CITY OF ROCKLAND, MAINE

270 Pleasant Street
Rockland, Maine 04841

CITY CLERK'S OFFICE

November 4, 2016

YOU ARE HEREBY NOTIFIED THAT A SPECIAL MEETING OF THE ROCKLAND CITY COUNCIL WILL BE HELD IN CITY COUNCIL CHAMBERS AT ROCKLAND CITY HALL, 270 PLEASANT STREET, ROCKLAND, MAINE ON MONDAY, NOVEMBER 7, 2016 AT 5:30 P.M. FOR THE FOLLOWING PURPOSE(S):

[Please Note Starting Time and Date]

Set Agenda for 11/14/16 Regular Meeting
Discussion: HMC – Cruise Ship Mooring Fees
Food Sovereignty

YOUR PUNCTUAL ATTENDANCE IS REQUESTED
PER ORDER OF THE MAYOR OF THE CITY OF ROCKLAND

STUART H. SYLVESTER
CITY CLERK

ITEMS FOR 11/14/16 REGULAR MEETING AGENDA: **November 7, 2016**

Communications: None

Licenses and Permits:

a. Lodging House License – Trade Winds Motor Inn (Postponed 10/12/16)

Resolves:

#45 Accepting Donation – Coastal Opportunities
#46 Accepting Donations – Library

Ordinances in Final Reading & Public Hearing:

#17 Ch. 4, Art. II Sprinkler Exemptions
#32 Ch. 3, Sec. 3-203 Dog Prohibited in Certain Parks (Sandy Beach)

Ordinances in First Reading:

#28 Ch. 19, Secs. 19-303 & 19-304 Infill Ordinance (Postponed 8/8/16)
#33 Ch. 19, Sec. 19-303 Flag Lots – Naming Road

Orders:

#64 Authorizing Tax Abatement – Assessment Error
#65 Amending Harbor Fee Schedule – Cruise Ship Fees

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE
270 Pleasant Street
Rockland, Maine 04841

Name of Applicant TradeWinds INN Phone 596-6661

Address of Applicant 2 Park Drive

Name of Business TradeWinds INN Phone 5966661

Address of Business 2 Park Drive
Rockland, Me 04841

Name of Property Owner (if different) _____

Type of License(s): ____ Liquor ____ Victualer ____ Entertainment

X Lodging House ____ Commercial Hauler ____ Landscape Contractor

____ Billiard Room ____ Second Hand Merchant ____ Other (Specify) _____

Type of Business Hotel

Expiration of Current License 10/15/16

Fee(s) Paid $100.00 Date 8/25/16

The applicant herein agrees to conform with the provisions of the Ordinances of the City of Rockland relating to business licenses and such reasonable rules and regulations as may hereafter be adopted. The applicant hereby gives all persons and governmental agencies having information relevant to the above items permission to release the same to the City Clerk, Chief of Police, or other person(s) authorized to receive the same, and releases any claim that may be alleged to have arisen as a result of such release or disclosure.

Applicant's Signature [signature] Date 9-1-16

Approved By: License # _____

_____ Code Officer _____ Date
____ Approved ____ Inspected; See Report

_____ Fire Inspector _____ Date
____ Approved ____ Inspected; See Report

_____ Police Chief 9/6/16 Date

_____ City Clerk _____ Date

Postponed 9/12/16 to 10/12/16
Postponed 10/12/16 to 11/14/16

CITY OF ROCKLAND, MAINE

RESOLVE #45

IN CITY COUNCIL

November 14, 2016

RESOLVE Accepting Donation – Coastal Opportunities

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City of Rockland gratefully accepts the donation from Coastal Opportunities of $300.00 to help offset the cost of municipal services provided by the City.

AND that a letter of thanks be sent to Coastal Opportunities for its generous donation.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE

RESOLVE #46

IN CITY COUNCIL

November 14, 2016

RESOLVE Accepting Donations - Library

WHEREAS, the Friends of the Rockland Public Library donated $1,829.77 to the Rockland Public Library for 149 children's titles, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Rockland Public Library Endowment Association donated $38.50, to cover the cost of an Educational Supplement in the Free Press, to be receipted into the Library Restricted Donations account (#10062-03150) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003);

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City gratefully accepts these donations and directs that a letter of thanks be sent to each donor in recognition of their generous donations.

Sponsor: City Council
Originator: City Council

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #17
(As Amended 10/12/16)
IN CITY COUNCIL

July 11, 2016

ORDINANCE AMENDMENT: Exempting Single Family Homes with Fewer Than ~~1,200~~ 1,000 Sq. Ft. From Sprinkler Requirement

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 4, Buildings, Inspections & Enforcement, ARTICLE II, Fire Prevention and Life Safety, BE AMENDED AS FOLLOWS:

A. Adoption. Pursuant to Title 30-A, Maine Revised Statutes, Section 3003, as amended, and subject to the limitations set forth in Section 4-402(B) below, the National Fire Protection Association ("NFPA") 101, 20152 Edition, is hereby referred to and adopted as the Life Safety Code of the City of Rockland, Maine, establishing the minimum standards for the conditions and equipment in buildings, except one- and two-family dwellings, that protect the safety of inhabitants and firefighters in the event of a fire; and each and all of the regulations of the NFPA 101 Life Safety Code, 20152 Edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article. One copy of the Life Safety Code shall be on file and available to the public for its use, inspection, and examination in the offices of the Fire Chief and Code Enforcement Officer of the City of Rockland. Eff: 12/10/14
State Law References: 30-A M.R.S. § 3003; 25 M.R.S. §§ 2351, *et seq.*

B. Amendments.

(1) Amendment by Reference. The Rockland Life Safety Code is amended as set forth in the regulations of the Department of Public Safety, Title 16, Code of Maine Regulations, Part 219 – Office of the State Fire Marshal, Chapter 20– Code For Safety To Life From Fire In Buildings And Structures.

(2) Exceptions. The exceptions to the Life Safety Code adopted by the State Fire Marshall in Title 16, Code of Maine Regulations, Part 219, Chapter 20, are hereby amended as follows:

(a) Extinguishment Requirements in One- And Two-Family Dwellings. Section 24.3.4.1 of the NFPA 101 Life Safety Code is incorporated by reference in the City of Rockland for new one- and two family dwellings, for existing one-family dwellings which are converted to two-family dwellings either within the existing structure or by an addition to the existing structure, as well as for changes of use in existing nonresidential buildings to one- and two-family dwellings; provided, however, that a sprinkler system otherwise required pursuant to Section 24.3.4.1 shall not be mandatory if all of the following conditions are met:

(i) The building shall not be utilized for any purpose other than a one-family or a twofamily dwelling;

(ii) The dwelling either must be located within 1,000 feet of a public, pressurized fire hydrant or must not be larger than 1,000 square feet of living space with the 1,000 square feet total including basements and lofts as well as all space used for storage;

(iii) The entire load bearing structure of the house including but not limited to floor joists, interior or exterior wall studs or posts, wall plates, rafters, trusses, and any load bearing beams are made of appropriately sized dimensional wood or protected steel and the load bearing structure of the house does not contain any low mass or laminated engineered wood products or unprotected steel.

~~No floor or roof system shall be constructed of trusses, web joists, TJI joists or similar low mass engineered products, unprotected steel or unprotected engineered carrying beams such as, but not limited to LVL, Microlam, etc.~~;

~~(iv) In new one-family dwellings and in existing buildings, the use of which is changed to aone-family dwelling, operational smoke alarms shall be required outside each separate sleeping area in the immediate vicinity of bedrooms; in each room used for sleeping purposes, and on each story including the basement. Smoke alarms shall be photoelectric type, where required, and shall be hard-wired with battery back-up. Smoke alarms must be interconnected such that activation of one alarm within the building shall activate all smoke alarms within the dwelling:~~

~~(v) At lease one carbon monoxide detector shall be located in each area within, or giving access to, any bedroom in the dwelling. Carbon monoxide detectors shall be powered by the electrical service and shall have battery back-up; and~~

(i~~v~~) **Building plans shall be reviewed by the Fire Department and the benefits of residential sprinkler systems shall be concisely presented to the property owner, at which time the property owner shall explicitly opt out of the NFPA 101 Life Safety Code requirements for installation of a residential sprinkler system.** The property owner's choice to opt out shall be documented in a form signed by the property owner, the Fire Chief or the Chief's designee as well as the Code Enforcement Officer or the CEO's designee and kept on fill at the City's Code Office.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

Postponed 8/8/16 to 9/12/16 (after PH)
Postponed 9/12/16 to 10/12/16
Amended 10/12/16 - Sent back to 1st Reading.

First Reading 10/12/16
First Publication 10/22/16
Public Hearing 11/14/16
Final Passage
Second Publication
Effective Date

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #32
IN CITY COUNCIL

October 12, 2016

ORDINANCE AMENDMENT Dogs Prohibited – Sandy Beach

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 3, Animal and Fowl, SECTION 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place, BE AMENDED AS FOLLOWS:

Sec. 3-203 Dogs Shall Be Under Restraint While on Any Public Way or Place

3. Prohibited in Certain City Parks. ~~Dogs shall be prohibited from the following City parks from May 1 through October 1 of each year:~~

A. Dogs shall be prohibited from the following City parks from May 1 through October 1 of each year:

a. Johnson Memorial Park, except for the area of the boat-launch ramp and dock
~~b. Sandy Beach~~
~~c~~ b. Merritt Park Playground
~~d~~ c. Ocean Street Playground
~~e~~ d. Warren Street Playground

B. Dogs shall be prohibited from the following City parks from Memorial Day through Labor Day of each year:

a. Sandy Beach (Beach Area Only).

Sponsor: Mayor MacLellan-Ruf
Originator: Mayor MacLellan-Ruf

First Reading 10/12/16
First Publication 10/20/16
Public Hearing 11/14/16
Final Passage
Second Publication
Effective Date

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #28

IN CITY COUNCIL

August 8, 2016

ORDINANCE AMENDMENT: **Reducing the Dimensional Limitations on Dwelling Units in the Residential A and B Zones**

WHEREAS, the City seeks to encourage and accommodate compact residential development at appropriate locations, with access to public or private off-street parking or transit service, and

WHEREAS, the intent of this zone change is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types,

NOW, THEREFORE, THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-303, General Provisions and SECTION 19-304, Zone Regulations, SUBSECTION 1, Residential Zone "A" and SUBSECTION 3, Residential Zone "B", BE AMENDED AS FOLLOWS:

Sec. 19-302 Words and Phrases Defined

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

* * *

Lot: Except when reference is made to a lot of record, a "l~~L~~ot" is a single tract of land located within a single block which at the time of filing for a building permit or certificate of occupancy is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. ~~means a parcel of land, not divided by streets, which is devoted or to be devoted to a particular use and occupied or capable of being occupied by a building and its accessory buildings together, including any required open space.~~

~~A lot shall have frontage on a public street, with exceptions for back lots and flag lots, as noted in the definitions for those types of lots.~~

~~Structures to be used for commercial or industrial purposes shall be built only on lots with frontage on a public street, nor shall a change of use be granted allowing a single-family dwelling served only by a right-of-way to be converted to commercial or industrial use. This prohibition shall not apply to dwellings in which a home occupation or profession, as defined above, is carried out.~~

Land within the lines of a public road or private road or right-of way shall not be counted as part of a lot for the purpose of meeting the area requirements of this Article even though fee title may be in the owner of the lot. No person shall reduce the size of a lot upon which structures

served by subsurface waste disposal systems are located to a size or frontage less than allowed in the applicable zone under this Article. ~~Contiguous lots in the same ownership shall be considered as one lot.~~ Wherever possible, newly created lots should be rectangular in shape, with side lot lines perpendicular to the street.

Where more than one structure occupies one lot, the lot may not be subdivided unless both resulting lots satisfy the minimum lot size, street frontage, set back, maximum building coverage, and other dimensional zone regulations for the zone(s) in which the resulting lots are located.

Lot, Flag: A lot ~~located~~ generally located to the rear of another lot, lacking the minimum street frontage required under applicable zone regulations, but having access to a public or private street or way, often via ~~but with~~ a narrow access portion of the lot extending to such~~the public~~ street or way that is under~~. The narrow access portion of the lot and the interior portion of the lot shall be in~~ common ownership or benefited by a permanently deeded right of way~~, and shall be~~ suitable for ingress and egress. ~~Flag lots shall not be required to meet minimum street frontage.~~

* * *

Sec. 19-303 General Provisions

* * *

9. ~~Flag~~ Lots.

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

B. Frontage and Access. All lots and parcels of land, unless deemed to constitute a larger lot consisting of two or more lots or parcels of land under common ownership, shall have either (1) frontage on a public or private street or way in conformance with applicable zone regulations, or (2) vehicular and pedestrian access to and from the nearest public or private street or way, evidence of which access is of record in the Knox County Registry of Deeds.

C. Structures. Structures to be used for commercial or industrial purposes may be located only on a lot with frontage on a public street. The City shall not approve a change of use of a single-family dwelling that is accessed by vehicles via a right-of-way rather than frontage along a public or private street to a commercial or industrial use other than approved home occupations.

D. Flag Lots. Where permitted by the applicable zone regulations, the development or

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

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

(2)~~B.~~ Dimensional Standards. The narrow access portion of the lot shall be at least twice the length of the front setback required in the district, and shall not be included in the calculation of the minimum lot area. The access road constructed on the right-of-way must be a minimum width of:

(1) twelve (12) feet, provided that a turn-around for ambulances is established near the home, and, if the access road extends one hundred (100) feet or more from the public street, that either (a) the home is sprinkled, or (b) if not sprinkled, one bump out is provided for emergency vehicles every one hundred and fifty (150) feet, which bump out(s) shall be at least fifteen (15) feet wide and twenty (20) feet long; or

(2) eighteen (18) feet for other uses;

The plan for the access road must be approved by the Fire Chief or his designee with regard to the safe passage of fire-fighting and other emergency equipment over it. The minimum lot area of a flag lot exclusive of the narrow access portion of the lot used for ingress and egress shall be the minimum lot size of the district in which the lot is located. No part of the narrow access portion of the lot shall be less than thirty (30) feet in width or greater than fifty (50) feet in width for residential uses, and no less than fifty (50) feet in width for commercial uses. No buildings or structures shall be constructed within the narrow access portion of the lot and such portion shall not be considered in determining required setbacks. The front setback requirement shall apply to all setbacks (side and rear) of a flag lot used for residential purposes, unless such side or rear setback is greater than the front setback in that zone, in which case the setback shall be the greater of the three.

10. Dormers.

Dormers installed in a sloping roof directly above the uppermost full story of a structure shall be limited in total size as follows: the total length of the front wall(s) of the dormer(s) shall not exceed 30% (thirty percent) of the eave length of the portion of the roof in which the dormer is built; provided, however, that there shall be no restriction on the length of dormers installed in a sloping roof directly above the first story of a structure.

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

* * *

Sec. 19-304 Zone Regulations

1. RESIDENTIAL ZONE "A"

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

A. Permitted Uses

RESIDENTIAL ZONE "A" PERMITTED USES	
(1)	One-family dwellings
(2)	Two-family dwellings
(3)	Accessory Apartments
(4)	Home Occupations, Level 1 and Level 2, and home occupations similar in scale and impact to Level 1 and Level 2 Home Occupations.
(5)	Parcel 22-D-2 on the Assessor's Map on Summer Street and owned by Regional School Unit #13 may be used for any school purpose now enjoyed by the RSU #13 system on the adjacent property but only as long as the parcel also known as the Bradford Lot, is owned by the school system. If the parcel is ever sold, conveyed, given, or otherwise disposed of or if the school system ceases to exist, then the use of the parcel would revert back to the other permitted uses in the zone in which it is located.
(6)	Accessory uses customarily incident to other permitted uses including private garages, and Level 1 home occupations, provided, however, that such home occupations shall be situated in the dwelling in which the proprietor of the business resides, or in a building accessory thereto and located on the same lot.

B. Conditional Uses

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

RESIDENTIAL ZONE "A" CONDITIONAL USES	
(1)	Bed and Breakfast Establishments. (a) Parking and Buffering. Off-street parking shall be provided for all vehicles of both owners and guests in either the side or rear yards of the lot. Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.
(2)	Churches, Expansion of Existing, and Uses Accessory to Existing Churches. (a) For the purposes of this section, uses accessory to existing churches shall be limited to the following: (i) Meetings of church organizations. (ii) Religious education classes and child development programs. (iii) Food pantries. (b) In its review, the Planning Board shall take into consideration the following factors and impose conditions accordingly: location; character and natural features of the site and adjoining property; fencing and screening; landscaping; topography and natural drainage; traffic hazards, vehicular access, circulation and parking; lighting; hours of operation.
(3)	Flag Lots
(4)	Funeral Homes, Expansion of Existing, and Uses Accessory to Existing Funeral Homes. (a) The Planning Board shall take into consideration the following factors and impose conditions accordingly in its review of any proposed expansion of an existing funeral home and/or uses accessory to an existing funeral home: location; character and natural features of the site and adjoining property; fencing and screening; landscaping; topography and natural drainage; traffic hazards, vehicular access, circulation and parking; lighting; and hours of operation.
(5)	Golf Courses, Expansion of existing onto contiguous property with the following conditions: (a) No building(s) may be erected; (b) No parking space(s) may be created that are associated with the golf course use; (c) No artificial lighting may be installed or otherwise created for the use of the golf course.
(6)	Home Occupation, Level 3, and home occupations similar in scale and impact to Level 3

RESIDENTIAL ZONE "A" CONDITIONAL USES	
	Home Occupations
(7)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(8)	Public school buildings, discontinued, used for cultural and educational purposes; public access or local governmental affairs television studios and local non-profit community radio stations and studios broadcasting at no more than 100 watts horizontal radiated power, provided that broadcasting equipment, if any, shall be either remote or via one roof-mounted whip antenna not exceeding 35 feet in height, provided that the total height of the discontinued school building and roof-mounted antenna does not exceed the total height limit set forth in Section 19-313(4); and/or elderly assisted living housing of no more than 30 units. The above-referenced use is permissible with the approval of the Planning Board under the provisions of the Site Plan Review Ordinance (Chapter 16, Article II), regardless of whether or not a structure is involved. In granting, denying, and/or imposing conditions, the Planning Board shall undertake a review applying the process and standards outlined in Chapter 16, Sections 16-201 through 16-206 for site plan review and shall take into consideration the following factors: location, character and natural features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; pedestrian circulation; sign, and lighting; compatibility with existing uses; availability of necessary public services; compliance with applicable requirements of all City Ordinances.

Notice Required. All property owners within 300 feet of the lot lines of any proposed conditional use shall be notified in writing at least 10 days prior to consideration of the conditional use by the Planning Board.

C. Prohibited Uses

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

D. Standards

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

RESIDENTIAL ZONE "A" STANDARDS	
Minimum Lot Size	6,400~~10,000~~ square feet sewered lots; 20,000 square feet for non-sewered lots
Maximum Building Coverage	50~~40~~% (includes Principal and Accessory structures)
Minimum First Floor Area (Principal Structure)	500~~750~~ square feet (Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory structures)
Minimum Continuous Street Frontage along one street	60 ~~100~~ feet (Excludes Cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	Either: Residential: 10~~25~~ feet** Mixed-Use or Non-Residential: 25 feet Or: 10 feet**
Minimum Rear Setback	25 feet from the closest structure on an adjacent lot, but no less than 8 feet from the property line (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	8 feet
Minimum Side Setback (Accessory Structures)	5 feet
Maximum Building Height	35 feet and 2 ½ stories

Materials – Unconnected Accessory Structures	Accessory structures not connected to a principal structure, except pre-fabricated utility sheds and fabric structures not exceeding 200 sq. ft. of first floor area, shall be constructed of and clad with materials of similar quality and appearance as the principal structure.

Notes:

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

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

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

* * *

3. RESIDENTIAL ZONE "B"

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

A. Permitted Uses

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

B. Conditional Uses

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

RESIDENTIAL ZONE "B" CONDITIONAL USES	
(1)	Bed and Breakfast Establishments
(2)	Home Occupation, Level 3
(3)	Home Occupation similar in scale and impact to Home Occupation Level 3
(4)	Lodging or Rooming houses;
(5)	Nurseries or commercial greenhouses shall be allowed north or west of Old County Road only, and provided that no greenhouse heating plant shall be located within 60 feet of any front lot line or within 25 feet of any other lot line
(6)	Farming
(7)	Parking Lots. Parking lots shall be allowed in a Residential Zone "B" only with the following additional restrictions: (a) Any parking lot located in a Residential Zone "B" shall be for the exclusive use of employees of the business requesting the special exception. (b) The parking lot shall be closed off and unavailable for use when the business requesting the special exception is not in operation. (c) No parking spaces shall be rented for profit. (d) Special exceptions for parking lots granted pursuant to this section shall not be assignable to the successors or assigns of the business requesting the special exception, but shall apply only to that business.
(8)	Private Non-Medical Institutes and Residential Care Facilities, Small.
(9)	Schools and Day Care Facilities
(10)	Quasi-Public Uses

(11)	Any public utility building, if constructed to conform and harmonize with the buildings in this zone, provided further that the proposed use does not include a storage or service yard or repair shop, or outside storage of supplies.
(12)	On lots served by public sewerage, Assisted Living Facilities, and multi-family dwellings that include an Assisted Living Facility.

C. Prohibited Uses

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

D. Standards

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

RESIDENTIAL ZONE "B" STANDARDS	
Minimum Lot Size	6,400 square feet for sewered lots 20,000 square feet for non-sewered lots
Required Lot Area for Dwellings with two or more units	Sewered lots, except Assisted Living Facilities: 2,500 ~~5,000~~ square feet for each unit; Non-sewered lots: 20,000 square feet for the first unit, plus 10,000 for each additional unit.
Maximum Building Height	35 feet and 2½ stories
Maximum Building Coverage	75~~60~~% (includes Principal and Accessory Structures)
Minimum Floor Area (Principal Structure Total Floor Area)	500~~750~~ square feet (Free-standing Residential Structures of fewer than 500 sq. ft. are allowed as accessory

RESIDENTIAL ZONE "B" STANDARDS	
	structures)
Maximum Floor Area – Unconnected Accessory Structures	Residential accessory structures not connected to a principal structure shall have a total first floor area of no more than 750 square feet
Minimum Continuous Street Frontage along one street	50 ~~80~~ feet (Excludes cul-de-sacs)*
Minimum Front Setback (Principal and Accessory Structures)**	Residential Structures: N/A Mixed-Use and Non-Residential Structures: 10 ~~15~~ feet**
Minimum Rear Setback	8 ~~20~~ feet (Excludes Corner Lots, see definition)
Minimum Rear Setback – Exception (For no more than 2 accessory structures with a combined area of up to 700 square feet and a maximum height of 18 feet)	5 feet
Minimum Side Setback (Principal Structure)	8 ~~5~~ feet [Comps - 12/15/15]
Minimum Side Setback (Accessory Structures)	5 feet

Notes:

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

** In the case of an infill lot, the minimum front setback may be less than 10 ~~15~~ feet if the front setback matches one or the other of the existing adjacent front setbacks of abutting lots.

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

Sponsor: Councilor Geiger
Originator: Councilor Geiger
Postponed 8/8/16 to 11/14/16

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #33
IN CITY COUNCIL

November 14, 2016

ORDINANCE AMENDMENT Development Standards – Flag Lots

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, SECTION 19-303 General Provisions (9) Flag Lots, BE AMENDED AS FOLLOWS:

Section 19-303 General Provisions

9. Flag Lots.

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

A. **Development Standards.** The access road of flag lots must contain a minimum depth of fifteen (15) inches of bank-run gravel, and must have drainage, ditches and culverts at all appropriate points. If a flag lot is used for residential purposes, only a single-family detached dwelling shall be allowed on the flag lot; if for commercial purposes, only a single commercial use and occupant shall be permitted. The access portion of flag lots used for commercial purposes shall be landscaped and buffered from adjacent residential parcels and residential zones and shall also provide access to the adjacent parcel behind which the flag lot is primarily located (the "Front Lot"), either through common ownership or deeded right of way, and such Front Lot shall not have other access to or from the street. The person proposing the flag lot may submit a name for the access road for City review. In order 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 name and number it in accordance with E-911 standards. The Department of Public Services shall provide and install the sign. The owner of the flag lot shall be responsible for the cost of the sign and post.

Sponsor: Councilor Geiger
Originator: Councilor Geiger

CITY OF ROCKLAND, MAINE

ORDER #64

IN CITY COUNCIL

November 14, 2016

ORDER Authorizing Abatement – Tax Assessment Error (1 Lake View Terrace)

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to abate FY 2015 and FY 2016 taxes on property located at 1 Lake View Terrace (Tax Map #73-D-3) in the amounts of $239.90 (FY15) and $252.28 (FY16) respectively, owned by Thomas & Julie Kostes, to correct an assessment error whereby the property was assessed on incorrect square footage.

Sponsor: City Manager
Originator: City Assessor

MEMO

Assessing, City of Rockland

To: Mayor MacLellan Ruf, Councilor Pritchett, Councilor Clayton, Councilor Geiger and Councilor Ackor

From: Doreen French

CC:

Date: October 18, 2016

Re: 1 Lake View Terrace

It was brought to my attention that the sketch on the property card was incorrect. The Kostes' purchased the home in December of 2014. They asked me to come out and review the property. We have corrected the sketch, which had taxed them and the previous owners incorrectly.

I have corrected this. I have done an abatement for FY2017 in the amount of $60.82.

I would like to ask the council to abate the tax difference for the FY2016 and FY 2015.

Amount:

FY2016 $252.28

FY2015 $239.90

Thank you,

Doreen French, CMA

Assessor

CITY OF ROCKLAND, MAINE

ORDER #65

IN CITY COUNCIL

November 14, 2016

ORDER Amending Harbor Fee Schedule

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Harbor & Waterfront Fee Schedule, as amended 10/14/15, be further amended as follows:

COMMERCIAL VESSEL USE OF MUNICIPAL PIERS:

Dockage Fees:

$55.00 per foot per season, $200.00 deposited with application
Vessels owned by residents of Rockland: $1.00 per passenger
Vessels owned by non-residents shall pay $2.00 per passenger
Vessels requiring a USCG approved secure facility: ~~$4.00~~ $5.00 per passenger; with a Port Development Fee of ~~$4.00~~ $5.00 per passenger (NOTE: These fees shall apply to any vessels that have not already schedule visits to Rockland Harbor prior to the date of this action).

Sponsor: Mayor MacLellan-Ruf
Originator: Harbor Management Commission