 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 $5,000 per violation for each day that the violation continues. However, in a Resource Protection District the maximum penalty is increased to $10,000 (30-A M.R.S. § 4452).

SEC. 19-209 CONTRACT ZONES

A. Contract Zone 1 – 75 Mechanic Street, Tax Map 8A-1, Sharp's Point South
Contract Zone 1 is created and shown on the Official Zoning Map of the City of Rockland, Maine. Contract Zone 1 is subject to the zoning amendment for Tax Map 8A-1 as defined in the approval of the agreement approved by the Rockland City Council dated February 14, 2022 and amended on March 14, 2022 and attached to this Ordinance as Sec. 209.A.1.

B. Contract Zone 2 – 20 Bartlett Drive, Tax Map 67-B-3-1, Bartlett Woods
Contract Zone 2 is created and shown on the Official Zoning Map of the City of Rockland, Maine. Contract Zone 2 is subject to the Contract Zoning Agreement among the City of Rockland and Bartlett Woods with the effective date of October 13, 2010 and as amended on March 16, 2011 and attached to this Ordinance as Sec. 209.B.1.

C. Contract Zone 3 – 15 Philbrook Avenue, Tax Map 28A-1, Mid-Coast Habitat for Humanity
Contract Zone 3 is created and shown on the Official Zoning Map of the City of Rockland, Maine. Contract Zone 2 is subject to the Contract Zoning Agreement among the City of Rockland and Mid-coast Habitat for Humanity with the effective date of April 10, 2019 and attached to this Ordinance as Sec. 209.C.1.

D. Contract Zone 4 – 41 Cranberry Isles Drive, Tax Map 73-E-5, Rockland Land LLC
Contract Zone 4 is created and shown on the Official Zoning Map of the City of Rockland, Maine. Contract Zone 4 is subject to the Contract Zoning Agreement among the City of Rockland and Rockland Land LLC with the effective date of October 14, 2020 and attached to this Ordinance as Sec. 209.D.1.

E. Conditional Zone 5 – New County Drive, portions of Tax Map 59 D-1 and D-2-E-5, Turning Tide
Conditional Zone 5 is created and shown of the Official Zoning Map of the City of Rockland, ME. Conditional Zone 5 is subject to the Zoning Agreement approved by the Rockland City Council with the effective date of February 8, 2006 and attached to this Ordinance as Sec. 209.E.1

F. Contract Zone 6 – 165 Talbot Avenue, Tax Map 67-A-9,
Contract Zone 6 is created and shown of the Official Zoning Map of the City of Rockland, ME. Conditional Zone 6 is subject to the Zoning Agreement approved by the Rockland City Council with the effective date of July 14, 2021 and attached to this Ordinance as Sec. 209.F.1

A.1Contract Zone 1 – 75 Mechanic Street, Tax Map 8A-1, Sharp's Point South

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT # 6 (As Amended 03/14/2022)
IN CITY COUNCIL

February 14, 2022

ORDINANCE AMENDMENT Authorizing Zoning Map Amendment and Contract Zone for Real Property Identified as Tax Map #8-A-1 at 75 Mechanic Street

THE CITY OF ROCKLAND HEREBY ORDAINS, pursuant to Chapter 19, Zoning and Planning, Article III, Zoning Ordinance, Section 19-303(2)(D), Amendments, and Article I, Planning Board, Section 19-104, Planning and Zoning Powers,

THAT the Zoning Map of the City of Rockland shall be amended by designating the parcel identified as Tax Map 8-A-1 and located at 75 Mechanic Street (hereinafter, the "Property") as the Contract Waterfront-1 ("Contract WF-1") Zone; and

THAT 75 Mechanic Street shall be rezoned to Contract WF-1, as follows:

Following due notice, public hearing, and receipt of advisory recommendations from the City of Rockland Planning Board, the City Council finds and ordains as follows:

WHEREAS, there is located on the Property a principal structure constructed and laid-out to house professional and general offices (the "Office Building" or "Administration Building"), and was used for this purpose with the approved Contract Zone dated November 9, 2009 for Sharp's Point South LLC ("Prior Contract Waterfront-1 Zone"); and

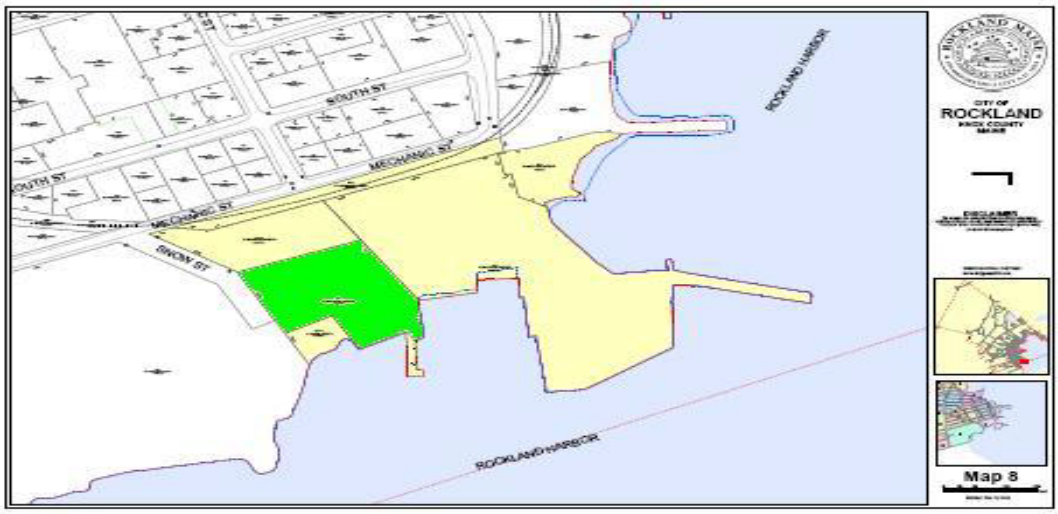
WHEREAS, there is also located on the Property a principal structure constructed and laid-out to house, among other potential uses, tradesmen's or craftsmen's shops and showrooms (the "Tradesmen's Building"); and

WHEREAS, the property is being sold to the "Sail, Power and Steam Museum", and

WHEREAS, the Sail, Power and Steam Museum wishes to continue the use of the Office Building for professional and general offices, and to broaden the types of trades that may be located in the Tradesmen's Building, to support and in consideration of numerous water-dependent and/or marine-related uses on the Property as approved in the Prior Contract WF-1 Zone.

NOW, THEREFORE, in consideration of the promises and conditions set forth herein,

1. Zoning Map Amendment. Effective thirty days following the adoption of this Ordinance Amendment by the City Council, the City of Rockland Zoning Map shall be amended to delineate the Property as the Contract Waterfront-1 Zone, as follows:



2. Incorporation of Plans. The following, attached plans and documents are incorporated in this Contract Waterfront-1 Zone and made a part hereof as if fully set forth herein:

* Exhibit A: Excerpt, 07/07/09 Site Plan from Prior Contract WF-1 Zone
* Exhibit B: Form of Public Access Easement;

3. Zone Regulations. The Property shall be used and maintained substantially in accordance with the terms and conditions of this Ordinance Amendment and Exhibit A, subject, however, to any changes that may from time to time be required to secure, and comply with, site plan and other required approvals by the City of Rockland Planning Board, and building permit(s) and certificate(s) of occupancy by the City of Rockland Code Enforcement Officer. Except as provided herein, the Property and its use and maintenance shall comply with the Waterfront-1 Zone regulations and other applicable provisions of the City of Rockland Code of Ordinances, and of state law;

4. Permitted Uses. The Property located at 75 Mechanic Street may establish, operate, and maintain the following uses(s):

* Those uses permitted in the Waterfront-1 Zone, or successor underlying zoning of the Property;
* Professional and general offices, in the Office Building; and
* Tradesmen's or craftsmen's offices, shops, and showrooms, in the Tradesmen's Building;

5. Conditions.

A. Preservation of Marine-Related Uses.

1. Current and Future Property Owners shall make every feasible effort to utilize structures on the Property for uses permitted in the Waterfront-1 Zone.
2. Where more than one prospective tenant is available to rent, lease, or otherwise enjoy the possession or use of a part of any building or lot area on the Property, and where one or more of such prospective tenants proposes to conduct a water- or marine-dependent or marine-related use, Property Owner shall rent, lease, or otherwise grant possession or use of such area for a water- or marine dependent or marine-related use, so long as such lease or tenancy offers rent or other consideration as may at that time generally prevail for such use(es) in the Midcoast;
3. Property Owner shall limit the term of any lease of part or all of the Property for a non-water- or marine dependent or related use to no more than five years;
4. Professional and general offices shall be limited to the Office Building;
5. Restaurants and non-marine-related tradesmen's or craftsmen's offices, shops, and showrooms shall be limited to buildings in existence as of the effective date of this ordinance amendment;

6. No use that is not marine-related may (a) displace or unreasonably interfere with an existing water-dependent use, whether on-site or on adjacent parcels; (b) be situated on a portion of the Property that is physically suited for a water-dependent use; (c) reduce existing commercial berthing operations; or (d) substantially reduce or inhibit existing public access to marine or tidal waters from the land.

7. Property Owner shall include in every lease of part or all of the Property for a non-marine related use the following clause which shall be a material term and condition of such lease and of the Contract Waterfront-1 Zone:

N O T I C E

> Property is located in one of the City of Rockland's traditional marine industrial areas and zones. Marine industrial and other marine-related uses are given preference in the area, and may generate substantial noise and other deleterious impacts that affect other land uses and tenants in the area. Notwithstanding any such impacts of marine industrial or other marine-related uses, the regulation of the same by municipal, state, and/or federal authorities is limited to noise and environmental controls and requirements in effect as of the date of this Agreement. By signing this Agreement, Tenant acknowledges and affirms s/he/it is aware of such existing or potential future deleterious impacts on Tenant's use and occupancy of the Property, accepts full responsibility for the disadvantages and/or costs, if any, associated resulting from such impacts or the location of Tenant's use in the Waterfront-1 Zone, and shall not be heard to complain about or seek additional regulation of the same beyond regulations existing as of the date of this Agreement.

Where possession is granted without a lease, Property Owner shall provide the preceding to the tenant in writing, and secure tenant's signed acknowledgement and agreement to the same.

6. Public Access. In consideration of the grant of additional permitted uses of the Property herein, Property owner shall execute and deliver to the City of Rockland a perpetual public access easement, in a form substantially in conformance with the attached Exhibit B, for the purpose of authorizing and allowing public access adjacent or along the shoreline of the Property and the construction and maintenance of the proposed Harbor Trail or other public path within the bounds of such easement, the finished surface of which, exclusive of any landscaping, shall not exceed ten (10) feet in width. The City or its designee shall bear all costs of installing and maintaining such trail.

7. Transfer. This Contract Zone shall not be transferred or assigned to a new owner, leaseholder or other interest unless approved by a vote of the Rockland City Council. Property Owner shall seek approval from the City Council prior to sale or lease of the Property.

8. Default; Termination. The Property Owner shall be in default and this Contract Zone shall terminated upon a finding by the City Council, after notice and hearing, that Property Owner has failed to satisfy any condition or requirement of this Contract Zone Ordinance Amendment.

9. Miscellaneous.

A. Property Owner shall comply with all laws, orders, ordinances, and other public requirements now or hereafter pertaining to its development and use of the Property and related improvements.

B. The restrictions, provisions, conditions, and requirements set forth in this Ordinance Amendment, and in any attached or incorporated schedules or exhibits, are essential components and preconditions to the rezoning of the Property to the Contract Waterfront-1, and shall both benefit, and be binding upon, Property Owner, and upon any party in possession or occupancy of part or all of the Property, and shall inure to the benefit of and be enforceable by the City of Rockland.

C. If any of the restrictions, provisions, conditions, or requirements herein are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions of this Ordinance Amendment.

D. This document shall be recorded in the Knox County Registry of Deeds.

Sponsor: Councilor MacLellan-Ruf
Originator: City Manager

Passed in Final Reading as amended 03/14/2022.
Effective Date: 04/13/2022.

Doc# 2410
Bk: 4222 Pg: 320

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, that **SHARP'S POINT SOUTH, LLC** ("Grantor"), a Maine limited liability company with a place of business at 75 Mechanics Street in Rockland, Maine, for consideration paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto the **CITY OF ROCKLAND, MAINE** ("Grantee"), a municipal corporation situated in Knox County, a Right-of-Way, measuring ten feet (10') in width (the "Harbor Trail"), over land of this Grantor situated at 75 Mechanics Street in the City of Rockland, County of Knox, and State of Maine (Rockland Tax Map 8-A-1) (the "Easement Premises"), at or about the diagram of same on map attached as Appendix 1 hereto, and as follows:

> At any time and from time to time (1) in an area not to exceed ten feet (10') in width across the Easement Premises as shown on Appendix 1, to locate and establish a portion of the Harbor Trail, so-called, including a gravel, stone dust, paved, or similar walking surface, and fixtures and other apparatus and equipment reasonably necessary for the purpose of affording the general public access over said Harbor Trail across the Easement Premises (collectively, the "Trail Equipment"); (2) in an area greater than ten feet (10') in width as may reasonably be necessary to effect the purposes of this Easement Deed, (A) to lay out, relocate, construct, reconstruct, install, maintain, inspect, repair, replace, alter, change the location of, extend, or remove the Trail Equipment, or some of it, and (B) to cut, trim, and remove trees, brush, and other obstructions only to the extent necessary to clear and keep the Harbor Trail in a reasonably safe and passable condition; and (3) on said Harbor Trail for the general public to enter and cross the Easement Premises.

The location of the Harbor Trail on Grantor's property as shown on Appendix 1 may be altered by written agreement of the Grantor and Grantee.

The rights and easement granted hereunder are subject to the following:

(1) Grantee, upon the completion of work intended to accomplish the above-stated

purpose, shall restore the Easement Premises to a condition consistent with the original condition of the Easement Premises prior to the commencement of the work, except for the Trail Equipment and other alterations authorized by this Easement Deed;

(2) Grantee shall not, except as may reasonably be necessary to restore the condition of the Easement Premises, install or construct any improvements other than the Trail Equipment on the Easement Premises including, without limitation, landscaping, fencing, signs or other structures, without the prior written consent of a Grantor or its successor(s) or assign(s), which consent shall not unreasonably be withheld;

(3) Grantor retains the right to request, at any time and from time to time, subject to any and all applicable government approvals necessary therefor, that Grantee relocate the Harbor Trail and any or all of the Trail Equipment installed in or on the Easement Premises, upon its written agreement thereto. Grantee shall effect such relocation, within a reasonable time of such agreement, provided that Grantor reimburse Grantee for all costs associated with such relocation including, without limitation, any and all engineering, legal, and other consulting fees and expenses. In the event Grantee shall fail to effect such agreed-to relocation within one hundred and twenty (120) days, Grantor shall have the right to effect such relocation with contractors retained by Grantor; however, in no event shall Grantee bear any expense associated with any such relocation;

(4) Grantor and its successor(s), assign(s), and tenant(s) have the right to use and enjoy the foregoing right and easement in common with the general public; and

(5) The Trail Equipment existing on, across, or under the Easement Premises pursuant to this Easement Deed shall remain the property of Grantee.

IN WITNESS WHEREOF, **SHARP'S POINT SOUTH, LLC** has caused this instrument to be signed this 13 day of March 2010.

SHARP'S POINT SOUTH, LLC:

by: James Sharp
its: Managing Member

STATE OF ~~MAINE~~ Florida
KNOX, ss.

March 13, 2010

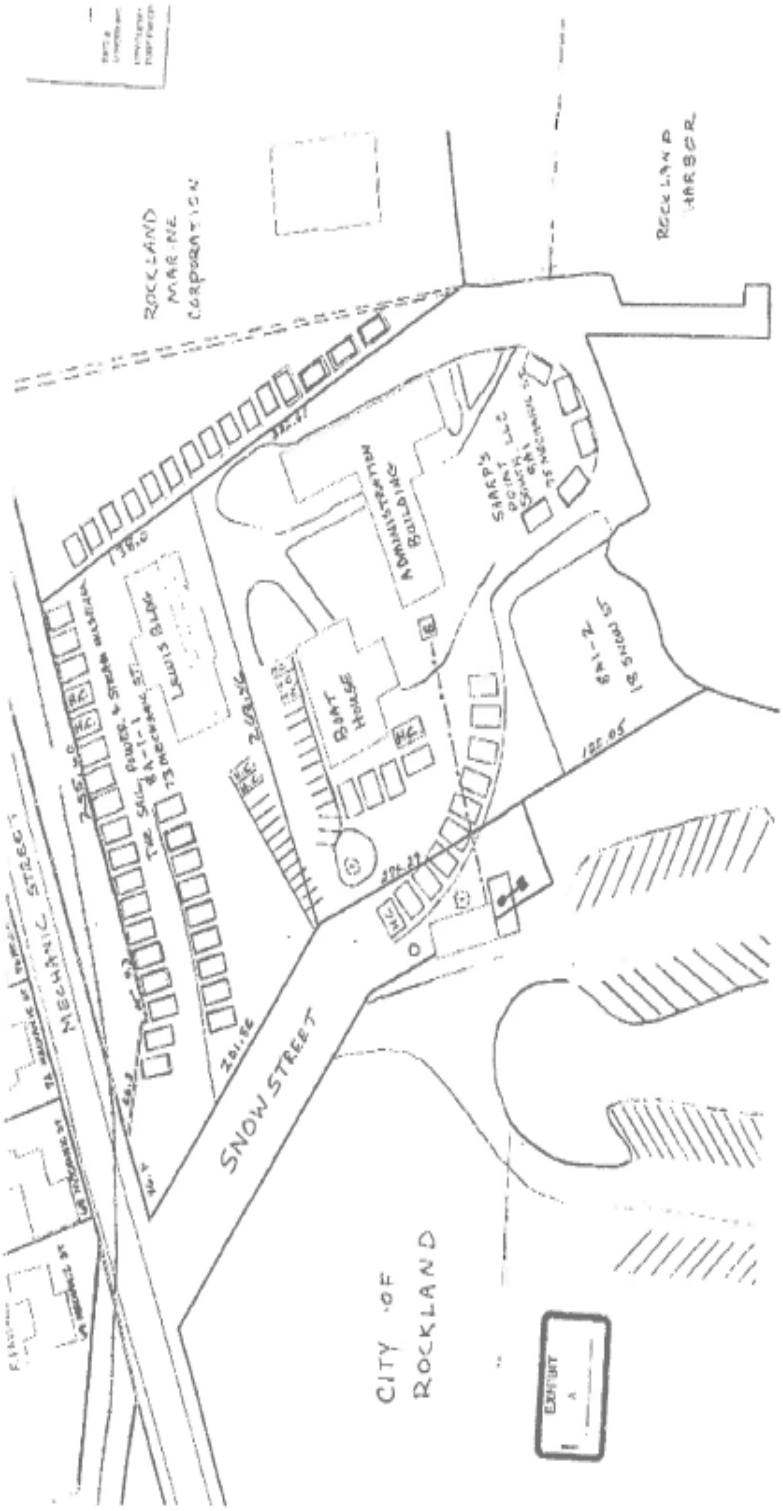
Then personally appeared the above-named James Sharp, in his said capacity as Managing Member of Sharp's Point South, LLC, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of South Point South, LLC.

Before me,

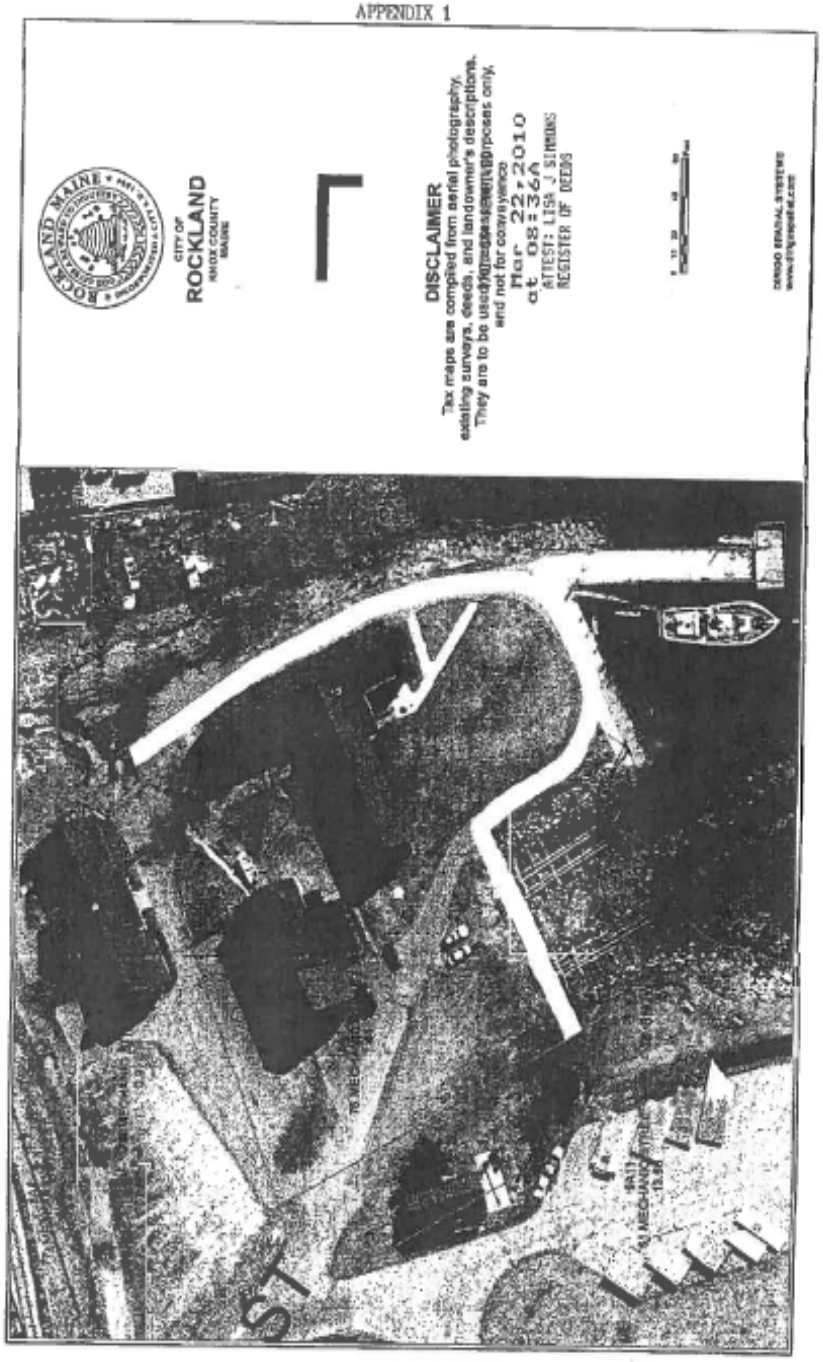
RHONDA K. BRADFIELD
Notary Public, State of Florida
Commission# DD [illegible]
My comm. expires Feb. 11, 2011

Notary Public / Attorney At Law

My commission expires: Feb. 11, 2011


ROCKLAND MAINE CORPORATION
ROCKLAND HARBOR
ADMINISTRATION BUILDING
SHARP'S POINT
LEWIS BLDG
BOAT HOUSE
MECHANIC STREET
SNOW STREET
CITY OF ROCKLAND
EXHIBIT A

APPENDIX 1



Doc# 4222 Bk 2410 Pg 323

B.1 Contract Zone 2 – 20 Bartlett Drive, Tax Map 67-B-3-1, Bartlett Woods

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #36
(As Amended 12/13/10 & 02/14/11)
IN CITY COUNCIL

October 13, 2010

ORDINANCE AMENDMENT Authorizing Zoning Map Amendment and Contract Zone for Bartlett House Addition

WHEREAS, Bartlett Woods, Inc., formerly Knox Housing Preservation, Inc. ("Bartlett Woods") is the owner of real property and buildings thereon identified as City of Rockland Tax Map 67–B–3-1, and located at 20 Bartlett Drive ("Bartlett House"); and

WHEREAS, Bartlett House is an assisted living facility providing housing and elder-care services in 34 existing dwelling units that comprise Bartlett House; and

WHEREAS, Bartlett House seeks to expand, by adding an additional 24 dwelling units to provide additional housing and elder-care services; and

WHEREAS, Bartlett House's proposed addition is subject to a maximum height zoning limit of 35 feet; and

WHEREAS, when Bartlett House was first approved by the Planning Board in 1997, there existed a zoning provision that has since been removed from the Code that allowed Bartlett House to exceed the maximum height by situating the building further away from Talbot Avenue; and

WHEREAS, due notice has been given of this proposed contract zone ordinance amendment, by publication, and a public hearing conducted by the City Council prior to final action hereon,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS, pursuant to Title 30-A, Maine Revised Statutes, Section 4352(8), and Rockland Code, Chapter 19, Zoning and Planning, Article III, Zoning Ordinance, Section 19-301(3)(D), Amendments, and Article I, Planning Board, Section 19-104, Planning and Zoning Powers, as follows:

THAT, the City Council finds that:

A. The Bartlett House addition, and the permissions granted to Bartlett Woods herein, are consistent with the Rockland Comprehensive Plan and the City's growth management plan reflected therein;

B. The use of the Bartlett House property as an elderly independent and assisted living facility is unchanged by this ordinance amendment, is a permitted use in the Residential B zone, and is thus consistent with existing and permitted uses in that zone;

C. This Contract Residential B-2 Zone contains only conditions and restrictions that relate to the physical development of the Property; and

D. Following prior public notice in conformance with 30-A M.R.S. § 4352(8) the City of Rockland Planning Board and Comprehensive Planning Commission have conducted public hearings and rendered advisory opinions to the City Council regarding this proposed Contract Residential B-2 Zone ordinance amendment; and

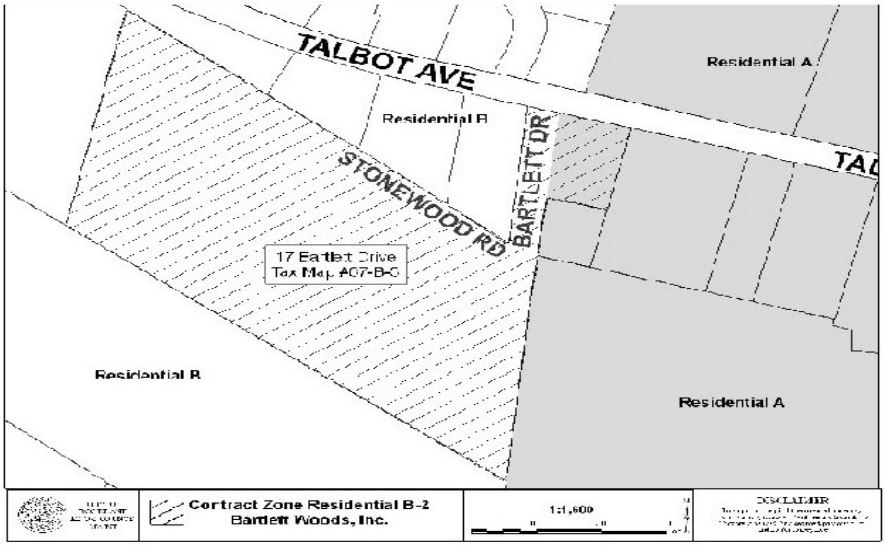
THAT the Zoning Map of the City of Rockland shall be amended by designating the Property as the Contract Residential B-2 Zone; and

THAT Bartlett Woods' and its successors and assigns' development, use, and occupancy of the Property shall be subject to and contingent upon compliance with the following regulations and conditions. Except as provided herein, the Property's use, development, redevelopment, and

maintenance shall comply with the Residential B Zone regulations, Rockland Code Ch. 19, Art. III, Sec. 19-304(3), and other applicable provisions of the City of Rockland Code of Ordinances, and of state law:

1. Land Transaction. Prior to the issuance of a building permit to Bartlett Woods or its successors, and within sixty (60) days following the effective date of this Ordinance Amendment, Bartlett Woods, Inc., the owner of the Bartlett House property identified as Tax Map Lot 67-B-3-1, shall cause the Bartlett House property to be unified as one legal parcel of real estate with an adjacent parcel of land, presently owned by Methodist Conference Home, Inc., identified as Tax Map Lot 67-B-3, and referred to herein as the Cottages property. Absent such unification of the Bartlett House and Cottages properties within such deadline, this contract zone shall be void, and shall not take effect. The resulting, combined parcel is referred to herein as the "Property;"

1. Zoning Map Amendment. Effective ninety (90) days following the adoption of this Ordinance Amendment by the City Council, the City of Rockland Zoning Map shall be amended to delineate the Property as the Contract Residential B-2 Zone, as follows:



3. Incorporation of Plans. The following, attached plans and documents are incorporated in this Contract Residential B-2 Zone and made a part hereof as if fully set forth herein:

* Exhibit A: Excerpt, August 23, 2010 Site Plan
* Exhibit B: Elevations of Bartlett House Addition

4. Bartlett House Expansion.

A. Substantial Conformance With Plans. The Bartlett House addition shall be developed, used, and maintained substantially in conformance with the terms and conditions of this Ordinance Amendment and Exhibits A and B, subject, however, to (1) the unification of the Bartlett House and Cottages properties into one parcel of land, and (2) any changes that may from time to time be required to secure, and comply with, site plan, subdivision, and/or other required approvals by the City of Rockland Planning Board, and building permit(s) and certificate(s) of occupancy by the City of Rockland Code Enforcement Officer;

B. Conditions. The relief and permissions granted to herein shall be conditioned upon Bartlett Woods' compliance with the following conditions. The City may not issue Bartlett Woods a building permit or occupancy permit for the Bartlett House addition, as may be applicable, so

long as Bartlett Woods or its successor shall fail to honor or to continue to honor any condition imposed here:

(1) Bartlett Woods shall apply for and obtain site plan and subdivision approvals from the Planning Board, as necessary under Chapter 16. Nothing herein shall obligate the Planning Board to make any particular finding, to grant, conditionally grant, or deny any application or request of Bartlett Woods, or to take or to refrain from taking any other action with respect thereof; and

(2) Bartlett Woods, its successors and assigns, shall operate Bartlett House and any addition to or expansion of Bartlett House on the Property as an elderly independent and assisted living facility, and/or for another use permitted in the Residential B Zone and authorized by further action of the Rockland City Council; and

(3) Bartlett Woods shall prepare, present to the Planning Board for review, and implement and comply with a noise management plan to reduce the noise impacts of construction on residents of Bartlett House and the Cottages; and

(4) Bartlett Woods shall prepare, present to the Planning Board for review, and implement and comply with an access management plan to ensure unimpeded vehicular, pedestrian, and emergency vehicle access and circulation for and on behalf of residents of Bartlett House and the Cottages during construction;

C. Permissions.

(1) Maximum Height. Bartlett Woods may expand by constructing an addition to Bartlett House that is substantially in conformance with Exhibit A, is contiguous to and incorporated onto the original Bartlett House as now existing, with a maximum height of forty-one (41) feet calculated pursuant to the definition of "Building or Structure Height," Rockland Code, Ch. 19, Art. III, Sec. 19-302. In no event may the Bartlett House addition exceed the height of the original Bartlett House as now existing. No other structure or element or portion of any structure on the Property may exceed the maximum height established for the Residential B Zone; and

(2) Maximum Stories. The Bartlett House expansion may not exceed three (3) stories, as determined pursuant to the definition of "Story," Rockland Code, Ch. 19, Art. III, Sec. 19-302;

5. Default; Termination.

Bartlett Woods shall be in default and this Contract Residential B-2 Zone shall terminate upon a finding by the City Council, after notice and hearing, that Bartlett Woods has failed to satisfy any condition, requirement, or limitation imposed on Bartlett Woods by this Contract Zone Ordinance Amendment, and has failed to correct such omission within fourteen (14) days of notice of the same. Such default that is not cured following notice shall constitute a violation subject to prosecution and enforcement pursuant to 30-A M.R.S. § 4452. Each default, and each day such a default continues, shall constitute separate violations.

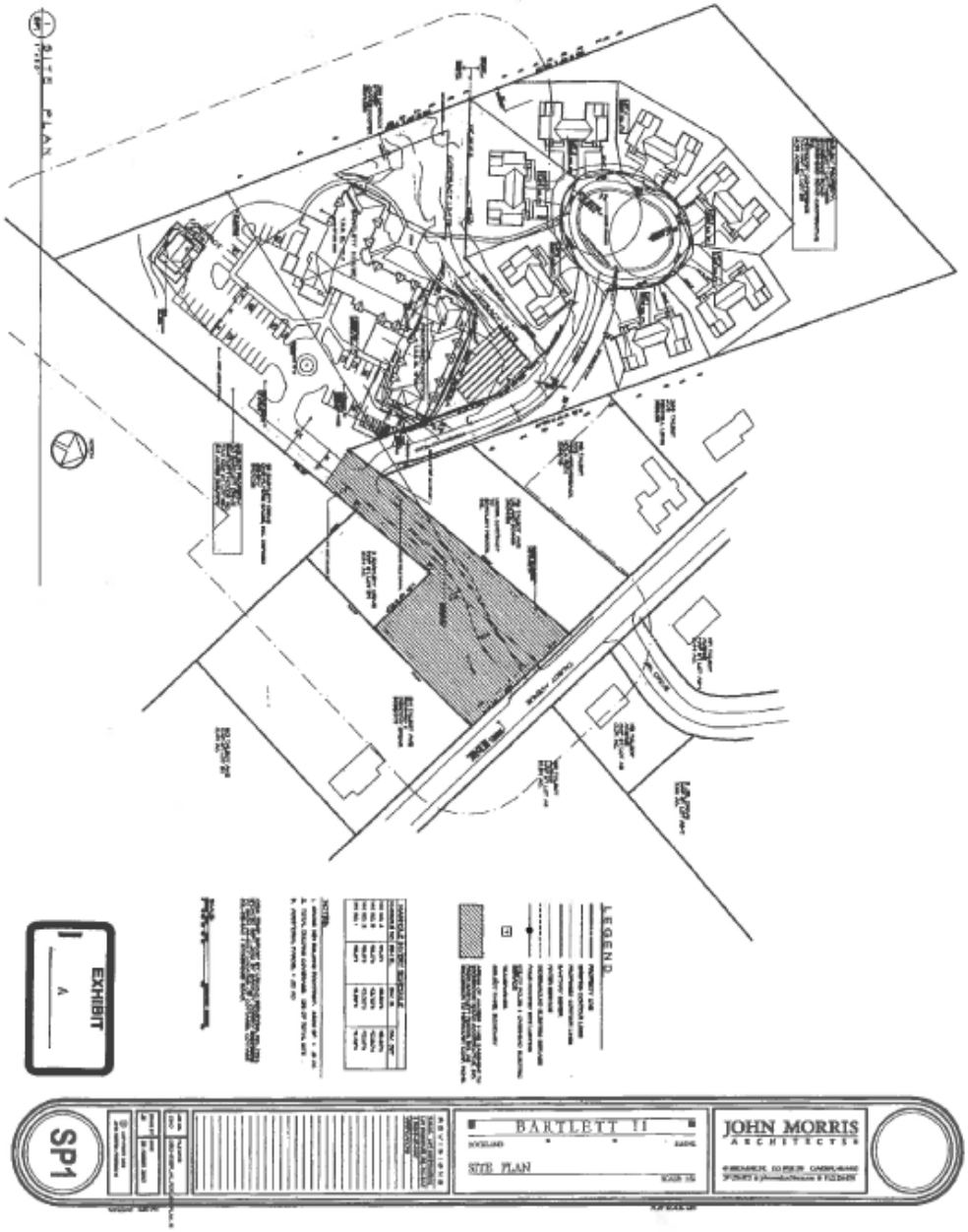
6. Miscellaneous.

A. Bartlett Woods shall comply with all laws, orders, ordinances, permits, and other public requirements now or hereafter pertaining to its development and use of the Bartlett House property and related improvements;

B. The restrictions, provisions, conditions, and requirements set forth in this Ordinance Amendment, and in any attached or incorporated schedules or exhibits, are essential components and preconditions to the rezoning of the Property to the Contract Residential B-2 Zone, and shall both benefit, and be binding upon, Bartlett Woods, Inc. and its successor(s) and assign(s), and shall inure to the benefit of and be enforceable by the City of Rockland;

C. If any of the restrictions, provisions, conditions, or requirements herein are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions of this Ordinance Amendment.

Sponsor: Councilor Molloy
Originator: Code Enforcement Officer
Effective Date: 03/16/2011


SITE PLAN
LEGEND
EXHIBIT
A
SP1
BARTLETT II
SITE PLAN
JOHN MORRIS
ARCHITECTS

BARTLETT HOUSE WITH PROPOSED ADDITION AS VIEWED FROM ENTRANCE

EXHIBIT B

JOHN MORRIS ARCHITECTS
COPYRIGHT 2010

BARTLETT HOUSE WITH PROPOSED ADDITION AS VIEWED FROM COTTAGES

EXHIBIT B

JOHN MORRIS ARCHITECTS
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C.1 Contract Zone 3 – 15 Philbrook Avenue, Tax Map 28A-1, Mid-Coast Habitat for Humanity

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #8
IN CITY COUNCIL

February 11, 2019

ORDINANCE AMENDMENT Contract Zone - Habitat for Humanity; Philbrick Avenue

THE CITY OF ROCKLAND HEREBY ORDAINS, pursuant to Chapter 19, Zoning and Planning, Article I, Planning Board, Section 19-104, City Council; Planning and Zoning Powers,

THAT the Zoning Map of the City of Rockland shall be amended by designating the parcel identified as Tax Map #28-A-1, located at 15 Philbrick Avenue and the parcel identified as Tax Map #28-B-1, located at 16 Philbrick Avenue (hereinafter, the "Property") as the Philbrick Avenue Contract Zone; and

THAT the Property shall be rezoned as the Philbrick Avenue Contract Zone, as follows:

Following due notice, public hearing, and receipt of advisory recommendations from the City of Rockland Comprehensive Planning Commission and Planning Board, the City Council finds and ordains as follows:

WHEREAS, MID-COAST HABITAT FOR HUMANITY is the owner and operator of land identified as City of Rockland Tax Map #28-A-1, located at 15 Philbrick Avenue and Tax Map #28-B-1, located at 16 Philbrick Avenue; and

WHEREAS, the Property is currently located in Residential Zone B; and

WHEREAS, the Property previously consisted of six (6) lots, most of which were non-conforming with regard to minimum lot size and/or lot area per dwelling unit required in Residential Zone B; and

WHEREAS, the Property was previously occupied by a total of thirteen (13) houses on six (6) lots; and

WHEREAS, because of lack of public sewer on Philbrick Avenue, all of the houses on the Property were served by septic systems, all of which were failing; and

WHEREAS, all of the houses located on the Property were smaller than the minimum floor area required in Residential Zone B; and

WHEREAS, all of the houses have been demolished and the Property is currently vacant; and

WHEREAS, Mid-Coast Habitat for Humanity is a nonprofit organization with a mission to "work in cooperation with the vision and principles of Habitat for Humanity International, bringing people together to build hope, homes and community and end poverty housing in Knox County, Maine;" and

WHEREAS, Mid-Coast Habitat for Humanity desires to provide affordable housing in the City of Rockland; and

WHEREAS, in order to make it financially feasible to construct houses in the targeted price range, Mid-Coast Habitat for Humanity needs to construct twelve (12) houses on the Property.

WHEREAS, in order to provide affordable housing for individuals and families in need of such housing, the houses are proposed to be smaller than the minimum floor area required in Residential Zone B of 750 square feet; and

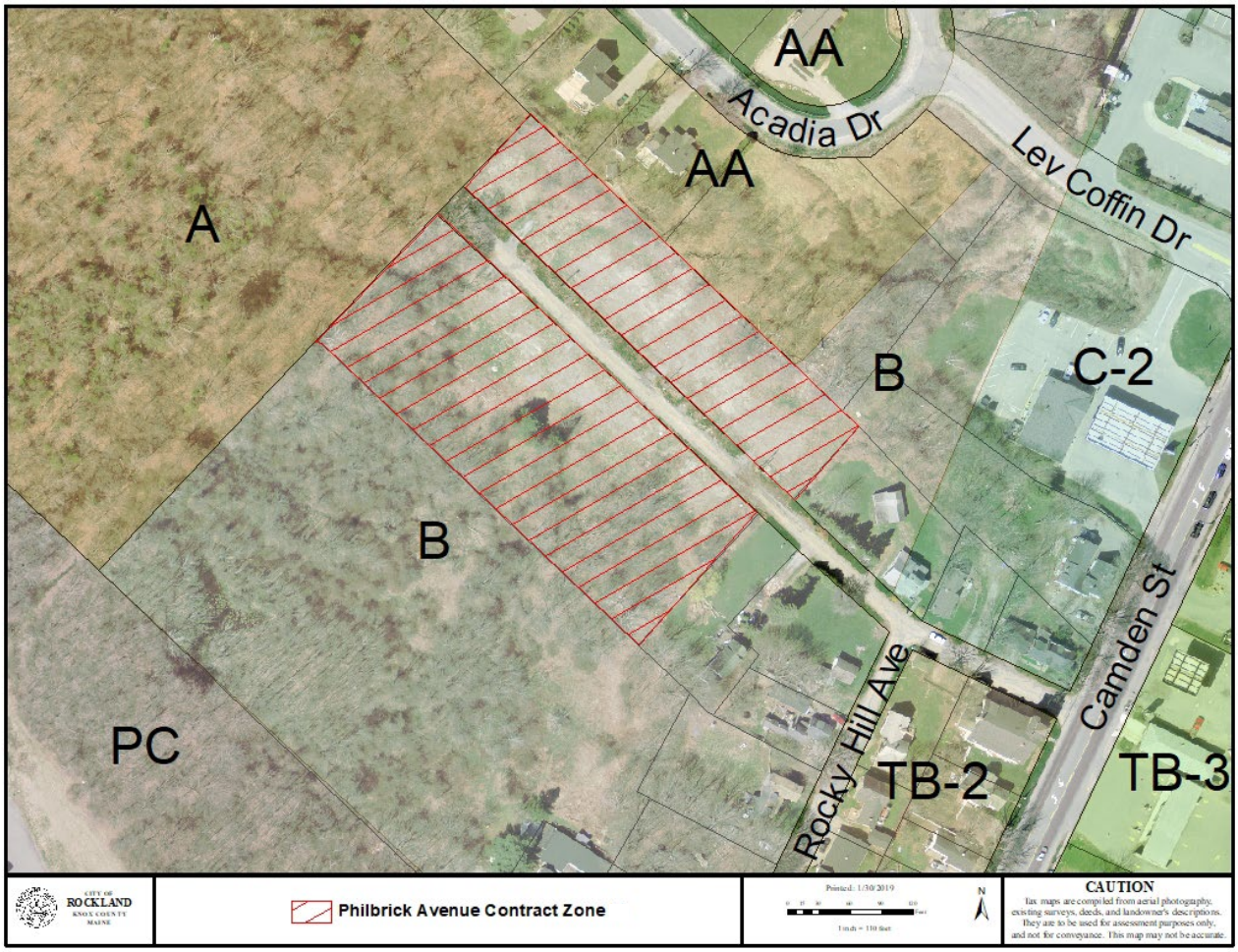
WHEREAS, in order to construct the houses on twelve individual lots, the minimum lot size requirement of 6,400 square feet for sewered lots and the minimum street frontage of 80 feet required in Residential Zone B must be reduced; and

WHEREAS, the City of Rockland will extend a public sewer line up Philbrick to serve the lots; and

WHEREAS, this Contract Zone is consistent with Rockland's Comprehensive Plan and is not incompatible with existing and permitted uses within Residential Zone B;

NOW, THEREFORE, in consideration of the promises and conditions set forth herein,

1 Zoning Map Amendment. Effective thirty days following the adoption of this Ordinance Amendment by the City Council, the City of Rockland Zoning Map shall be amended to delineate the Property as the Philbrick Avenue Contract Zone, as follows:



2. Zone Regulations. The Property shall be used and maintained substantially in accordance with the terms and conditions of this Ordinance Amendment, subject, however, to any changes that may from time to time be required to secure, and comply with, subdivision and other required approvals by the City of Rockland Planning Board, and building permit(s) and certificate(s) of occupancy by the City of Rockland Code Enforcement Officer. **Except as provided herein, the Property and its use and maintenance shall comply with the Residential Zone B regulations and other applicable provisions of the City of Rockland Code of Ordinances, and state law;**

3. Space and Bulk Standards. The following modified space and bulk standards shall apply to the construction of single-family houses in the Philbrick Avenue Contract Zone.

- Minimum Lot Size: 5,000 square feet for sewered lots
- Minimum Continuous Street Frontage Along one Street: 50 feet
- Minimum Floor Area (Principal Structure): 500 square feet

4. Conditions.

1. Mid-Coast Habitat for Humanity shall explore the necessity and feasibility of shared trenches for the sewer lines due to surface ledge in the area.
2. Road construction shall comply fully with City Standards.
3. Mid-Coast Habitat for Humanity shall include in its Subdivision Application to the Planning Board a proposal to install sidewalks that extend down to Camden Street and a crosswalk at the intersection with Camden St. to connect with the sidewalk on the east side of Camden St. The Planning Board, in its subdivision review, will determine whether such location is appropriate for a crosswalk.

5. Termination.

This Philbrick Avenue Contract Zone shall be terminated upon a finding by the City Council, after notice and hearing, that Mid-Coast Habitat for Humanity or its successors or assigns have failed to satisfy any condition or requirement of this Contract Zone. The Philbrick Avenue Contract Zone B shall terminate upon Mid-Coast Habitat for Humanity's sale or conveyance of any vacant parcel(s) in the Contract Zone. Upon termination, the Property shall thereafter be subject entirely to the regulations for the Residential Zone B. Nothing herein is intended to preclude Mid-Coast Habitat for Humanity's ability to sell individual lots that contain a house.

6. Miscellaneous.

A. Mid-Coast Habitat for Humanity, its successors and assigns shall comply with all laws, orders, ordinances, and other public requirements now or hereafter pertaining to its development and use of the Property and related improvements;

B. The restrictions, provisions, conditions, and requirements set forth in this Ordinance Amendment, and in any attached or incorporated schedules or exhibits, are essential components and preconditions to the rezoning of the Property to the Philbrick Avenue Contract Zone, and shall both benefit, and be binding upon, Mid-Coast Habitat for Humanity, its successors and assigns, and shall inure to the benefit of and be enforceable by the City of Rockland;

C. If any of the restrictions, provisions, conditions, or requirements herein are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions of this Ordinance Amendment.

Sponsor: Councilor Dorr
Originator: Habitat for Humanity
Effective Date: 04/10/2019

D.1Contract Zone 4 – 41 Cranberry Isles Drive, Tax Map 73-E-5, Rockland Land LLC

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #27
(As Amended 09/14/20)
IN CITY COUNCIL

August 10, 2020

ORDINANCE AMENDMENT Contract Zone –Rockland Land LLC, Old County Road
THE CITY OF ROCKLAND HEREBY ORDAINS, pursuant to Chapter 19, Zoning and Planning, Article I, Planning Board, Section 19-104, City Council; Planning and Zoning Powers,
THAT the Zoning Map of the City of Rockland shall be amended by designating the parcel identified as Tax Map #73-E-5, located at 41 Cranberry Isles Drive as the Rockland Land LLC Contract Zone; and
THAT the Property shall be rezoned as the Rockland Land LLC Contract Zone, as follows:

Following due notice, public hearing, and receipt of advisory recommendations from the City of Rockland Comprehensive Planning Commission and Planning Board, the City Council finds and ordains as follows:

WHEREAS, ROCKLAND LAND LLC, AN AFFILIATE OF SANDY RIVER COMPANY, is the owner and operator of land identified as City of Rockland Tax Map #73-E-5, located at 41 Cranberry Isles Drive; and

WHEREAS, the Property is currently located in Residential Zone A; and

WHEREAS, the Property was originally comprised of a 21-acre residential parcel combined with a 7.8-acre commercial parcel that was an undeveloped portion of the water tank site previously owned by Maine Water; and

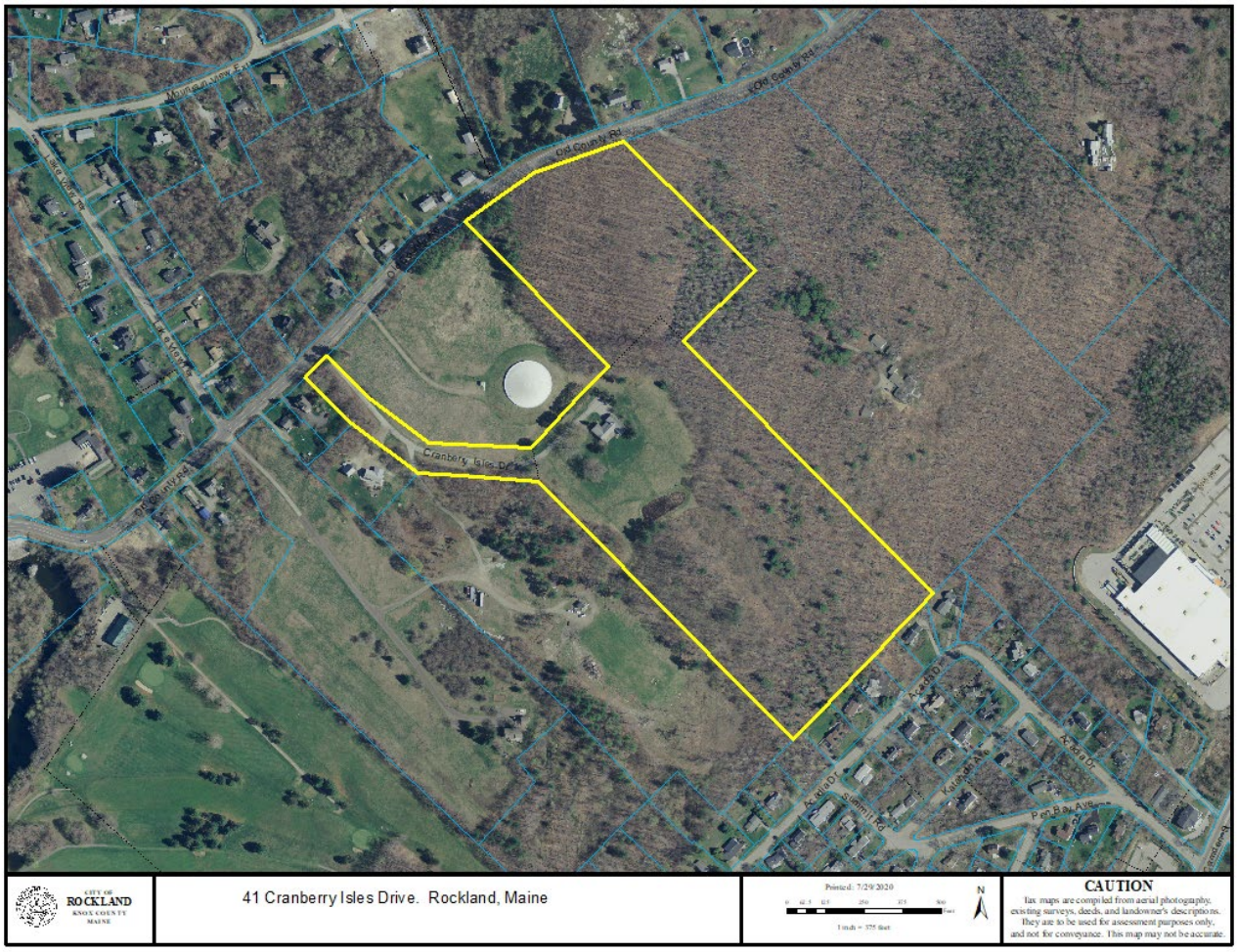
WHEREAS, the properties were combined in September 2007 and is now comprised of a 28.8-acre lot and contains a single family home, open lawn, meadow and woods; and

WHEREAS, Zone A permits two family dwellings on 10,000 sf sewered lots which equates into 5,000 sf per unit; and

WHEREAS, the project is to construct a for-profit entity which will add to the City's valuation which will have a positive effect on the City assessment and tax revenue;

NOW, THEREFORE, in consideration of the promises and conditions set forth herein,

1. Zoning Map Amendment. Effective thirty days following the adoption of this Ordinance Amendment by the City Council, the City of Rockland Zoning Map shall be amended to delineate the Property as the Rockland Land LLC Contract Zone, as follows:



2. Zone Regulations. The Property shall be used and maintained substantially in accordance with the terms and conditions of this Ordinance Amendment, subject, however, to any changes that may from time to time be required to secure, and comply with, nursing homes and assisted living facilities and other required approvals by the City of Rockland Planning Board, and building permit(s) and certificate(s) of occupancy by the City of Rockland Code Enforcement Officer. **Except as otherwise provided herein, the Property and its use and maintenance shall comply with the Residential Zone A regulations and other applicable provisions of the City of Rockland Code of Ordinances, and state law.**

3. Use; Space and Bulk Standards.

a. The following uses shall be allowed on the Property as permitted uses:

i. Nursing homes facilities, which may include both long-term care and short-term rehabilitation care.

ii. Assisted living facilities.

b. The following modified space and bulk standards shall apply to the construction of a licensed nursing home and assisted living facility in the Rockland Land LLC Contract Zone.

- Minimum Lot Area per Dwelling Unit/bed for nursing home, and assisted living - 5,000 square feet. for sewered lots
- Minimum Front Set Back- Principal Structure: 50 feet
- Minimum Rear Set Back- Principal Structure: 50 feet
- Minimum Side Set Back- Principal Structure: 50 feet

4. Conditions.

1. Sandy River Company Rockland Land LLC shall conduct a traffic study on Old County Road. Rockland Land LLC shall reimburse the City for its costs of a peer review of the traffic study.
2. Road/ Driveway construction shall comply fully with City Standards.
3. Deliveries to facility will be restricted to business hours.
4. Rockland Land LLC shall provide for public access of the scenic natural resource unique to the parcel.
5. Rockland Land LLC shall construct walking trails.
6. Rockland Land LLC shall provide noise mitigation of HVAC equipment if deemed necessary by the Planning Board.
7. Any blasting associated with construction of the project shall occur between 9:00 A.M. and 4:00 p.m. only.

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5. Termination.

This Rockland Land LLC Contract Zone shall be terminated upon a finding by the City Council, after notice and hearing, that Rockland Land LLC or its successors or assigns have failed to satisfy any condition or requirement of this Contract Zone. The Contract Zone shall terminate upon Rockland Land LLC's sale or conveyance of any vacant parcel(s) in the Contract Zone to an unrelated entity) Upon termination, the Property shall thereafter be subject entirely to the regulations for the Residential Zone A.

6. Miscellaneous.

A. Rockland Land LLC , its successors and assigns shall comply with all laws, orders, ordinances, and other public requirements now or hereafter pertaining to its development and use of the Property and related improvements;

B. The restrictions, provisions, conditions, and requirements set forth in this Ordinance Amendment, and in any attached or incorporated schedules or exhibits, are essential components and preconditions to the rezoning of the Property to the Rockland Land LLC Zone, and shall both benefit, and be binding upon, Rockland Land LLC, its successors and assigns, and shall inure to the benefit of and be enforceable by the City of Rockland;

C. If any of the restrictions, provisions, conditions, or requirements herein are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions of this Ordinance Amendment.

Sponsor: Mayor Westkaemper
Originator: Rockland Land LLC
Effective Date: 10/14/2020

E.1 Conditional Zone 5 – New County Drive, portions of Tax Map 59 D-1 and D-2-E-5, Turning Tide

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #47
(As Amended 01/09/06)

IN CITY COUNCIL
December 12, 2005
ORDINANCE AMENDMENT Authorizing Conditional Zone Change – Transitional Business 2 "TB-2" Zone and Commercial 1 "C-1" Zone to Contract Commercial 3 "C-3" Zone – property on south side of New County Road at Thomaston Town Line.
THE CITY OF ROCKLAND HEREBY ORDAINS AS FOLLOWS:
THAT the following area shall be changed from Transitional Business 2 "TB-2" Zone and Commercial 1 "C-1" Zone to Contract Commercial 3 "C-3" Zone, pursuant to Chapter 19 of the Rockland Code, Section 19-104 and 30-A M.R.S.A., Section 4352 with the conditions listed below:
BEGINNING at the intersection of the southern sideline of New County Road and the eastern sideline of Glenwood Avenue; THENCE Easterly along the southern line of New County Road approximately 140 feet to a point defined by the intersection of the New County Road sideline with the northerly extension of the eastern edge of asphalt pavement; THENCE Southerly and parallel with Glenwood Avenue and roughly following the edge of asphalt pavement a distance of approximately 172 feet to a point; THENCE Westerly and parallel with New County Road a distance of approximately 80 feet to the center of a 24" diameter spruce tree; THENCE Southerly and parallel with Glenwood Avenue a distance of approximately 78 feet to the northeast corner of land now or formerly owned by Darren Winslow ; THENCE Southwesterly and Northwesterly by the two courses being the northern line of land of said Winslow a total distance of approximately 74 feet to the eastern sideline of Glenwood Avenue (reference is made to a deed from Jennifer Winslow to Darren Winslow recorded in Knox County Registry of Deeds in Book 3365, Page 162); THENCE Northerly along the sideline of Glenwood Avenue a distance of approximately 250 feet to POINT OF BEGINNING. Being portions of lots 59D1 and 59D2 as shown on the tax maps of the Rockland Tax Assessors Office.
The City of Rockland is requiring the following conditions to be maintained by Turning Tide, Inc. and its principals, Angel Fuller-McMahan and Martin O'Brien (hereinafter "Turning Tide"), or its successors and assigns, in connection with the establishment and ongoing operation
of a sole-source pharmacy that will dispense methadone and provide counseling services to individuals who are dependent on opiates which would be located within the subject Contract Commercial 3 zone. Should these conditions not be met and/or maintained by Turning Tide, or its successors and assigns, or should the premises or any portion thereof no longer be used for the purpose of a sole-source pharmacy, the zoning classifications shall, after notice and hearing before the Rockland City Council, revert to Transitional Business 2 "TB2" and Commercial 1 "C1" as existed prior to this action. Violations of the restrictions herein may also be enforced as land use violations. This amendment is not intended to restrict the use of the subject premises to a sole source pharmacy.

1. Turning Tide shall not permit the operation of a sole-source pharmacy in the rezoned area without all licenses and permits required by the City of Rockland, the State of Maine, and federal authorities being in place. If at any time such licenses or permits are suspended or revoked, the sole-source pharmacy at the subject location shall cease operations until such licenses and permits are reinstated. Necessary permits include, but are not limited to:
a) Change in Use and Building Permit from the City of Rockland;
b) License to operate Methadone Clinic from the Office of Substance Abuse, State of Maine;
c) Pharmacy License from the State of Maine;
d) Approval of the U.S. Drug Enforcement Agency;
e) Within two (2) years of operation, Turning Tide must obtain accreditation from a SAMHSA-approved accreditation entity.
2. Methadone dispensing and opiate counseling operations at the sole-source pharmacy shall take place only between the hours of 5:30 a.m. and 1:30 p.m., seven days a week, except in cases of inclement weather and pursuant to guidelines of the State of Maine Office of Substance Abuse. These hours may be extended on a temporary basis to the extent necessary to deal with such adverse weather. If patient need supports additional hours, these may be scheduled in the late afternoon or early evening, for not more than one hour and not earlier than 5:00 p.m. Any dispensing during this late afternoon hour shall be limited to patients requiring a split dosage consistent with guidelines of the State of Maine Office of Substance Abuse, or on a temporary basis in cases of inclement weather. Turning Tide shall consult with the Advisory Committee described in Paragraph 4 before undertaking evening hours.
3. Turning Tide shall provide ample parking as determined by the Planning Commission to accommodate any peak hours in client usage, and shall schedule the appointments of clients in such a way that these on-site parking spaces are sufficient to avoid traffic back-ups onto Route One or other traffic congestion in the surrounding area.
4. Turning Tide shall establish a community based Advisory Committee, the purpose of which is to advise Turning Tide and its staff on community concerns about the operation of its business, and to work with it to forestall any problems which might arise relating to traffic concentrations, security or other matters relating to impact on the community. The Advisory Committee shall meet at least quarterly, or more often if the need arises, and its meetings shall be open to the public.
a) The Advisory Committee shall consist at a minimum of a representative of the operators, the Rockland Police Chief or his designee, three members of the public appointed by the Rockland City Council, a representative from the Office of the Knox County Sheriff, and, for the first year of operation, a representative of the State Office of Substance Abuse designated by the Director of the Office Substance Abuse.
b) In making policy and operational decisions that relate to the impact of the sole-source pharmacy on the community, Turning Tide shall give due regard to the views and recommendations of the Advisory Committee. The Advisory Committee shall make regular reports, in the form of minutes approved by the members, to the Board of Directors of Turning Tide, the Rockland City Council, and the proper licensing authorities.

c) The ultimate policymaking and management authority for Turning Tide, Inc. and its sole source pharmacy shall remain with the owners and Board of Directors of Turning Tide.

5. Vehicular and pedestrian traffic to and from the sole-source pharmacy and the house on the rear of the property abutting the residential neighborhood on Glenwood Avenue (hereinafter "house") shall enter and exit directly onto Route One, and not onto Glenwood Avenue.
6. Turning Tide shall maintain continuous fencing and screening around its parking lot, the clinic entrance, the administrative offices and the house to limit public view by passing traffic, and thereby greater provide confidentiality for the clients. The fencing and screening requirements shall be proposed by Turning Tide and be presented for approval to the Planning Commission, and they may exceed the requirements for fencing and screening under the provisions of Chapter 19 of the Rockland Code.
7. Turning Tide shall have a security guard present at the facility during the 5:30 a.m. to 1:30 p.m. hours of operation described in Paragraph 2, and any additional hours when dispensing occurs. The security guard shall take appropriate action to discourage clients from remaining on the property after completing their treatment and counseling sessions in order to avoid problems with congestion in the parking lot.
8. The house on the rear of the property abutting the residential neighborhood on Glenwood Avenue shall not be used by clients of the facility, but may be used by staff for offices, client records and other similar administrative uses. The house shall not be used or subleased for residential uses by the general public. Staff may also use the house for housing. The entrance thereto shall be moved to the north or east side of the building, facing the parking lot.
9. The application for permitted use to be submitted by Angel Fuller McMahan, Martin O'Brien and/or Turning Tide, Inc. shall be subject to review in accordance with Rockland Code
Chapter 16, Section 16-201 (as amended by Ordinance Amendment #4, effective 3/16/05).
10. The conditions governing this contract zone shall be subject to review by the Council following the first two years of operation. Turning Tide may request amendments to address issues and concerns arising over time.
Rockland's Comprehensive Plan provides a description of the area of New County Road and Payne Avenue near the Thomaston town line which recites that the area is made up of commercial and industrial uses reflecting a highway location. The businesses located in this commercial area "are oriented towards local residents and provide basic and/or discount services and products." The Comprehensive Plan does not indicate that this part of Route 1 should be anything other than primarily commercial.
The rezoning to Conditional Commercial 3 "C-3" from Commercial 1 "C-1" and Transitional Business 2 "TB-2" will not be inconsistent with uses permitted within the current zones. Specifically, human health services, including clinics and social services, are permitted uses in both "C-1" and "TB-2" zones.
If any of the conditions herein are found by a court of competent jurisdiction are found to be invalid, such as determination shall not invalidate any of the other conditions. The terms and conditions incorporated herein shall be memorialized in an agreement to be executed by both parties.

Sponsor: City Council
Originator: City Council
First Reading: 12/12/2005; Second Reading: 01/09/2006; Eff. Date: 02/08/2006

F. Contract Zone 6.1 – 165 Talbot Avenue, Tax Map 67-A-9

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #21
IN CITY COUNCIL
May 10, 2021

ORDINANCE AMENDMENT Authorizing Talbot Avenue Contract Zone

THE CITY OF ROCKLAND HEREBY ORDAINS, pursuant to Chapter 19, Zoning and Planning, Article I,

Planning Board, Section 19-104, City Council; Planning and Zoning Powers,

THAT the Zoning Map of the City of Rockland shall be amended by designating the parcel identified as Tax Map #67-A-9, located at 165 Talbot Avenue (hereinafter, the "Property") as the Talbot Avenue Contract Zone; and

THAT the Property shall be rezoned as the Talbot Avenue Contract Zone, as follows:

Following due notice, public hearing, and receipt of advisory recommendations from the City of Rockland Comprehensive Planning Commission and Planning Board, the City Council finds and ordains as follows:

WHEREAS, MIDCOAST HABITAT FOR HUMANITY is the owner and operator of land identified as City of Rockland Tax Map #67-A-9, located at 165 Talbot Avenue; and

WHEREAS, the Property is currently located in Residential Zone A; and

WHEREAS, the Property is currently undeveloped and contains approximately five acres of wetlands; and

WHEREAS, Midcoast Habitat for Humanity is a nonprofit organization with a mission to "work in cooperation with the vision and principles of Habitat for Humanity International, bringing people together to build hope, homes and community and end poverty housing in Knox County, Maine;" and

WHEREAS, Midcoast Habitat for Humanity desires to provide affordable housing in the City of Rockland; and

WHEREAS, Midcoast Habitat for Humanity has partnered with Knox County Homeless Coalition to provide rental housing for individuals and families in need of housing; and

WHEREAS, in order to provide affordable housing for individuals and families in need of such housing,

the houses are proposed to be smaller than the minimum floor area required in Residential Zone A of 750 square feet; and

WHEREAS, in order to construct the necessary number of housing units while protecting the wetlands,

Midcoast Habitat for Humanity has requested a reduction in the required front yard setback from twenty-five feet to fifteen feet; and

WHEREAS, this Contract Zone is consistent with Rockland's Comprehensive Plan and is not incompatible with existing and permitted uses within Residential Zone A;

NOW, THEREFORE, in consideration of the promises and conditions set forth herein,

Zoning Map Amendment. Effective thirty days following the adoption of this Ordinance Amendment by the City Council, the City of Rockland Zoning Map shall be amended to delineate the Property as the Talbot Avenue Contract Zone, as follows:

2. Zone Regulations. The Property shall be used and maintained substantially in accordance with the terms and conditions of this Ordinance Amendment, subject, however, to any changes that may from time to time be required to secure, and comply with, subdivision and other required approvals by the City of Rockland Planning Board, and building permit(s) and certificate(s) of occupancy by the City of Rockland Code Enforcement Officer. Except as provided herein, the Property and its use and maintenance shall comply with the Residential Zone A regulations and other applicable provisions of the City of Rockland Code of Ordinances, and state law;
3. Space and Bulk Standards. The following modified space and bulk standards shall apply to the construction of residential structures in the Talbot Avenue Contract Zone.

- Minimum First Floor Area (Principal Structure): 500 square feet per dwelling unit
- Minimum Front Setback: 15 feet
- If multiple dwellings (principal structures) are on one lot, a density of 5,000 sf per dwelling unit shall be applied.

4. Conditions.
a. Midcoast Habitat for Humanity shall record Deed Covenants and Restrictions related to the Property that will prohibit any further development of the approximately five acres of wetlands in perpetuity.
b. Midcoast Habitat for Humanity shall construct attached or detached storage sheds for each dwelling, provided all necessary permits are approved for such sheds.
c. As part of the subdivision and/or site plan review for the development of the Property, the Planning Board shall require submission of a Stormwater Drainage Plan, which shall be subject to peer review, unless reviewed by Maine Department of Environmental Protection.
d. As part of the subdivision and/or site plan review for the development of the Property, the Planning Board may require landscape buffers.
5. Termination.
This Talbot Avenue Contract Zone shall be terminated upon a finding by the City Council, after notice and hearing, that Midcoast Habitat for Humanity or its successors or assigns have failed to satisfy any condition or requirement of this Contract Zone. The Talbot Avenue Contract Zone shall terminate upon Midcoast Habitat for Humanity's sale or conveyance of any vacant parcel(s) in the Contract Zone. Upon termination, the Property shall thereafter be subject entirely to the regulations for the Residential Zone A. Nothing herein is intended to preclude Midcoast Habitat for Humanity's ability to sell individual lots that contain a single-family house or duplex.
6. Miscellaneous.
A. Midcoast Habitat for Humanity, its successors and assigns shall comply with all laws, orders, ordinances, and other public requirements now or hereafter pertaining to its development and use of the Property and related improvements;
B. The restrictions, provisions, conditions, and requirements set forth in this Ordinance Amendment, and in any attached or incorporated schedules or exhibits, are essential components and preconditions to the rezoning of the Property to the Talbot Avenue Contract Zone, and shall both benefit, and be binding upon, Midcoast Habitat for Humanity, its successors and assigns, and shall inure to the benefit of and be enforceable by the City of Rockland;

C. If any of the restrictions, provisions, conditions, or requirements herein are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions of this Ordinance Amendment.

Sponsor: Councilor Dorr
Originator: Midcoast Habitat for Humanity

Eff. Date: 07/14/2021

ARTICLE 3: PARKING AND DRIVEWAYS

Sec. 19-301 PARKING

A. PURPOSE: The purpose of this Section is to provide adequate parking for all land uses by establishing minimum standards for on-site parking, and by establishing standards for parking lots, parking access, and loading areas. In addition, this Section also recognizes that some land uses have unique parking needs, therefore, the purpose of this Section is also to provide flexibility in meeting parking requirements.

B. APPLICABILITY:

1. **Retroactivity:** 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.
2. **Circumstances subject to parking requirement:** No new building, no 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 19-301 can be met.
3. **Permit issuing authority:** For the purposes of this Section, the "permit-issuing authority" is the Code Enforcement Officer if Planning Board review is not required, or the Planning Board if Planning Board review is required.
4. **Non-conformance:** No on-site parking area presently in conformance with this Section shall be made non-conforming as to number, dimensions, location, or layout of spaces; and no on-site 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.

C. PARKING-RELATED DEFINITIONS: Terms not defined in this section or Section 19-204 shall have their customary dictionary meaning.

1. **Building services**: Areas of a building incident to a principal use, such as restrooms, mechanical rooms, and small offices for management of the principal use.
2. **Circulation area**: Areas exclusively for getting from one (1) place to another within a building, such as hallways, corridors, and vestibules, and not part of the aisle of the sales floor of a business.
3. **Expansion of a structure**: For the purposes of this section, an increase in floor area or volume of a structure.

4. **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).

D. MINIMUM PARKING REQUIREMENTS:

1. **Refer to table of parking requirements:** The minimum number of on-site vehicle parking spaces to be provided for each principal use located on a lot is listed in Table 301-1, Minimum Parking Requirements by Principal Land Use, or "Parking Requirements".

2. **Downtown parking district:** No on-site parking is required for uses in the Downtown Parking District as described in Chapter 11 of the Rockland City Code and as follows:

   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 Pleasant Streets; all properties fronting on the Northerly side of Pleasant 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 properties located at 9 Water Street identified as Rockland Tax Map #5-F-3 and 1 Park Drive, identified as Rockland Tax Map #5-B-2.

3. **Standards in downtown parking district:** When parking is provided in the Downtown Parking District all design standards and specific limitations in this Article shall apply.

4. **Alternate parking requirements:** A reduction in the minimum parking requirements in the Table 301-1, Parking Requirements, may be sought in accordance with Section 19-301.F Alternate Parking Requirements.

5. **Use not listed in table of parking requirements:** Where the classification of use is not determinable from Table 301-1, Parking Requirements, the permitting issuing authority shall determine the minimum on-site parking requirements by considering all factors entering into the parking demand for the use, including the most current version of the ITE Parking Generation Manual. Such determination shall be documented in writing and kept on file with the Code Enforcement Office.

6. **Calculating the floor area**: The floor area used to determine the on-site 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. In determining the required number of parking spaces, fractional spaces are rounded to the nearest whole number with one-half (½) or greater counted as one (1) additional space.

7. **Multiple uses on a lot**: Where a building or lot serves more than one (1) use, the number of required parking spaces serving such building or lot shall be the sum of the requirements for all of the various uses.
8. **Shared parking**: The permit-issuing authority may approve the shared use of a parking facility by two (2) 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. 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.
9. **Loading and unloading spaces**: Space(s) designated for on-site loading and unloading may not be used to satisfy the requirement for any parking space or access aisle or portion thereof.
10. **Special types of parking spaces**: Spaces reserved for accessible parking, car-share facilities, and electric vehicle charging may count toward the minimum parking requirements.
11. **No obstructions allowed on parking spaces**: 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, accessory structures, or other obstacles that will prevent their use for parking.
12. **Parking required for expansions**: In the case of 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 exist for the original structure or use, if such structure or use was in lawful existence at the time of adoption of this Ordinance. An expansion of a structure which does not increase the need for on-site parking shall not be required to provide additional parking spaces.
13. **Parking required for change of use**: In the case of a change of a use, the required number of spaces shall be the number of spaces required for the new use 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 350 square feet of gross floor area.
14. **Accessible parking spaces required**: The number of required accessible parking spaces shall be calculated based on the minimum number of parking spaces required in Table 301-1, Parking Requirements, not including any reduction and shall comply with the requirements of the State Building Code.
15. **Increasing non-conformance not allowed:** no on-site parking are presently in conformance with this Section shall be made non-conforming as to number,

dimensions, location, or layout of spaces; and no on-site 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.

E. PARKING REQUIREMENTS: The following table provides the minimum number of required parking spaces for the use listed. Parking requirements for uses not listed shall be determined by the permit , n authority.

Table 301-1. Parking Requirements

MINIMUM PARKING REQUIREMENTS BY PRINCIPAL LAND USE	
Land Use	**Number of Off-street Parking Spaces Required :**
Single-family, two-family, multi-family	One (1) space per dwelling unit,, no additional parking is required for accessory dwelling units.
Automobile-related sales, services, and repair operations (including sales and service, and mobile homes and boats)	One (1) space per 200 sf of floor area (with a minimum of five (5) spaces per business)
Religious institutions	One (1) space for every four (4) seats in portions of the building used for services.
Day care centers or nursery schools	One (1) space per 200 sf of floor area plus one (1) space for each employee
Educational facilities	*Various; see below*
Elementary schools	Two (2) spaces per classroom plus one (1) space for each employee
High schools	Eight (8) spaces per classroom plus one (1) space for each employee
Trade or vocational school (beyond high school)	One (1) space per 150 sf of floor area
Colleges or universities (including all facilities such as dormitories, office buildings, etc.)	One (1) space per 150 sf of floor area
Services—health and medical, personal, and social; offices; and banks and credit unions	*Various, see below*; plus a queuing lane capacity equal to four (4) spaces for each drive-through window (eight [8] spaces if window serves two [2] stations)
Operations designed to attract and serve customers or clients on the premises	One (1) space per 250 sf of floor area
Operations designed to attract little or no customer traffic other than employees of the operation	One (1) space per 400 sf of floor area
Fraternal and service organizations	One (1) space per 200 sf of floor area (except that public assembly parking requirements apply to areas used for such by the public)
Funeral homes	One (1) space per 100 sf of floor area
Dwelling of historical or cultural significance	One (1) space per employee. One (1) space per dwelling unit if used for residential. No more than six (6) total spaces. Eff: 3-16-2022
Home occupations	Five (5) spaces per doctor or dentist; two (2) spaces per attorney; or at least one (1) space per other use; plus one (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.)
Nursing home, assisted living, private non-medical	One (1) space for each three (3) residents plus one (1) space for each on-site employee
Lodging, permanent and temporary with services	One (1) space for every two (2) employees on the maximum shift

Table 301-1. Parking Requirements, *continued*

Land Use	Number of Off-street Parking Spaces Required :
Hotels, motels, bed & breakfast homes or lodging permanent and temporary–independent	One (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 light assembly, distribution and transportation facilities	*Various; see below*
When the majority of dollar volume of business is done with walk-in trade	One (1) space per 400 sf of floor area
When the majority of dollar volume of business is not done with walk-in trade	One (1) space for each two (2) employees
Marinas	One (1) space for each boat slip plus one (1) space per each 200 sf of building area used for the marina
Vehicle fueling stations	Sufficient parking area to accommodate vehicles at the pumps plus two (2) additional queuing spaces to be provided at each pump without interfering with other parking spaces
Community and civic buildings, galleries	One (1) space per 300 sf of floor area.
Indoor recreational facilities such as: 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	One (1) space for every three (3) persons that the facilities are designed to accommodate when fully utilized (if measurable, such as bowling alleys or tennis courts) or one (1) space per 200 sf of floor area of building
Theaters or similar places of assembly	One (1) space for every four (4) seats
Restaurants, bars	One (1) space per every four (4) seats in dining areas; plus one (1) space per 100 sf of lounge, bar, and waiting area; plus one (1) space per employee. Two (2) additional spaces shall be required for each take-out window (with a minimum of 10 spaces for an establishment with take-out windows). One (1) additional space shall also be required for each outside dining table. A queuing lane capacity equal to five (5) spaces shall be provided for each drive-in window
Retail sales	One (1) space per 250 sf of floor area
Wholesale and low-volume retail sales such as furniture, appliance, and trades services	One (1) space per 400 sf
Agricultural markets, nurseries, and greenhouses	One (1) space per 1,000 sf of lot area used for storage, sales, and/or display
Storage facilities (all types)	One (1) space for every two (2) employees or one (1) space per 5,000 sf of storage area
Veterinary clinics	One (1) space per 200 sf of floor area

F. ALTERNATE PARKING REQUIREMENTS

1. **Reduction in parking spaces option**: Recognizing that the parking requirements provided in Table 301-1, Parking Requirements, may not be appropriate for all uses or sites, the number of on-site parking spaces required may be reduced in accordance with this Section.

2. **Parking plan needed for consideration of a reduction**: The permit-issuing authority may approve a reduction in the number of spaces required in Table 301-1, Parking Requirements. In making the determination to approve a reduction, the permit-issuing authority shall consider a parking plan submitted by the applicant. The parking plan

shall describe the unique circumstances of the use, site or project including data to support the proposed reduction in parking.

3. **Situations that justify a reduction in parking**: The permit-issuing authority may approve reductions from the from the minimum requirements set forth in Table 301-1, Parking Requirements, when it finds that:

   a) A residential development is irrevocably oriented toward the elderly.

   b) The site has such characteristics that the number of required parking spaces is too restrictive.

   c) The requested reduction will not cause long term parking problems for adjacent properties or streets, or anticipated future uses for one of the following reasons:

      1) An area on the site suitable for the development of a parking area is reserved for future spaces if needed.

      2) The main entrance to the building is within 1,000-foot walking distance of a public parking lot or private parking lot that the applicant has a legal right to use, a transit route, a ferry terminal, or a bicycle pathway.

      3) A business is primarily oriented to walk-in trade.

      4) Parking may be shared with other uses that have different peak-parking demands or operating hours.

      5) On-street parking is available adjacent to the site.

4. **Recordkeeping required:** The permit-issuing authority shall maintain a record of deviations in parking that are approved. If a Site Plan is required, a note explaining the reduction shall be shown on the plan. If a permit is issued by the Code Enforcement Officer a note shall be included on the face of the permit.

G. REMOTE PARKING:

1. **Off-site parking allowed**: If the number of on-site parking spaces required by this section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then the permitting authority may allow all or part of the required spaces a separate lot(s) in accordance with the provisions of this section.

2. **Distance to remote parking**: The remote parking spaces shall be within a 1,000-foot walking distance of the property on which the principal use is located. This distance is measured from the nearest point of the remote parking area to the primary entrance of the use served. The path of travel from the remote parking to the principal use shall have adequate pedestrian facilities (e.g., crosswalks and sidewalks) for pedestrians to safely travel between the two (2) sites.

3. **Not allowed in residential zones**: Remote parking spaces shall not be allowed in any residential zones.
4. **On-site accessible spaces**: All required accessible parking spaces shall be provided on-site.
5. **Agreement required if parking in different ownership**: Where remote parking spaces are under separate ownership from the principal lot, a written and duly executed parking agreement between the record owners, which guarantees the use and operation of remote parking areas for the life of the principal use, shall be submitted to and approved by the Code Enforcement Officer and recorded in the Registry of Deeds. Change of ownership or use of either parcel shall require a renewal of the agreement.

H. GENERAL DESIGN REQUIREMENTS:

1. **Safety standards**: 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 single-family or two-family dwelling units.
2. **Accommodations for emergency and delivery vehicles**: 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. **Safe circulation areas**: 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 and to accommodate the safe movement of pedestrians to and from the cars and public ways.
4. **Allowable grade of parking areas**: All vehicle accommodation areas and driveways, except for single- and two-family dwelling units, shall have a maximum grade of 5% and a minimum grade of 1%.
5. **Lighting:** 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. **Parking at the side or back of building**: Vehicle accommodation areas shall be provided at the side or to the rear of buildings on a lot whenever practicable.
7. **Snow storage**: Vehicle accommodation areas shall be designed with adequate areas for snow storage and/or removal.

I. ACCESS TO ON-SITE PARKING:

1. **Two-way operation**: Driveways used for two- (2-) way operation shall intersect the road at an angle of as near 90 degrees as site conditions will permit and in no case less than 60 degrees or more than 120 degrees.
2. **One-way operation**: Driveways used by vehicles in one (1) direction of travel shall not form an angle smaller than 45 degrees with a road.
3. **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:
   a) Uses permitted in such residential district; and
   b) Uses which legally existed prior to the effective date of this Article.
4. **Sight distances:**
   a) Single-family and two-family dwellings: Any exit driveway or driveway shall provide the minimum sight distances to the greatest extent practicable.
   b) All uses other than single-family or two-family dwellings: Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distances (in feet) measured in each direction along the intersecting public street or in one (1) direction in the case of one-way streets.

Posted Speed Limit (mph)	Minimum Sight Distance (ft)
25	150
30	200
35	250
40	325
45	400
50	475
55	550

NOTE: On streets with a "STOP" sign at intersecting streets and on dead-end streets, the sight distances are not required.

5. **Measuring sight distance:** 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 10 feet behind the curb line or edge of shoulder, with the height of the eye at 3½ feet above the driveway to the top of an object 4¼ 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.

6. **Distance from intersections**: No driveway entrance or exit shall be located closer than 50 feet from a street intersection, as measured from the centerline of driveway to the outer edge of the road or curb (if applicable) of the intersecting streets.

7. **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 19-207, Dimensional Standards. Where separations are not specified in 19-207, a minimum of 50 feet shall be required between any two (2) driveways onto the same parcel. At least one (1) driveway entrance shall be allowed onto any lot.

8. **Driveway dimensions:** Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10-foot-wide driveways are permissible for two-way traffic: A) when it services a single- or two-family dwelling; or B) when the driveway is no longer than 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 42 feet in width. The Permit Issuing Authority may require a dividing center island if deemed necessary. No driveway serving a single-family, two-family, or multifamily dwelling shall exceed 30 feet in width. No one-way driveway shall exceed 26 feet in width. The width measurements shall not include center islands and curb radii.

9. **Curb and sidewalk construction**: When driveways are cut into existing curbing and sidewalks, curbing must be cut back at least 4 feet on each side of the driveway opening. Replacement curbing must be re-laid with ends tapered from 7 inches high (or from the height of the existing curbing) to no more than 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 (one-quarter-inch) per foot and no more than ½ inch (one-half-inch) per foot across the complete width of the sidewalk. All work shall be done at the expense of the applicant, shall meet the applicable standards in the Technical Standards Manual, and shall be performed to the satisfaction of the Director of Public Works.

10. **Culverts**: Whenever the installation of a culvert underneath a new driveway is deemed necessary to maintain street side drainage, the property owner shall obtain a street opening permit from the City pursuant to Chapter 15, Article IV and shall cause the installation of the culvert in conformance therewith.

J. DIMENSIONS OF PARKING FACILITIES:

1. **Parking Spaces:** Each parking space shall contain a rectangular area at least 18 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 guide, which varies the width requirements according to the angle of parking.

		Parking Angle			
		0°	**45°**	**60°**	**90°**
Aisle Width	**One-way Traffic**	13 ft	13 ft	18 ft	24 ft
	Two-way Traffic	18 ft	21 ft	23 ft	24 ft

3. **Vehicle Accommodation Area Surfaces:**

   a) Parking lot surface requirements: Vehicle accommodation areas and lots with drive-through windows and lots with more than 25 parking spaces 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 (e.g., employee-only parking, or the area is used less than five (5) days per week), location of parking area, site or area conditions, or other similar factors that any allowed exceptions will not adversely affect public safety or cause unreasonable erosion, dust, or other problems.

   b) Surface requirements not included in subsection F.3.a directly above: Vehicle accommodation areas that are not provided with the type of surface specified in Subsection F.3.a above 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 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 F.3.a 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 fewer than six (6) parking spaces.

   c) Striping: Parking spaces in areas surfaced in accordance with Subsection F.3.a shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection F.3.a shall be demarcated

whenever practicable or whenever deemed necessary because of limited parking or type of parking space layout.

d) Maintenance: 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.

4. **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.

5. **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. **Accessible parking facilities:** 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.

K. LOADING AND UNLOADING AREAS:

1. **Applicability:** Subject to Subsection H.1.h. 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. **Minimum loading and unloading area**: 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 [1,2]
1,000 - 19,999 sf	1
20,000 - 79,999 sf	2
80,000 - 127,999 sf	3
128,000 - 191,000 sf	4
192,000 - 255,999 sf	5
256,000 - 319,999 sf	6

[1]Minimum dimensions of 12 feet x 55 feet and overhead clearance of 14 feet from street grade required
[2]Plus one (1) space for each additional 72,000 square feet or fraction thereof

3. **Circulation safety:** Loading and unloading areas shall be so located and designed that the vehicles intended to use them are able to A) Maneuver safely and conveniently to and from a public right-of-way; and B) Complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
4. **Non-conforming loading and unloading areas**: Whenever there exists a lot with one (1) 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.
5. **Landscaping and buffering standards**: The landscaping, buffering, screening, etc., shall meet all standards provided elsewhere in the Zoning Ordinance.

Sec. 19-302 DRIVEWAYS AND CURB CUTS

A. DRIVEWAY AND CURB CUT PERMITS:

1. **Permits:** No person, natural 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.

2. **Review Criteria**: The permit-issuing authority shall ensure compliance with this section and other applicable standards 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. Notwithstanding the minimum distance between curb cuts requirements of the dimensional standard tables of Sec. 207, every lot is allowed one (1) curb cut. The intent of this standard is to maximize the distance between curb cuts. Lots with frontage on more than one (1) street shall use a side street for access when possible. The Code Enforcement Officer is authorized to reduce the distance between curb cuts if compliance is physically impossible or when compliance would create a safety hazard.

3. **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 $100 to $5,000 per day as provided in 30-A, M.R.S. §4452.

ARTICLE 4 STANDARDS

Sec. 19-401 SUPPLEMENTAL STANDARDS

Sec. 19-401.1 CLUSTERED HOUSING

A. PURPOSE AND APPLICABILITY:: 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 open space in the subdivision being 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. This section shall apply to all subdivisions in the Rural Residential 1 and Rural Residential 2 zones.

B. CLUSTER HOUSING-RELATED 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**: A residential development design that contains 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 and to increase land conserved within the subdivision as open space. Clustered Housing Subdivisions permit reduced lot sizes, road frontage, and setbacks. The area of the required open space in the RR-1 and RR–2 Districts shall be 40%. In all other Districts the required open space shall be 50% of the total land area of the parcel being subdivided.
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, 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 (1) dwelling unit constructed as separate "buildings" as that term is utilized in the Building Code, with independent access.
8. **Subdivision, large lot**: A residential development design that requires lot sizes be at least double the minimum lot size of the district in which the subdivision is located. No open space is required. A note on the plan and a deed restriction forbidding further subdivision of these lots unless the appropriate density requirement for a large lot subdivision can be met must be provided.
9. **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.
10. **Standard subdivision plan:** The preliminary plan that would be required by Chapter 16, Article I were this Clustered Housing Ordinance to not apply.

C. DIMENSIONAL STANDARDS:

Table 401-1. Clustered and Large Lot Subdivisions

CLUSTERED AND LARGE LOT SUBDIVISIONS DIMENSIONAL STANDARDS				
	Clustered Subdivisions		Large Lot Subdivisions	
	RR-1	RR-2	RR-1	RR-2
LOT SIZE AND DENSITY				
Minimum density (ac)		2		4
Sewer (sf)	20,000	N/A	40,000	N/A
No-sewer (sf)	43,560	N/A	87,120	N/A
Minimum lot size				
Sewer (sf)	10,000		20,000	
No-sewer (sf)	20,000		87,120	
Minimum lot size eligible for clustered subdivision	3 ac	3 ac	3 ac	3 ac
MINIMUM SETBACKS				
Front	20	20	50	
Side (principal structure)	10	15	50	
Rear	20	15	50	
STREET REQUIREMENTS				
Street Frontage	75	75	250	250

D. OWNERSHIP OF COMMON OPEN SPACES AND CONSERVATION AREAS: All common open space must be held in one or more of the following ways:

1. Common open space and facilities may be owned by the owners of the lots or dwelling units by means of an owners' association.
2. 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.

E. FURTHER SUBDIVISION AND USE OF CONSERVATION AREA: 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 5 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.

Sec. 19-401.2 MOBILE HOMES AND MANUFACTURED HOUSING

A. PURPOSE: The purpose of this Section is to establish minimum standards for the placement of mobile homes, in accordance with the provisions of Title 30-A M.R.S. Section 4553, "Regulation of Manufactured Housing," to restrict the location of mobile 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.

B. 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."

C. APPLICABILITY: This section shall apply to all of the land area within the City of Rockland, and it shall apply to all mobile homes to be located in or moved from one part of the city to another. (see also: 19-206.G.7 Mobile home parks)

D. PERMIT REQUIREMENTS: No person, firm, corporation, or other legal entity shall locate a mobile home in the City of Rockland or move a mobile 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 30 days of receipt of such applications and submission of proof that the mobile home meets the definition of “mobile home” of Sec. 19-204.

E. PROHIBITIONS: No person, firm, corporation, or other legal entity shall locate, or move from one lot of land to another, a mobile home which fails to meet the requirements of 19-401.2.G – Manufactured Housing Standards below, except to or within a mobile home park.

F. NON-CONFORMING STRUCTURES: Mobile homes and trailers, which fail to meet the standards set forth in Section E above, 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 19-401.2.E - Prohibitions above and non-conforming structures may be replaced by another non-conforming structure, provided it meets the definition of “mobile homes” and/or “modular homes” set forth in Section 19-204 Definitions. A non-conforming structure may be moved to a different location on the same lot or parcel of land or replaced by a conforming single-family dwelling.

G. **MANUFACTURED HOUSING STANDARDS:** All manufactured housing located in the City of Rockland shall have a shingled roof with a minimum pitch of two in twelve (2/12), shall have siding that is residential in appearance and consistent with surrounding neighborhood housing, and shall have a permanent masonry foundation or pad.

H. **LOCATION OF MANUFACTURED HOUSING:** Manufactured housing may be located within the City of Rockland in accordance with standards applicable to single-family dwellings and the following:

   1. **Modular homes, and tiny homes**: Permitted in all zones in which single-family dwellings are permitted.

   2. **Mobile homes**: Prohibited in Residential "AA, "Residential "B-1”, Waterfront 1 “WF-1”, Waterfront 2 “WF-2”, Waterfront 3 “WF-3”, Waterfront 3A “WF-3A”, Waterfront 4 “WF-4”, Waterfront 5 “WF-5” and Woodland and Wildlife "G" Zones. Mobile homes are permitted in all other zones in which single-family dwellings are permitted.

I. **PARKING LIMITATION:** 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. **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 19-102.B.2. A variance shall not allow the placement of a manufactured home in a zone in which such structures, including modular homes, 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. 19-401.3 YARD SALES

A. **DEFINITIONS RELATING TO YARD SALES**: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

   1. **Goods**: Secondhand or used personal property which is owned, utilized, and maintained by an individual or members of his residence, and acquired in a normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

2. **Yard sales, lawn sales, garage sales, and moving sales**: Are synonymous and mean all general sales of goods, open to the public, conducted from or on a lot in a residential zone or on a lot used for residential purposes.

B. **SALE OF NEW GOODS**: It shall be unlawful for new goods to be sold at any yard sale.

C. **TERMINATION OF SALE AS FIRE OR TRAFFIC HAZARD:** The chief of police or his designee shall have the authority to terminate any yard sale which creates a traffic hazard. The fire chief shall have the authority to terminate any sale which creates a fire hazard.

D. **RESTRICTED TO DAYLIGHT HOURS:** Yard sales shall be conducted during daylight hours only.

E. **REMOVAL OF GOODS:** Upon completion of the yard or garage sale, all goods not sold must be lawfully removed from the yard of the premises where the sale was held.

F. **FREQUENCY:** A yard sale shall not be permitted at any one (1) location, lot, or parcel of land more than four (4) times within a 12-month period. A yard sale shall not be continuous for more than three (3) days.

G. **PENALTY:** A yard sale not in compliance with this section shall be considered a land use violation.

Sec. 19-401.4 SEASONAL CONTAINER RESTAURANTS AND FOOD WAGONS

A. **APPLICABILITY:** In areas of the City where applicable zoning standards permit restaurants, container restaurants and food wagons having a floor area for the principal structure of less than 250 sq. ft. shall be exempt from the following standards, where applicable, so long as all criteria under Sec. B below, Planning Board review standards.

B. **PLANNING BOARD REVIEW STANDARDS:** No person, corporation, or other legal entity may place, construct, add to, or use any seasonal container restaurant or food wagon without first applying for and obtaining approval of the same from the Planning Board, pursuant to Chapter 16, Article II, applying the following standards and requirements in Chapters 16 and 19, in addition to applicable building code, life safety, and fire prevention requirements:

1. **Materials and construction**: The container restaurant or food wagon shall be a trailer or container, or any similar rectangular structure made out of metal, composite, or wood and must have rigid walls and a rigid top.

2. **Dimensions:** The length of the enclosed structure of a container restaurant shall not exceed 30 feet, and the length of a food wagon shall not exceed 20 feet. The width of the enclosed structure of a container restaurant or food wagon shall not exceed 8 feet, and the height of the side to a flat roof, or the lowest side below a pitched roof, shall not exceed 9 feet, 6 inches.

3. **Siding and signs:** The exterior finish shall be of high-quality materials and in good condition. Decorative color schemes and full wall murals on the exterior walls are permitted and may incorporate the logo for the specific container restaurant or food

wagon business at the site so long as the lettering in the logo does not exceed the maximum allowed for signs under 19-502 Signs.

4. **Allowable perimeter area:** Projections such as decks, roll out or flip up awnings, or fold-down seating areas shall not extend a greater horizontal distance from the container restaurant or food wagon than the vertical wall height of the container restaurant or food wagon.
5. **Outdoor storage of fuel and trash**: Unless located in a fully screened enclosure shared with another building or user at the site, all onsite fuel storage tanks, bulk waste storage containers, and similar accessory equipment shall be located in a fully-screened area that shall not exceed a greater horizontal distance from the container restaurant or food wagon than the vertical wall height of the container restaurant or food wagon.
6. **Accessory items**: Except for plantings and/or fencing installed to provide screening from abutters, and to aid vehicular or pedestrian circulation, and for movable accessory items like tables, benches, and chairs for patron use, all other accessory items shall be located adjacent to the primary structure and shall not extend a greater horizontal distance from the container restaurant or food wagon than the vertical wall height of the container restaurant or food wagon.
7. **Accessory buildings**: No accessory buildings may be permitted for container restaurants or food wagons under this section.
8. **Parking and circulation**: Provisions for parking and vehicular circulation, shall conform to the standards in 19-301 Off-Street Parking. Where the container restaurant or food wagon is located in a parking area, or the temporary seating is in a parking area, the Planning Board may impose specific requirements for vehicular and pedestrian circulation to ensure pedestrian patron and employee safety.
9. **Lighting**: All exterior lighting shall meet the standards of standards of Ch 16 – Site Plan Review and Section 19-402.C Lighting.
10. **Restrooms**: Restrooms must be available for all employees.
11. **Water and wastewater**: Evidence must be provided of a potable water supply and suitable wastewater disposal
12. **Landscaping**: Landscaping must be in accordance with Section 19-402.G. Other 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 outside its fixed perimeter.
13. **Noise**: The use of exterior speakers or other audible devices to play music, communicate with customers, or other purposes shall be strictly prohibited.
14. **Trash**: The operator shall clean the site and surrounding area at least daily to remove any visible waste from the food service and take all reasonable efforts to keep food-service-related items off of abutting property and out of adjacent public ways. All trash receptacles for patron use shall be emptied and secured at the end of each business day.

15. **Limitation of use:** Container restaurants and food wagons permitted under this provision may not operate more than eight (8) months of the year. Container restaurants and food wagons may remain at the permitted location year-round so long as all temporary items such as, but not limited to, tables, chairs, food service items, and trash cans are removed from the site, stored in the primary structure, or stored in the screened area used for bulk waste and fuel containers when the business is operating.

16. **Inspections**: Except for food trucks or food wagons on locations for fewer than six (6) days as part of a permitted festival or event, container restaurants and food wagons in any City park or parking area are subject to periodic inspections and enforcement by the Code Office, the provisions of this section, the operators' permits, and any additional standards imposed by the Council or by the Harbor Management Commission as a condition of the use agreement. Container restaurants and food wagons located on a Municipal property that includes parking are exempt from any additional specific parking requirements.

18. **Site Plan Review required:** Container restaurants and food wagons having a floor area for the principal structure of 250 square feet. or more, and/or those that are operational more than eight (8) months or more and permanent restaurants are subject to full site plan review and approval pursuant to Chapter 16, Article II. If container restaurants and food wagons under this section are located in the Downtown or Tillson Avenue Overlay Zones, they shall be subject to regulations of those zones, including Design Standards.

Sec. 19-401.5 SHORT-TERM RENTALS

A. **PERMITTED SHORT-TERM RENTALS:** In any zone, existing single-, two-, and multi-family structures may be used as short term rentals upon the issuance of a Short-Term Rentals Permit for the premises pursuant to Chapter 11, Article II, Section 11-210. Notwithstanding anything to the contrary in this section, Planning Board review of short-term rentals as a conditional use shall not be required when the Code Office is the designated permitting authority pursuant to Chapter 11, Article II, Section 11-210.2.

B. **PROHIBITED SHORT-TERM RENTALS**: No person may offer for rent, rent, operate, or otherwise use any parcel in the City of Rockland for short-term rentals if:

   1. **Lack of permit**: Such person has not secured or maintained a valid short-term rentals permit for the premises; or

   2. **Prohibited structures**: Short-term rentals are not allowed in detached accessory buildings, recreational vehicles, trailers, tents, or other mobile residential equipment other than a mobile home.

Sec. 19-401.6 PARKING OF TRAILERS AND MOTOR VEHICLES ON RESIDENTIAL PROPERTIES

A. **PARKING OF TRAILERS AND MOTOR VEHICLES ON RESIDENTIAL PROPERTIES:** To protect the public health, safety and welfare, provide for the protection and maintenance of public ways and ensure that waste is adequately disposed of; the 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:

1. **Semi-trailers and containers:** 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.

2. **Temporary parking**: 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.

3. **Dimensional standards compliance:** 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.

4. **Definitions pertaining to this section.**
   a) **Recreational Vehicle (RV):** Any of the following excluding Manufactured Housing Board Certified Homes:
   b) **Camper:** A separate vehicle designed for human habitation and which can be attached or detached from a motor vehicle, whether manufactured or homemade.
   c) **Camper-Trailer:** A vehicular, portable dwelling structure designed to be used for recreational purposes, whether manufactured or homemade. This includes a travel trailer, so identified by the manufacturer; a pickup camper; a folding tent trailer; and a motorized camper where the camping portion is an integral part of the self-propelled vehicle.
   d) **Motor Home:** A self-contained vehicle, designed for human habitation, with its own motive power and with a passageway from the body of the home to the front seat.
   e) **Trailer:** A vehicle, without motive power, designed for carrying persons or property on its own and to be drawn by a vehicle with motive power. The term "trailer" shall include, but shall not be limited to, horse trailers, boat trailers and skimobile trailers.
   f) **Occupy for living purposes**: Includes, but is not limited to, sleeping, connecting to electricity, water, gas or a sanitary sewer to make ready for habitation; and using as a dwelling place, as a substitute for or in addition to a customary dwelling unit.

5. **Occupation Prohibited:** It shall be unlawful to occupy any RV for living purposes anywhere within the City except in a campground, campsite or RV Park all of which must be approved and/or permitted under applicable zoning regulation and maintained in accordance with City Ordinances, except as allowed below:

a) **Building permit**: When a building permit has been issued for the construction or alteration of a building, the Code Enforcement Officer may issue a temporary permit, valid for six months, for the placement and occupation of one RV in connection with the construction or alteration of such building. Such permit may be extended for an additional six-month period if he/she finds that construction or alteration has been diligently pursued and that justifiable circumstances require the extension. Standards for permits under this subsection are as follows:
   1) The applicant has submitted a plan showing the specific proposed location.
   2) The proposed location is on the same lot as the building being constructed or altered.
   3) The proposed location will not violate any private covenants attached to the property.
   4) Adequate provision is made for disposal of all waste.

b) **Private property**: A single RV may be occupied on private property outside of an approved campsite, campground or RV park for not more than one (1) week if it meets the following standards:
   1) The RV is occupied by visitors or relatives of the owner of the property.
   2) Neither an RV nor an RV site shall be rented.
   3) The RV must have self-contained sewage disposal, potable water and electrical service. Records of proper wastewater disposal must be available. Alternatively the occupant must have ongoing access to a principle structure on the same premises, containing bathroom facilities and electricity.
   4) The RV must be currently registered for over-the-road travel.
   5) If not located at an approved campsite, an RV may not be occupied or stored on a vacant lot. RVs shall not be stored on residential property not belonging to the owner of the RV. The Code Enforcement Officer may order such RV to be immediately removed.
   6) External electrical generators used in association with the recreational vehicles permitted under this section are prohibited.

c) **Primary residence**: Between May 1 and October 31, the owner of an RV may themselves occupy, or allow immediate family members to occupy such RV for periods of longer than a week on their own property on which they reside in a single or two-family dwelling.

d) **Festivals**: RVs may be temporarily parked and occupied on private property where there is no principle structure for periods not exceeding 48 hours during festivals licensed by the City.

Sec. 19-402 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 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: Outdoor lighting that meets the safety, efficiency, environmental, and aesthetics standards of this section is required.

1. **Definitions related to lighting**: 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 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 (1) foot-candle is equal to one (1) 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 14 days, with at least 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 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 (½) of a foot-candle upon abutting residential properties, except in the Transitional Business 3 Zone where the direct and indirect illumination shall not exceed two-tenths ($^{2}/_{10}$) of a foot-candle upon abutting residential properties.

   f) Unless otherwise approved by the authority having jurisdiction, luminaire height, including the base, shall not exceed 25 feet in non-residential areas and 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.

D. NOISE AND VIBRATION:

1. **Unreasonable hours**: 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. **Vibration**: 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.

3. **Maximum sound levels**: 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 as listed in Table 402-1 below:

Table 402-1. Maximum Allowable Sound Levels[1]

MAXIMUM ALLOWABLE SOUND LEVELS BY ZONE		
Zone	Time of Day	
	7 a.m. to 9 p.m.	9 p.m. to 7 a.m.
Industrial Business Park Waterfront 1-5	75 dB	60 dB
Rural Residential 1-2 Commercial 1-3 Plaza Commercial Downtown	75 dB	55 dB
Transitional Business 1-2	65 dB	50 dB
Transitional Business 3-4 Neighborhood Commercial Resort Residential A, AA, B, B-1	55 dB	45 dB

[1] Sound pressure levels shall be measured on a sound level meter at all lot lines of the site, at a height of at least 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. Each level specified may be exceeded by 10 decibels (dBs) for a single period, no longer than 15 minutes, on any given day.

4. **Multiple zones**: 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. **Construction noise**: 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 are prohibited, unless exempted pursuant to Subparagraph 7.

6. **Enforcement**: 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. **Exempt noise**: 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) Road construction, reconstruction, and/or paving activities by or on behalf of the City of Rockland or the State of Maine, or as part of road restoration work following emergency construction or repair work by or on behalf of a public utility.

h) 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 QUANTITY, QUALITY, AND DISCHARGE:

1. Water quality—materials storage:

a) 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.

b) 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 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 275 gallons in size, are exempt from this

requirement in situations where neither a high seasonal water table (within 15 inches of the surface) nor rapidly permeable sandy soils are involved.

c) All below-ground tanks must meet the standards of the Maine Department of Environmental Protection.

2. **Water discharge:** Water and wastewater discharges into any sanitary sewer must comply with the applicable national and state pretreatment standards, local discharge restrictions, and other limitations set forth in Chapter 14, Article IV. No person or entity may discharge any pollutant to any storm sewer without first obtaining a valid National Pollutant Discharge Elimination System ("NPDES") permit from the Environmental Protection Agency or Department of Environmental Protection for such discharge, and no such discharges may exceed the applicable limit(s) imposed by such NPDES permit.

G. LANDSCAPING:

1. **Purpose**: The purpose of the following landscape standards is to protect the public welfare by assuring that:

a) Landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes;

b) 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;

c) Plant materials are appropriate to Maine climatic conditions and the functions of the areas in which they are used;

d) Plant materials are of a size and condition that will allow them to establish themselves, mature, and survive in a healthy and attractive manner;

e) Landscaping elements and the areas in which they are established are maintained in a clean, healthy, and attractive condition; and

f) 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:**

a) Canopy trees: Deciduous tree that reach at least 35 feet or more in height at maturity. Canopy trees are used to help create identity and establish the character of an area, help define large spaces, and provide shade in the hotter months of the year.

b) Evergreen trees: Trees that reach at least 35 feet or more in height at maturity. Evergreen trees are used to create year-round interest with their dominant forms and color, screen or direct views, function as windbreaks, and 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 4 to 12 feet, to add greater variety and landscape interest.

c) Understory trees: Trees that reach 10 feet to 35 feet in height at maturity. Understory trees are used to provide eye-level landscaping features that help to scale down larger architectural and landscape elements, define minor spaces, and provide a variety of form, color, and accents to a site.

d) Shrubs: Plant materials that have mature heights of 2 to 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: Includes 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 meet the following minimum size standards at time of installation, with calipers measured at diameter at 4 feet above ground.

Table 402-2. Plant Sizes

PLANT SIZE STANDARDS			
Plant Type	**Minimum Caliper, Plant Height, or Pot Size at Planting**	**Height at Maturity**	**Primary Purposes**
Canopy tree	1½-inch caliper, 4 inches above the ground	35 feet minimum	Summer shade, create character, define a large area
Evergreen tree	4 feet in height If used for buffering, heights should vary between 4 and 12 feet	35 feet minimum	Screen views, create a windbreak, add year-round interest
Understory tree	1½-inch caliper, 4 inches above the ground	10 to 35 feet	Provide eye level form, color, accents to sites, scale down large buildings, define smaller spaces
Shrubs	18 inches in height	2 to 10 feet	Add seasonal color and interest, create a physical and/or visual barrier, define scale and location of building
Ground cover	1- to 4-inch pot per square foot of space covered		Seasonal color and interest, create patterns at the ground level, humanize the site

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, 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:** All plantings and buffer yards 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. 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. **Landscaping requirements**: Table 402-3 below outlines the various landscaping requirements, except as approved in Section 11 below, Alternative plans.
11. **Alternative plans**: In circumstances where the required landscaping does not fit the 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 otherwise be required.

Table 402-3. Landscaping Requirements

LANDSCAPING REQUIREMENTS		
PARKING LOTS **Landscaping in parking lots is to provide shade, visual relief from broad expanses of pavement, and to channelize and separate areas for vehicular and pedestrian circulation.**		
PLANTING REQUIREMENTS	**6 to 11 PARKING SPACES**	**12 or more PARKING SPACES**
% of gross area of parking area to be landscaped, excluding perimeter landscaping	N/A	5%
Mix of plant types per 12 parking spaces	N/A	(2) canopy trees + (1) understory tree + (5) – shrubs[58]
Lots where a parking area serving a non-residential use abuts a residential District or a residential use [1, 2, 3]	10 ft wide, for every 100 ft of street frontage excluding a 5-ft-pedestrian walkway, plant with 3 – canopy trees, 4 – understory trees, 30 shrubs, 6 – evergreens	
BUILDINGS **Landscaping around buildings, except for vehicle drop-off and loading and unloading area, is to enhance the appearance of the building and the site and to avoid impacts of exhaust, fumes, and noise to building occupants.**		
PLANTING REQUIREMENTS	**DETAIL**	
Landscape area along buildings in districts other than commercial or industrial	15 ft wide, except for entrances and vehicle drop off areas	
Landscape area along buildings < 2,500 sf in commercial or industrial districts	4 ft wide, except for entrances and vehicle drop off areas	
Landscape area along buildings >2,500 sf in commercial or industrial districts	15 ft wide, except for entrances and vehicle drop off areas	
PERIMETER **Landscaping around the perimeter of parking lots is to avoid the impact of glare, headlights, parking lot lights, noise, dust, and to protect and enhance the visual character of the site.**		
PLANTING REQUIREMENTS	**DETAIL**	
Perimeter landscaping – abutting a public right-of-way in the following Districts DT[2]	6 ft wide for every 100 ft of street frontage excluding the width of driveways; plant with 3 – canopy or evergreen trees, 4 – understory trees, 20 - shrubs	
Perimeter landscaping – abutting a public arterial or collector right-of-way in all Districts except , DT, C3, PC, BP, RR1[2]	10 ft wide for every 100 ft of street frontage excluding the width of driveways; plant with 3 – canopy trees, 4 – understory trees, 30 shrubs, 6 – evergreens.	
Perimeter landscaping – abutting a public right-of-way other than an arterial or collector, in all Districts except DT, C3, PC, BP, RR1	6 ft wide for every 100 ft of street frontage excluding the width of driveways; plant with 2 – canopy trees, 2 – understory trees, 20 shrubs, 4 – evergreens	

[58]For each mature canopy tree in the parking area or property line abutting a residential property that is retained and integrated into the parking lot design, the required number of canopy or understory trees may be reduced by two (2). If any retained mature tree dies within five (5) years of the date that a building permit was issued for the site, the dead tree shall be replaced with two (2) similar trees meeting the standards of this Ordinance. For property lines that abut a residential use, if any retained mature trees die within five (5) years that a building permit was issued for the site, as an alternative, a dense hedge or screen composed of at least two-thirds evergreen plantings,4 feet or more in height at the time of planting of a type which will reach 6 feet or more in height within five (5) years may be substituted. If the land is bermed to a height of 2 feet or more, the height of the plantings may be adjusted.

[2] For lots with frontages or property lines less than 100 feet, the landscaping requirement are reduced proportionally to the amount of road frontage.

[3]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.

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 City's planned character.

2. **Applicability:** 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:

   a) Business or industrial parks.

   b) Master-planned residential, commercial, or mixed use developments.

   c) Single commercial, business, or industrial developments not associated with a subdivision or park or master-planned development.

3. **General standards:**

   a) Natural features shall be maintained whenever possible to meet buffer requirements. When natural features such as topography, gullies, stands of trees, shrubbery, or 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.

   b) 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.

   c) For landscaping and maintenance, see Section G above.

   d) The required side and back yards of nonresidential uses that abut properties in residential zones, or of multi-family 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.

      (1) 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 as shown in Table 402-4, below.

e) In the Transitional Business Zone 3, 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 5 feet wide. In the Transitional Business 4 the landscaped strip shall be at least 60 feet wide and shall be planted with at least six (6) canopy trees, 24 evergreen trees, eight (8) understory trees, and 60 shrubs per 100 linear feet of length exclusive of the width of the pathway. The number of trees for frontages of less than 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. Buffering requirements:

Table 402-4. Buffering Requirements by Zone

MULTI-FAMILY AND NONRESIDENTIAL USES ABUTTING A RESIDENTIAL DISTRICT	MINIMUM WIDTH OF LANDSCAPE STRIP	REQUIREMENTS FOR LANDSCAPING STRIP
For all applicable lots in the TB3, C3, PC, BP, RR 1 and 2, but not in the I or DT Zones side and rear lot lines[59]	10 feet wide	Where possible, retain the natural vegetation. Where natural vegetation is not sufficient or possible, minimum planting per 100 feet of side or rear lot line as applicable[60]: 3 – canopy trees, 12 – evergreen trees, 4- understory trees, and 30 – shrubs
For all applicable lots in the I Zone that are subject to Site Plan Review after 4-11- 2016 side and rear lot lines[3]	10 feet wide	One (1) one evergreen tree such a Norway Spruce every 10 feet. The buffer shall not be pruned to maintain a dense screen from the ground to the peaks of the trees.
For all applicable lots in the DT Zone-side and rear lot lines[3]	6 feet wide	Minimum planting per 100 feet of side or rear lot line as applicable[4]: 3 – canopy or evergreen trees, 4- understory trees, and 15 – shrubs
For all applicable lots in the TB3, C3, PC, BP, RR 1 and 2 Zones side and rear lot lines[3]	30 feet wide	Minimum planting per 100 feet of side or rear lot line as applicable[4] : 3 - canopy trees, 12 - evergreen trees, 4 - understory trees, and 30 - shrubs

[59] For lots with frontages or property lines under 100 feet, the landscaping requirement are reduced proportionally to the amount of road frontage.

[3]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]For lot lines less than 100 feet long, the requirements are reduced proportionally. A pedestrian pathway of no greater than 5 feet wide may be retained.

5. **Front yards of multi-family and non-residential uses:** The required front yards of multi-family and nonresidential uses shall be maintained in a landscaped condition.
6. **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, 4 feet or more in height at the time of planting, of a type that shall reach 6 feet or more in height within five (5) years. If the land is bermed to a height of 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 maintained in good condition.
7. **Areas for outdoor sales associated with 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, 4 feet or more in height at the time of planting, of a type that will reach 6 feet or more in height within five (5) years. If the land is bermed to a height of 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:

1. **Bulk storage; junkyards:** All outside storage areas and 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.
2. **Attractive nuisances**: 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.
3. **Fuels and hazardous materials:** Above-ground fuel (including, without limitation, propane, liquefied natural gas, compressed gas, oil or other petroleum product, and biomass feedstock or products) storage; chemical storage (including without limitation ammonia, urea, or other compounds utilized for air emissions treatment, process water treatment, or cooling water treatment); hazardous materials storage areas; tanks; or other facilities serving any commercial or industrial use; and processes utilizing any

hazardous materials shall be A) adequately screened so as to prohibit public access and provide visual and safety barriers; B) included in an emergency response plan for the facility that is reviewed and approved by the Fire Chief or his designee; and C) subject to periodic inspection by the Fire Chief or his designee pursuant to Chapter 7, Article II or other applicable provision of law.

J. 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.

3. On or after April 11, 2016, prior to permitting new land uses that are to utilize as fuel or for other purposes compressed natural gas ("CNG"), biomass (*e.g.*, wood chips, wood pellets, sawdust, straw, or other bulk organic matter), or municipal or other solid waste transported to the site by ten or more trucks each having a gross vehicle weight rating ("GVWR") of 60,000 lbs. or more per day, the review authority shall require the applicant to prepare and submit a traffic study acceptable to such review authority that provides for the mandatory routing of such delivery trucks via routes and at times of day that minimize their impact on neighborhoods and roads.

K. SLOPES: In the Transitional Business 3 Zone, 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.

L. EXEMPTIONS: These performance standards shall not apply to any "emergency stationary reciprocating internal combustion engine ('RICE')" as defined in 20 C.F.R. Part 63, Subpart ZZZZ, Sec. 63.6675.

Sec. 19-403 STANDARDS FOR ARCHITECTURAL AND VISUAL APPEARANCE

Sec. 19-403.1 GENERAL STANDARDS

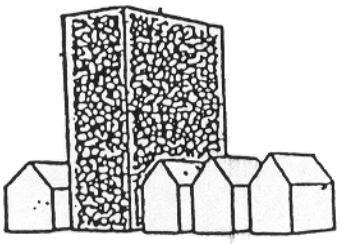
A. PURPOSE: To protect, enhance, and perpetuate the City's historic, cultural, and architectural heritage; to enhance the City's attraction to residents and visitors; and to serve as a support and stimulus to business and industry by requiring that structures meet the basic design criteria of this section. 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. In areas 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.

B. APPLICABILITY*:* Projects that are subject to site plan review and that include the construction of a new buildings or structures 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.

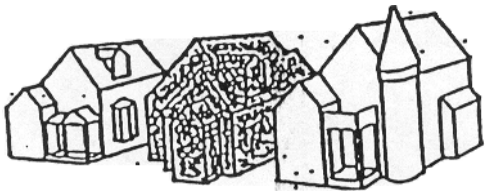
1. **Exempt areas and uses:** These standards shall not apply in the following circumstances:
   a) Within the Industrial Zone
   b) To single-family and two--family residences not subject to Planning Board review
   c) In the Downtown Zone or Tillson Avenue Area Overlay Zone. The Downtown and Tillson Avenue Area Overlay Zones are subject to design standards set forth in Sec. 19-403.2.B
   d) Exempt from Planning Board review: 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. **Alternative proposals:** The Planning Board may approve a proposal that does not meet all of the design standards of this section upon a finding that the alternative proposal is of exceptional design merit and that the design meets the spirit and intent of these standards.

C. DESIGN STANDARDS: New construction or renovations shall be visually compatible or superior in terms of:

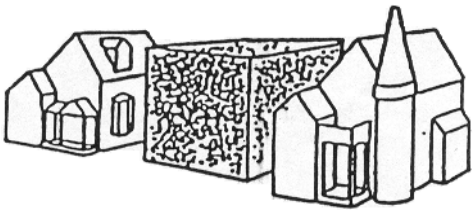
1. **Height:** The overall height of the proposed building or additions to existing buildings relates to that of neighboring structures. As a general rule, construct new buildings to a height comparable to the average height of existing buildings from the historic period on the same side of and across the street. Avoid new construction that greatly varies in height (too high or too low) from older buildings in the vicinity.



2. **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.



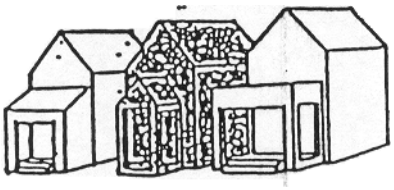
Avoid single, monolithic forms that are not relieved by variations in massing. Box-like facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and facade articulation.



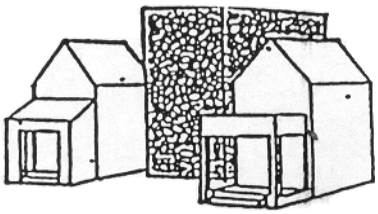
3. **Relationship of solids to voids in front facades:** The relationship of solids to voids in the front facade of a building should be visually compatible with that of buildings to which it is visually related. In reviewing a proposed new building or structure or addition to an existing building, respect 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.

4. **Spacing of buildings on streets:** The relationship of the building to the open space between it and adjoining buildings should be visually compatible with that of buildings to which it is visually related when zoning regulations permit.

5. **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.

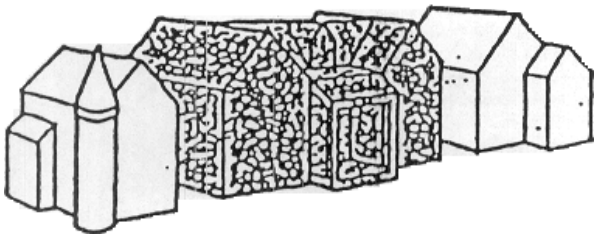


6. **Materials, textures, and color**: The relationship of materials, textures, and color of the facade of a building should be visually compatible either with that of the predominant materials used in the buildings to which it is visually related or compatible with materials traditionally used in the City.

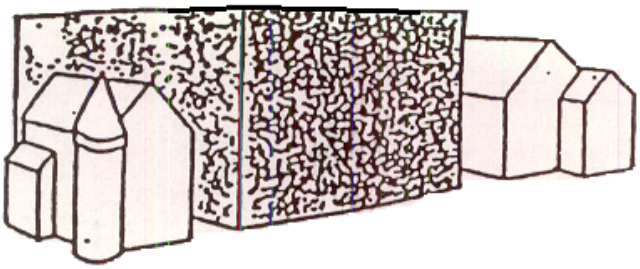
7. **Roof shapes:** The roof shape of a building should be visually compatible with that of the buildings to which it is visually related. When no clear pattern exists, a roof pitch of 5/12 or steeper should be used, or the building should be designed so as to appear to have a pitched roof. In reviewing 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.

8. **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.



9. **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

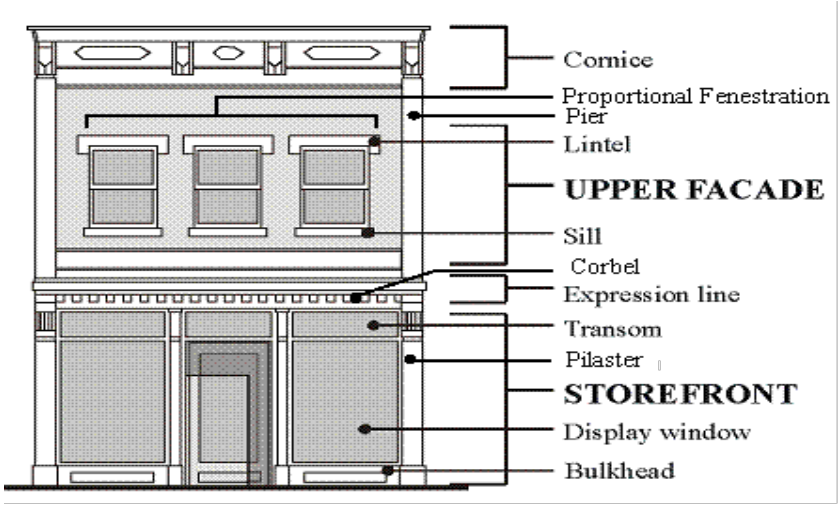
smaller masses that conform to the primary expression of the streetscape as shown below.

Sec. 19.403.2 DOWNTOWN ZONE AND TILLSON AVENUE AREA OVERLAY ZONE

A. MINIMUM ARCHITECTURAL DESIGN STANDARDS:

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:**



[Diagram and examples are for illustrative purposes only.]

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 the exterior of 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 (1) 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 10-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 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. **Concurrent review:** Review of this section shall run concurrently with site plan review, where applicable, that demonstrates compliance with these architectural design standards.

5. **Process:**

   a) Projects not requiring site plan review: For projects not requiring site plan review, The Planning Board or Code Enforcement Officer shall prepare findings demonstrating that the standards of this section have been met 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 sills, 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.

   b) Projects requiring site plan approval: The Planning Board shall follow the process outlined in Chapter 16.

6. **Design standards:** In addition to the design standards of Sec. 19-403.1.C1-4, the following design standards also apply:

a) Facade materials: Brick, stone or wooden clapboard, or materials similar in appearance, texture, quality, and scale to these materials shall be used for buildings fronting a public street.

b) Facade 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 that front 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 or windows) greater than 10 feet in length. 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.

c) Entrances: The primary functional entrance to all buildings shall face the street. Corner buildings fronting a public street shall have their primary entrance(s) face either the intersection or the street of greater importance, i.e., the street which typically features greater traffic and pedestrian volumes. 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.

d) Windows: Every principal facade fronting a public street must contain transparent windows on each story. Rectangular window openings on principal facades fronting a public street shall be oriented vertically (except for transom windows). All windows fronting a public street must:

   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.

e) Lighting on building or on poles: All fixtures shall be historic in style with pole mounted fixtures consistent in design with city fixtures in the Downtown Zone. All lights shall be either full cut-off or fully shielded or designed to release only decorative amounts of light at or above the horizontal plane.

f) Parking fee in lieu of onsite parking requirements: 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 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 on-site parking facilities within the City.

g) Parking lot location: Surface level on-site parking lots shall be placed in side and rear yards only. On-site parking may be provided under commercial or mixed-use buildings.

h) 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.

i) 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.

j) 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.

k) Curbing: Granite curbing shall be used.

ARTICLE 5: SIGNS

Sec. 19-501 DIRECTIONAL SIGN ORDINANCE

A. 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:

1. **Description of applicable area:** 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.
2. **Administration of directional signs outside of the applicable area:** Business directional signs outside of the above-described area (Sec. 501.A.1) 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.

B. DEFINITIONS RELATING TO DIRECTIONAL SIGNS:

1. **Directional sign:** A directional sign is a sign erected and maintained in accordance with the Maine Traveler Information Services Act and this section, which indicates to the traveling public the route and distance to public accommodations, facilities, and commercial services; and points of scenic, historical, cultural, recreational, educational, and religious interest. The second line of the legend may be used to indicate additional directional for such as next right or left, route number, or the name of the street.
2. **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.
3. **Sign assembly**: A sign assembly is the tiering of more than one (1) directional sign on a support assembly. Such support assembly shall consist of a capped tubular steel post.
4. **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.

C. GENERAL PLACEMENT REQUIREMENTS:

1. **Location:** 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.

2. **Number of signs**: Each place of business, service, or point of interest shall be eligible for a maximum of four (4) directional signs. One single or double-faced sign at any intersection approach is permitted. Each face of a double-faced sign shall be considered as a separate sign.
3. **Prohibited locations**: Directional signs shall be prohibited within those portions of the designated area which are zoned residential.
4. **Sign proximity to destination**: To qualify for a directional sign, the business, service, or point of interest must be within a 10-mile radius of the proposed location of the sign.
5. **Conflict with other signs and scenic areas prohibited**:
   a) Directional signs shall be located so as to avoid visual conflict with other signs, have the least impact on the scenic environment, and take advantage of the natural terrain.
   b) Directional signs shall not be permitted at locations where the directional information contained thereon may be misinterpreted, misleading, or likely to divert a driver's attention from a traffic control sign or device or otherwise confuse the traveling public.
   c) 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.
   d) Successive business directional sign assemblies shall be spaced sufficiently apart for drivers to comprehend the messages contained thereon.

D. DIMENSIONAL STANDARDS:

1. **Lateral clearance**: Signs shall be at least one (1) foot away from the curb face.
2. **Distance from intersection**: Directional signs must be located within 500 feet of the intersection where a change in direction is required.
3. **Height**: Sign assemblies shall be erected so as to provide a minimum of 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 7 feet. No assembly shall exceed a height above the curb or sidewalk of 14 feet.
4. **Size of signs**: All signs shall be 24 inches by 24 inches in area. A sign may be reduced to a size under 24 inches in height as conditions require.

E. GENERAL DESIGN STANDARDS: 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, a specific business or service. Points of scenic, historical, cultural, recreational, educational, or religious interest may be specifically identified by name.

1. **Materials**: Sign panel material shall be high density overlaid plywood, sized at 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.

2. **Color standards:**

   a) Background color: All signs shall be blue and shall be in accordance with highway blue color tolerance charts PR-Color #3.

   b) Legend and border: All sign legend and border shall be white.

   c) Edges and back: 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.

3. **Lettering size 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 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 on the lower portion of the sign. Layout of the signboard and legend shall conform to good graphic layout practices.

4. **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 in Augusta. Illumination by special interior or exterior supplemental lighting is not permitted.

F. 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. Sign boards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the City.

G. OBSOLETE SIGNS: 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 signs 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.

H. 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 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.

Sec. 19-502 SIGNS

A. 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.

B. DEFINITIONS RELATED TO SIGNS:

Business: To constitute a separate business as defined under this Article, a business must: A) keep separate financial records; B) file a separate tax return; and C) have a separate tax number from any other business located on the same property.

Building Frontage: The linear measurement of the building along any one (1) side. There shall be only one (1) frontage for any building.

Facade: The exterior surface of a building.

Off-Premise Sign: Any sign which is not on the premise of the business it is promoting or advertising.

On-Premise Sign: 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.

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.

C. TOTAL SIGN AREA:

1. **Total area of signs allowed:** Four square feet for each one (1) linear foot of building frontage.
2. **Maximum number of signs allowed**: Maximum four (4) attached signs are allowed per business or per building.
3. **Sign area measurement:** Sign area 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 24 inches apart. 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 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.

4. **Sign height measurement:**

   a) Attached and projecting signs: The height of attached and projecting signs shall be measured from the highest point of the grade level below their point of attachment.

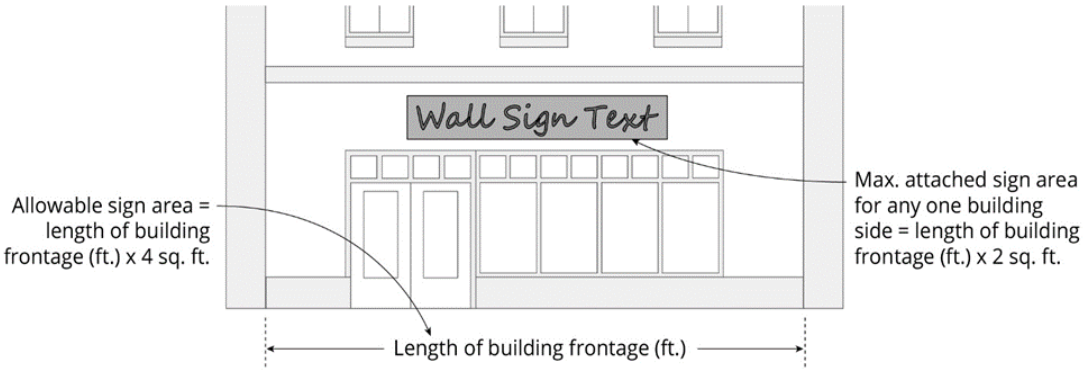
   b) Free-standing signs: The height of a free-standing sign shall be measured from grade level upon which it is located. Grade level shall not be raised above street grade for the purpose of increasing sign height.

5. **Calculating allowable sign area:**

   Step 1: Multiply the length of the building X 4 square feet = Total square feet of signs allowed per building.

   Step 2: Multiply the length of the building X 2 square feet = Maximum total square feet of signs allowed for attached wall sign area. Area of wall sign is deducted from the total sign area.

   Step 3: Business owner decides how to allocate sign sizes and types, provided total square feet of signs allowed is not exceeded.



D. REGULATIONS FOR EACH SIGN TYPE:

1. **Attached wall sign**: Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building and which extends not more than 12 inches from the surface of that building. Attached wall signs shall not extend beyond the corner of a building.

   a) Maximum sign area: Maximum sign area for any one (1) side of a building shall be ≤ 2 square feet for each 1 linear foot of building.

2. **Awning sign**: Any 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.

   a) Specific awning standard: Such sign must be painted on or attached flat against the surface of the awning but shall not extend beyond the valance or be attached to the underside.

b) Clearance elevation: A minimum of 7 feet above sidewalk level must be allowed for pedestrian clearance.

c) Size: Measured around the outside of all text and graphics.

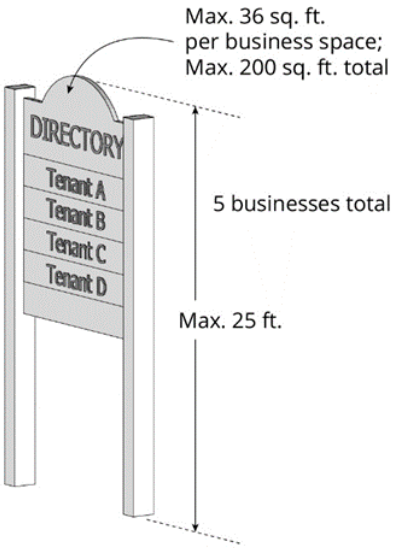
3. **Directory sign**: A free-standing sign listing the names of more than one (1) person or business.

   a) Maximum sign area: 200 square feet of directory sign area in aggregate.

   b) Maximum sign area per business: Each business shall have ≤ 36 square feet of sign area.

   c) Locational sign limits: Properties with five (5) or more businesses may also have a location sign up to one-third the area of the directory sign.

NOTE: The locational sign must be located *on the same supporting structure* as the directory sign.

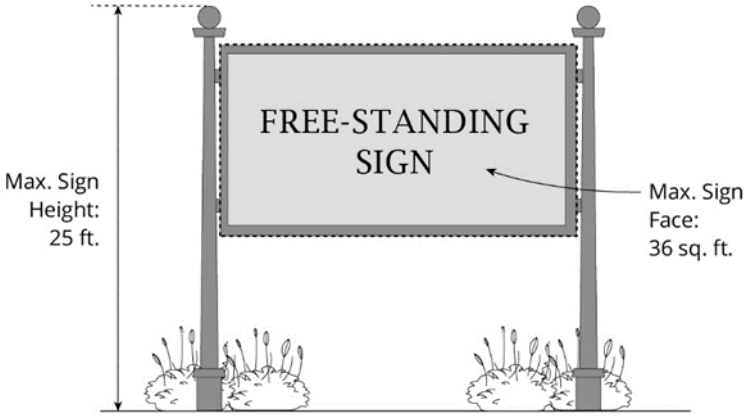


4. **Free-standing sign:** A self-supporting sign not attached to a building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.

   a) Maximum number of signs and sign area: One (1) per building, no greater than 36 square feet in area, except for limitations in individual zones.

b) Setback from front curb or lot line (whichever is less): No less than 6 feet for non-residential uses, 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 exceeds 30 feet and a permit has been granted for the sign by the Maine Department of Transportation.

c) Sign height: No greater than 25 feet from the grade level upon which it is located, including supporting framework. Grade level shall not be raised above street-grade-level for the purpose of increasing sign height.



d) Sign height at intersections: Signs located within 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 3 and 10 feet in height shall be placed within 20 feet of the nearest point of the intersection of the traveled ways of streets and/or driveways.

e) Specific automobile dealership: Automobile dealerships may have one (1) free-standing sign per franchise, provided there is no more than one (1) free-standing sign per 100 feet of street frontage.

f) Lots with multiple buildings and businesses**:** A single lot with more than one(1) building and multiple businesses is allowed to have more than one (1) free-standing sign, provided that A) Each sign is separated by no less than 400 feet measured along the right-of-way; and B) each free-standing sign is located in the vicinity of the entrance. These free-standing signs may advertise more than one (1) business, provided no single business is advertised on more than one (1) sign.

g) Lots with frontage and/or access on two streets: A single building or multiple buildings with (1) one or more business(es) that has access on two (2) different streets, may have one (1) free-standing or one (1) directory sign at each entrance on different streets, provided that the total allowable area for signs on that parcel is met.

5. **Home occupation signs and signs for dwelling of historical or cultural significance**: In a residential district (A, AA, B, RR-1, RR-2), signs identifying a home occupation or a dwelling of historical or cultural significance, are subject to the following standards:

    a) Maximum sign area: Four square feet.

    b) Sign type: Either attached sign or free-standing is allowed and must be:

    1) Placed at least 20 feet from intersection of the driveway and street; and

    2) At least twenty 20 feet from the intersection of any two streets/

    c) Maximum number of signs: One (1) sign per home occupation is permitted.

    d) Illumination restriction: Signs may not be internally illuminated.

    e) Total sign height: Four feet in height, including the sign and its support.

6. **Locational sign:** A sign listing the name of a complex on a property and/or property address.

7. **Marquee sign:** 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.

    a) Allowable locations: 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.

    b) Maximum sign area: One hundred square feet in total. Each side of a marquee signs counts toward the total allowable square feet.

    c) Clearance elevation: A minimum clearance of 8 feet above the sidewalk level.

    d) Prohibition: New marquees are prohibited.

8. **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. A pedestrian-oriented directory sign in compliance with this Section shall not be considered an off-premise sign.

    a) Allowable locations: Allowed at opposite corners of any intersection along Main Street in the Downtown Parking District.

    b) Maximum number of signs: One (1) sign per business

    c) Allowed dimensions: Signs limited to 12 inches in height x 24 inches in width.

    d) Individual letter size: Sign lettering shall be no more than 4 inches in height and width.

    e) Illumination restriction: No signs may be illuminated.

f) Aggregate area of multiple signs: All signs shall be located within a single rectangular area not to exceed 48 inches in height and 25 inches in width.

g) Clearance elevation: No individual sign shall be higher than 7 feet from the grade of the sidewalk or street grade, whichever is directly adjacent to the wall with the pedestrian- oriented directory sign.

h) Exempt from total sign area: The area of pedestrian-oriented directory signs is not subject to the total area of signs in Sec. 19-502.C.

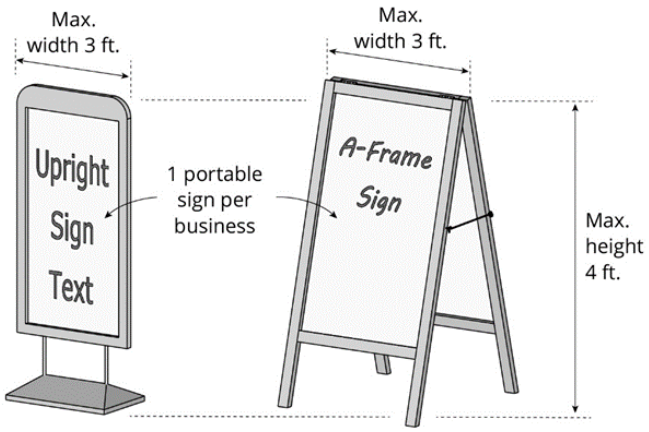
9. **Portable sign/banner**: A self-supporting sign/banner capable of being readily moved or relocated, including signs on legs or banners on portable poles but not including movable signs on chassis and wheels.

a) Maximum number of signs: One (1) portable sign allowed per business.

b) Allowed dimensions: No wider than 3 feet nor higher than 4 feet.

c) Location: May not be placed within the public right-of-way or public sidewalk and may not obstruct pedestrian or vehicular visibility.

d) Illumination and rollable restrictions: Illuminated signs are not allowed; no chassis or wheels are allowed.



10. **Projecting sign:** A sign which is affixed directly to a building, and which extends more than 12 inches beyond the surface to which it is affixed.

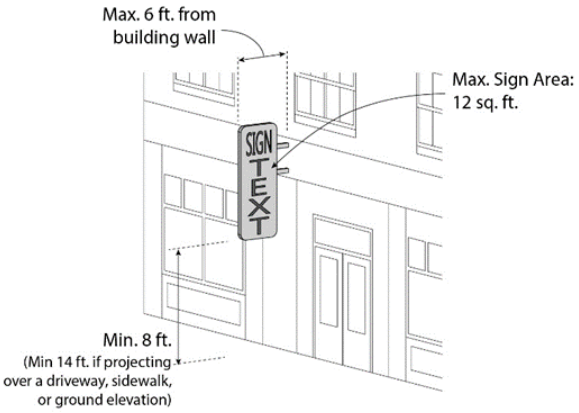
a) Maximum number of signs: One (1) projecting sign per each business

b) Maximum sign area: 12 square feet

c) Extent of projection: No greater than 6 feet from the building wall, and shall not extend beyond the corner of the building

d) Clearance elevation: May not be less than 8 feet above a pedestrian way. Projecting signs shall be set back at least 18 inches from the street curb or shoulder.

If projecting over a driveway, the clearance must be at least 14 feet. No projecting sign shall extend into a vehicular public way.



11. Roof sign: A sign located above, or which projects above, the lowest point of the eaves or the top of the parapet wall of any building. This includes signs painted on roofs.

a) Parapet wall sign: A sign mounted on a parapet wall or façade that extends above the wall is permitted.

b) Limited circumstance for roof-mounted sign: One (1) roof-mounted sign may be permitted on single story buildings having a building footprint of less than 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 5 feet above the eaves of the building; shall not be internally illuminated; and shall comply with all other applicable sign regulations.

12. Temporary sign: A sign intended to be used for a period of no more than 14 days. Exceptions for banners and similar devices intended for civic purposes may be granted by special permit from the City Council.

13. Adult business store signs:

a) Maximum number of signs: One (1) sign advertising its business.

b) Maximum sign area: 20 square feet.

c) Sign type: On-premise free-standing or attached wall sign.

d) Window signs: No window signs except one (1) sign no larger than 1 square foot in area may be placed on the door, to state only the store's hours of operation and notification that admittance is for adults only. The window sign must be on the inside of the glass.

e) Illumination restrictions: No neon or internally-illuminated signs nor any flashing lights, moving elements, or mechanically changing messages are allowed.

f) Content restrictions: No sign shall contain any depiction of the human form or any part thereof, whether by photograph, painting, drawing, silhouette, or pictorial representation or any sexually explicit or suggestive language.

g) Off-premise prohibition: No off-premise signs are allowed.

h) Directory signs: Any sign located on the premises of a multi-unit commercial center such as a shopping center or plaza and identifying one (1) or more of the businesses that comprise the center shall also comply with this Subsection if such sign identifies an adult amusement store on the premises.

E. SIGN REGULATIONS BY ZONE:

1. Residential Zones - A, AA, B, B-1, RR-1, RR-2:

a) Any residential use is allowed one (1) sign no larger than 2 square feet in area or one (1) free-standing sign no larger than 4 square feet in area.

b) Any non-residential use permitted in a Residential District, except home occupations, is allowed one (1) non-interior illuminated or externally illuminated attached or free-standing sign not larger than 8 square feet in area.

c) In the RR1 District, any permitted non-residential use is allowed one (1) non-illuminated or externally illuminated attached or free-standing sign not larger than 36 square feet in area.

2. Transitional Zones - TB 1-4:

a) Any non-residential use permitted in a TB 1-4 Districts is allowed one (1) non-illuminated or externally illuminated attached or free-standing sign not larger than 16 square feet in area.

b) In the TB 1-3 Districts, permitted non-residential uses may increase the size of the signs listed in Section 1 above by 1 square foot for every full 10 linear feet of street frontage beyond the minimum street frontage allowed in that District, measured along the street frontage where the sign is located. However, no sign shall exceed 20 square feet in area.

c) Transitional Business 3 “TB3” Zone on Camden Street shall be permitted to have signage in accordance with Section 19-402.B - total sign area and Section 19-402.C free-standing signs.

3. Shoreland Zones - RP, SP, LC, LR:

a) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed 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 16 square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

b) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed 12 square feet in the aggregate.

c) Residential users may display a single sign not over 3 square feet in area relating to the sale, rental, or lease of the premises.

d) Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed 2 square feet in area.

e) Signs relating to public safety shall be allowed without restriction.

F. ILLUMINATION STANDARDS:

1. All illumination shall comply with the National Electric Code.
2. In the Residential Zones A, AA, B, B-1, RR-1, and RR-2, during regular hours of operation, the external illumination aligned in such a manner that the light is directed exclusively at the surface of the sign and does not cause glare.

G. NON-COMFORMING SIGNS:

1. **New signs**: All new signs must conform to this Ordinance.
2. **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.
3. **Compliance requirement**: All non-conforming signs shall be brought into conformance with this Ordinance within 10 years of the effective date of this Ordinance. After the tenth anniversary of the effective date of this Ordinance, the Code Enforcement Officer may order the removal of any sign non-conforming under this section.

H. 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:

1. **Public safety**: Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation.
2. **High school**: A sign associated with Rockland District High School. An exempt sign for Rockland District High School shall not exceed 40 square feet in 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. 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.
3. **Driveway directional signs**: 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 4 square feet or extend higher than 3 feet above ground level. Such sign will conform in all respects with the requirements of this ordinance.
4. **No trespassing, hunting, soliciting**: Signs prohibiting trespassing, hunting, and solicitation, not exceeding 2 square feet in area.

5. **Street number and name**: Street number, and signs indicating individual or family names, not exceeding 2 square feet in area.
6. **Temporary signs**: Up to two (2) temporary signs for each business on the property, in place not more than 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 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) 8-square-foot signs, one (1) 12-square-foot sign shall be allowed in the Downtown Business District and one (1) 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 30 days of sale, rent, or lease. Real estate signs exceeding the fore stated sizes shall not be exempt signs.
8. **Construction sites**: One (1) sign denoting the architects, engineers, contractors, owners, or funding agencies when placed upon work under construction and not exceeding: A) 8 square feet in area in a residential zone; B) 12 square feet in the Downtown Business District; and C) 32 square feet in area everywhere else for the duration of the construction.
9. **Historical and memorial signs**: On-site historical or memorial signs or tablets including names of buildings and date of construction.
10. **Directional signs**: Official business directional signs erected and maintained in accordance with Maine Travelers Information Services Act Title 23, M.R.S. § 1906, and Directional signs erected and maintained in accordance with Section 19-401.
11. **Open signs**: 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 in size. No part of a flag projecting from a building over a public right-of-way (other than the pole) shall be less than 7 feet above the sidewalk.
12. **Holiday decorations**: Customary holiday decorations in place not more than three (3) months. Strings of bulbs are only allowed as part of a holiday celebration.
13. **Elections**: 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)).
14. **Vending machines**: On-premise vending machines and product racks.
15. **Window decals**: Credit card signs, chamber of commerce, or civic organizational decals
16. **Menus**: Menu boards or take-out signs that may be visible but are not legible from a public way.
17. **Gasoline prices**: One (1) gasoline price sign no greater than 16 square feet in area.
18. **Special events**: No more than four (4) off-premise signs for each authorized special event on City property that conform with the requirements for off-premise signs for

special events in waterfront parks set forth in Ch. 9, Art. II, Sec. 9-215(1) and that are consistent with any order or policy adopted therefor by the City Council.

19. **Illumination and 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.

I. PROHIBITED SIGNS:

1. **Off-premise signs**: No off-premise signs shall be constructed, posted, or erected in any zones, except:
   a) Directional signs as provided for in Section 19-401;
   b) Business advertisements upon fences surrounding community sports playing fields not exceeding 8 feet in width nor the existing level of the playing field fence in height, placed on the side of the fence facing the playing field; and
   c) Free-standing signs for the combined promotion of all service clubs and civic organizations, and the Chamber of Commerce for general promotion of the City.
2. **Illumination and moving parts**: The following types of signs are prohibited:
   a) Any sign for which illumination is not kept constant in intensity at all times when in use;
   b) Signs that exhibit changes in light, color, direction, or animation; and
   c) Signs that flash or that feature rotating, motorized, mechanical, or other moving parts or images.
3. **Business no longer at premises**: Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises are not permitted. Exceptions are granted to existing signs which are incorporated in the structure of the building and historically identify the building.
4. **Utility poles**: 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, or to a standpipe or fire escape.
5. **Obstructions**: 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, obstruct a sidewalk, or visibility for either pedestrians or motorists; or obstruct any opening required for ventilation.

J. SAFETY STANDARDS:

1. **Good repair:** 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. **Hazards:** No person may erect a sign which is structurally unsafe, or which constitutes a hazard to public safety and/or health by reasons of inadequate maintenance, dilapidation, or abandonment.
3. **Damaged signs:** Damaged signs shall be repaired or removed within 30 days. An additional 30-day time extension may be granted by the Code Enforcement Officer if, in his or her judgement, circumstances warrant it. If a sign suffers damage to the extent of 50% or more (replacement value), it must be brought into conformance with these regulations or removed. The Code Enforcement Officer may, after 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.
4. **Vegetation**: 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.

K. ADMINISTRATION:

1. **Permit required**: 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. 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.
2. **Application**: 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 of land or buildings, with relevant measurements.
3. **Fees**: Sign permit fees shall be according to Section 11-402 Land Use Fee Schedule of this Code. For awning signs, the sign permit fee is waived when a building permit fee has been paid for installation of an awning that includes a sign.
4. **Action on application**: The Code Enforcement Officer shall act to approve, approve with condition(s), or deny any permit within 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 30 days of the action. The Code Enforcement Officer's failure to act may be considered a denial.
5. **Enforcement:** The Code Enforcement Officer or their designee is hereby authorized to enforce this ordinance.
6. **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 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 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.

7. **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 as allowed in 30-A M.R.S. 4452. Each day that such violation continues shall constitute a separate offense.

8. **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.