

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

_____, 2010

ORDINANCE AMENDMENT: Establishing the Neighborhood Business Zone

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning And Planning, ARTICLE III, Zoning Ordinance, BE AMENDED AS FOLLOWS:

Sec. 19-302 Words And Phrases Defined

ADD:

Artisan Studio: The manufacture and sale within the same dwelling unit or within the same building by resident artisan(s) of works of art and products crafted by hand or with table mounted or electric hand tools such as, but not limited to, ceramics, hand-blown glass objects, metal smithing, and pottery.

First Floor: the floor of a building that is at or nearest to the level of the ground around the building. Where a slope on the parcel reveals more than one ground floor, the first floor shall be that building level having the principal pedestrian entrance from an adjacent street. Second and successive floors rise above the first floor, and the basement of a structure, if any, is below the first floor.

Offices, General: Places where business, clerical, or professional activities that do not include any form of manufacturing, assembly, or retail are conducted, and that predominantly serve the community or region, including, without limitation, business services, financial services, human health services, professional services, or social services.

Offices, Limited: Places where business, clerical, or professional activities that do not include any form of manufacturing, assembly, or retail are conducted, that occupy fewer than 400 sq. ft., and that are compatible with and intended to serve the surrounding neighborhood(s) or limited community needs, including, without limitation, non-banking financial services, accounting and bookkeeping services, small business services, insurance and real estate offices, architectural and design services, engineering, surveying, and individual or family counseling.

Sec. 19-304 Zoning Regulations

ADD:

Sec. 19-304 (24) Neighborhood Business Zone

A. Purpose.

The purpose of the Neighborhood Business Zone is to provide for a small-scale, mixed use area to serve the local market. It is to hold convenient and safe pedestrian access paramount, with both architecture and streetscape designed to facilitate and encourage pedestrian traffic. Buildings shall be designed with storefronts, doors, and windows oriented toward the public way so as to visually connect both interior and exterior spaces. Development of multi-story buildings is encouraged, with residential and/or commercial and business uses on the upper floor(s).

B. Permitted Uses.

The following uses shall be permitted in the Neighborhood Business Zone

1. First floor retail uses occupying up to 1,200 sq. ft., inclusive of display areas, and offices. Accessory storage is permitted throughout the structure;
2. First floor personal Services;
3. Artisan Studios;
4. Home Occupations, Levels I and II;
5. Bed and Breakfast Establishments;
6. Restaurants that are open to the public no earlier than 7:00 A.M. and no later than 9:00 P.M., and occupying no more than 1,500 sq. ft., exclusive of food preparation areas, storage, offices, and rest rooms. Restaurant uses shall be limited to first floors, second floors, and/or basements. Adjacent units may not be joined or provided shared access for the purpose of evading the dimensional limitations herein;
7. First floor Financial Services occupying up to 1,500 sq. ft.;
8. One- and Two-Family Dwellings;
9. Multi-Family Dwellings;
10. Lodging Houses that have 24-hour, on-site management;
11. Daycare businesses;
12. Limited Offices.

C. Prohibited Uses.

The following uses are prohibited in the Neighborhood Business Zone:

1. Drive-throughs;
2. Adult businesses;
3. Sole source pharmacies;
4. Drinking establishments;
5. Outdoor sales or displays of merchandise in the rear and side yards of buildings.

D. Development Standards.

The following Development Standards shall apply to new construction in the Neighborhood Business Zone:

Maximum Building Coverage	None, within setbacks
Maximum Lot Coverage	None for structures. Surface parking and loading and unloading areas shall not extend into required setback areas, and shall not exceed the minimum required pursuant to Section 19-307 by more than 10%.
Minimum Residential Floor Area	No dwelling unit may have a total floor area of less than 450 sq. ft.
Maximum Building Height	45 feet. Building additions shall not exceed the height of the primary structure.
Minimum Stories	Two functional stories at and above the plane of the primary adjacent street at its lowest point adjacent to the proposed structure. This minimum shall not apply to additions set three feet or more further from the street than the primary structure. The first floor of primary structures shall have a minimum finished ceiling height of eleven (11) feet.
Minimum street frontage	Forty (40) feet, provided, however, that this limitation shall not prohibit the reconstruction of structures on non-conforming lots as of the effective date of these Neighborhood Business zoning regulations otherwise permitted under the Code of Ordinances.

Set Backs:

Front Setback – Minimum

None

Front Setback – Maximum

The maximum front setback shall either be: (a) ten feet; or (b) in cases where the average depth of the front of the nearest developed lots on either side of the lot in question is less than ten feet, the front setback of the lot in question shall not exceed such average depth. For this purpose, a "developed lot" means a lot on which a principal structure has been erected. Building additions are not required to meet this maximum setback. The Planning Board may waive this maximum front setback if it determines, on the basis of a plan prepared by a landscape architect, that proposed landscaping for the setback area, including any increased setback, will be of such quality as to beautify the area and streetscape, or will preserve a significant view from a public way. Surface parking, loading, unloading, and impervious surfaces for other than pedestrian uses shall not be allowed in such front setback areas.

Side Setback – Minimum

Five feet, provided, however, that there shall be no minimum side setback on lots that establish and maintain exclusive, shared vehicular access from a public way to an abutting lot not under common ownership, on the side of the lot that is adjacent to the abutting lot having such shared vehicular access.

For the purpose of calculating setbacks, 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.

Rear Setback – Minimum

Thirty (30) feet for structures; ten (10) feet for accessory structures, porches, decks, and impervious surfaces, or five (5) feet with the installation and maintenance in good repair of a permanent, high-quality fence and landscaping approved by the Planning Board.

Architectural Elements

The design of new or replacement structures shall incorporate design and architectural elements that appear consistently in the neighborhood, including, without limitation, street and sidewalk orientation of

the structure; functional pedestrian entrances from adjacent public ways; horizontal expression lines such as cornices, window and door sills and lintels, story expression lines, transom windows, and bulkheads; vertical expression lines such as pilasters, piers, and corbels; and proportional doorways and fenestration. Signs shall be in proportion to the building façade and not cover the cornice or expression lines of the façade. The purpose of this regulation is to assure that the design of new or replacement structures respond to, draw upon, and evoke the traditional architectural palette of the neighborhood; conversely, new and replacement structures are not required to conform to any one architectural style, or to mimic the scale, form, or appearance of existing structures.

Façade Materials

Quality, durable facade materials shall be utilized on new construction and additions, including or similar in quality to brick, stone, wooden clapboards or shingles, natural or synthetic stucco, or materials similar in appearance, texture, quality, and scale to these materials.

Building Massing

Large expanses of undifferentiated facades are not allowed along public rights of way. Planar facades exceeding twenty (20) feet in length shall be articulated with additional entrances, bays, balconies, cornices, reveals, expansion joints, trim, color, materials, and/or texture changes, permanent artwork, step backs, and other design elements, to provide visual differentiation.

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., typically 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.

Location of Off Street Parking

Surface level off-street parking lots shall be placed in

side and rear yards only. No parking shall be permitted between primary structures and any street, except parking for single- or two-family residences where the parking is or will be established on a surface prepared for that purpose. Underground off-street parking may be provided underneath commercial or mixed-use buildings.

Curb Cuts

No new entrance onto a City street shall be allowed within fifty feet of an existing curb cut within one lot.

Façade Massing and Projections

All principal facades fronting a public street shall have a prominent cornice and expression line, a working entrance, and windows (except for side-wall facades where entrances are not required). Buildings wider than 75 feet fronting a public street shall incorporate vertical elements in the principal facade to simulate smaller-scale development. Principal facades fronting a public street(s), excluding alleyway(s), or principal facades facing a plaza, or public park may not have blank walls (without doors or windows) greater than 10 feet in length. Expression lines and cornices of principal facades fronting a public street shall be a decorative molding or jog in the surface plane of the building that extend at least 3 inches in or out from the principal facade.

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 two inches when wood frame construction is used.

Landscaping

See Rockland Code, Ch. 19, Art. III, Sec. 19-316(G).

Buffering

See Rockland Code, Ch. 19, Art. III, Sec. 19-316(H).

Mechanical Equipment

Rooftop and other exterior mechanical equipment, including HVAC systems, shall be visually screened

and audibly buffered, using materials similar in type and scale to the facade materials of the primary structure such as brick, slate, wood, stucco, 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.

Street Termini

The view corridors from Washington and Trinity Sts. to Camden St. and Maverick St. toward the harbor shall require a significant architectural design element, from the sidewalk for the entire height of the facade, be provided in any new building or to an existing building that is substantially modified. Significant architectural elements can include, but are not limited to, the primary building entrance, towers, projected bays, etc.

Parking

For new or changed uses in existing structures, no new parking shall be required unless such use(s) will require more than eight off street parking spaces pursuant to Chapter 19, Article III, Section 19-307(7). For new structures, parking shall be provided as required under Section 19-307(7), provided however that no more than one off street parking space shall required for every dwelling unit, and that the number of required parking spaces may be reduced by the number of spaces the applicant demonstrates reasonably and conveniently may be shared for different uses in a mixed-use structure.

Sponsor:

Originator: Comprehensive Planning Commission