

REGULAR MEETING

AGENDA

January 12, 2015

1. Roll Call
2. Pledge of Allegiance to the Flag
3. Public Forum of not more than 30 minutes (3 min. limit each speaker)
4. Meeting Notice
5. Reading of the Record
6. Reports:
 - a. City Manager's Report
 - b. City Attorney's Report
 - c. Other Official's Report
 - d. Mayor's Report
7. Licenses and Permits:
 - a. Liquor and Entertainment Licenses – Park Street Grille
 - b. Liquor and Amusement Device Licenses – Pizza Hut
 - c. Liquor and Entertainment Licenses – Suzuki's Sushi
8. Resolves:

# 2 Appointments to Boards, Commissions & Committees	Mayor Isganitis
# 3 Accepting Donations	City Manager
# 4 Appointment – Registrar of Voters	Mayor Isganitis
# 5 Authorizing Meeting – St. George Withdrawal	Mayor Isganitis
9. Ordinances in Final Reading and Public Hearing:

#10 Chapter 19, Article III Container Restaurants (Post. 9/8/14)	Councilor MacLellan-Ruf
#22 Chapter 17, Section 17-802 Tillson Ave Parking (Post. 9/8/14)	Mayor Isganitis
#36 Chapter 19, Article III CCOZ (Post. 12/8/14)	Mayor Isganitis
#37 Zoning Map Amendment – CCOZ (Post. 12/8/14)	Mayor Isganitis
#40 Chapters 14 & 19 ZBA Scope of Review	Councilor MacLellan-Ruf
10. Ordinances in First Reading:

#29 Chapter 3, Section 3-209 Dogs Prohibited (Post. 9/8/14)	Fmr. Councilor Hebert
# 1 Chapter 19, Article III B&B Establishment Regulations	Councilor Clayton
11. Orders:

#83 Use of Reserve Funds – Sandy Beach Pkng (Post. 10/15/14)	Councilor MacLellan-Ruf
# 1 Amending Fee Schedule – Adult Amusement Store License	City Manager
# 2 Authorizing Transfer of Funds – FY14 Landfill Budget Shortfall	City Manager
# 3 Authorizing Transfer of Funds – Solid Waste Equip. Repairs	City Manager
# 4 Authorizing License Agreement for Fence at 39 Pleasant Street	Councilor Clayton
# 5 Authorizing Development of Dept. of Public Services	Councilor MacLellan-Ruf
12. Adjournment.

APPLICATION FOR CITY LICENSE
CITY OF ROCKLAND, MAINE

270 Pleasant Street
Rockland, Maine 04841

Name of Applicant John Bowden Jill Goodridge Phone 594-4944

Address of Applicant 279 Main St., STE #7
Rockland, ME 04841

Name of Business Bowden Enterprises LLC / d/b/a Park Street Grille Phone 594-4944

Address of Business 279 Main St., STE #7
Rockland, ME 04841

Name of Property Owner (if different) Frank Ferriuolo

Type of License(s): Liquor Victualer Entertainment
 Lodging House Commercial Hauler Landscape Contractor
 Billiard Room Second Hand Dealer Other (Specify) _____

Type of Business Restaurant

Expiration of Current License 2/25/15

Fee(s) Paid \$300 Date _____

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 Jill Goodridge Date 12/11/14

Approved By: _____ License # _____

Approved Inspected, See Report Code Officer 1/8/15 Date

Approved Inspected, See Report Fire Inspector 1/8/15 Date

Approved Inspected, See Report Police Chief 12/12/14 Date

Approved Inspected, See Report City Clerk 1/8/15 Date

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

Name of Applicant Capital Pizza Huts Phone _____

Address of Applicant 3445 N. 42nd Rd

Wichita, KS 67226-8190

Name of Business Pizza Hut. Phone (307) 947-6915

Address of Business 190 Camden St

Rockland, ME 04841

Name of Property Owner (if different) William Ford

Type of License(s): Liquor Victualer Entertainment

Lodging House Commercial Hauler Landscape Contractor

Billiard Room Second Hand Dealer Other (specify) Amusement Device (1)

Type of Business Restaurant

Expiration of Current License 2/12/15

Fee(s) Paid \$275.00 Date 12/4/14

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 12/4/14

Approved By: Paul R. Brown, Registered Agent License # _____

[Signature] Code Officer 1/6/15 Date
 Approved Inspected; See Report

[Signature] Fire Inspector 1/6/15 Date
 Approved Inspected; See Report

[Signature] Police Chief 12/12/14 Date

[Signature] City Clerk 1/6/15 Date

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

Name of Applicant Suzuki's Sushi Bar Phone 596-0731

Address of Applicant 419 Main Street
Rockland, Me 04841

Name of Business Suzuki's Sushi Bar Phone 596-1447

Address of Business 419 Main St.
Rockland Me 04841

Name of Property Owner (if different) Peter Sandefur

Type of License(s): Liquor Victualer Entertainment

Lodging House Commercial Hauler Landscape Contractor

Billiard Room Second Hand Dealer Other (Specify) _____

Type of Business Restaurant

Expiration of Current License 2/6/2015

Fee(s) Paid \$300.00 Date Dec. 15, 2014

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 Joseph Sandefur Date 12/15/2014

Approved By: _____ License # _____

Approved Inspected; See Report Code Officer 1/6/15 Date

Approved Inspected; See Report Fire Inspector 1/6/15 Date

Police Chief 12/12/14 Date

City Clerk 1/6/15 Date

CITY OF ROCKLAND, MAINE

RESOLVE # 2

IN CITY COUNCIL

January 12, 2015

RESOLVE Appointments to Boards, Commissions and Committees

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT the appointments by the Mayor of the following persons to the following Boards, Commissions and/or Committees for the terms listed are hereby confirmed:

Amy Files, 39 Pleasant Street is hereby appointed as a Full Member of the Comprehensive Planning Commission to fill a vacancy on the Commission, and shall serve until that term expires in 2017;

Gregory Pinto, 195 Broadway, is hereby appointed to the Parking Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2016, and is also appointed to the Library Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2015; and

PJ Walter, 96 Limerock Street, is hereby appointed to the Parking Advisory Committee to fill a vacancy on that Committee, and shall serve until that term expires in 2016;

Paul Chartrand, 45 Crescent Street, is hereby appointed as the Democratic Representative to the Board of Registration Appeals to fill a vacancy on that Board, and shall serve until that term expires in 2017; and

Michael Thibodeau, 10 Pheasant Drive, is hereby appointed to the Parks Commission to fill a vacancy on the Commission, and shall serve until that term expires in 2017; and

Carole Martin, 64 Masonic Street, is hereby appointed to the Library Advisory Committee to fill a vacancy on the Committee, and shall serve until that term expires in 2017; and

Ann Beebe-Center, 14 Edwards Street, is hereby appointed to the Library Advisory Committee to fill a vacancy on the Committee, and shall serve until that term expires in 2016; and

Leslie Mulhearn, 107 Bog Road, is hereby appointed to the Board of Assessment Review to fill a vacancy on that Board, and shall serve until that term expires in 2017; and

Councilor Louise MacLellan-Ruf is hereby appointed as the City Council Representative to the Ad Hoc Harbor Park Re-Design Committee for an indefinite term.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

CITY OF ROCKLAND, MAINE

RESOLVE # 3

IN CITY COUNCIL

January 12, 2015

RESOLVE Accepting Donations

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

WHEREAS, the Friends of the Rockland Public Library donated \$2003.61 for 154 children's titles to be added to the children's collection, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Cindy Lang of Tenants Harbor, Maine donated \$65 to the Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Charlotte Gordon of Rockland, Maine donated \$10 to the Library in memory of Doris Huber, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Brian and Marilyn Trask of Rockland, Maine donated \$100 to the Library, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, the Rockland Public Library Endowment Association donated \$93.97 to the Library for the purchase of a giant floor piano play mat, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Susan Umberger of Rockland, Maine donated the book *Warman's Antiques & Collectibles 2015* to the Library in memory of Doris Hubert, to be added to the Library's collection; and

WHEREAS, Julia Bicknell, Pfeiffer of Camden, Maine donated \$50 to the Library in memory of Doris Huber, to be receipted into the Library Revenue Donations account (#10062-03147) and the same expended from the Library Restricted Donations Expenditure account (#10062-07003); and

WHEREAS, Elizabeth McRae of Rockland, Maine, donated \$250 to the Rockland Fire & EMS Department, to be receipted into the Fire & EMS Donations account (#10032-03218);

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

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

Sponsor: City Manager
Originator: City Manager

CITY OF ROCKLAND, MAINE

RESOLVE # 4

IN CITY COUNCIL

January 12, 2015

RESOLVE Appointment of Registrar of Voters

BE IT HEREBY RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

THAT, pursuant to Title 21-A, M.R.S. § 101.2, Kara Cushman is hereby appointed as Registrar of Voters for the City of Rockland for a term of two years beginning January 1, 2015.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

CITY OF ROCKLAND, MAINE

RESOLVE # 5

IN CITY COUNCIL

January 12, 2015

RESOLVE Authorizing City Delegation to Meet With RSU #13 Representatives to Discuss the Effect of St. George's Withdrawal on the City of Rockland

WHEREAS, the Town of St. George voted in November to withdraw from RSU #13; and

WHEREAS, Rockland representatives to the RSU #13 School Board have requested that the City Council meet with them; and

WHEREAS, the City Council wishes to take a pro-active approach in understanding the financial and educational impact of the withdrawal on Rockland students and taxpayers,

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

THAT Mayor Isganitis, Councilor MacLellan-Ruf, and Finance Director Luttrell are authorized to meet with the RSU 13 School Board, elected Rockland representatives on the RSU 13 School Board, the RSU 13 Superintendent, and/or the City's Legislative Delegation to discuss and better understand the financial impacts of the Town of St. George's impending withdrawal from RSU #13, and periodically to report back regarding the same to the City Council, in an effort to protect the interests of both Rockland students and taxpayers.

Sponsor: Mayor Isganitis
Originator: Mayor Isganitis

CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #10
IN CITY COUNCIL

April 14, 2014

ORDINANCE AMENDMENT: Exempting Container Restaurants And Food Wagons From Certain Zoning Regulations

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTIONS 19-302, Definitions, and 19-309, Exceptions and Exemptions, BE AMENDED AS FOLLOWS:

Sec. 19-302 Words and Phrases Defined

ADD, ALPHABETICALLY:

Container Restaurant. A prefabricated, mobile shipping or storage container converted for use as a take-out or eat-in restaurant.

Food Wagon. A small bus, truck, or other vehicle, or stand, trailer, or other small mobile structure outfitted for selling or for serving light meals and snacks to the public. The term "food wagon" does not include push carts that are removed daily or vehicles selling food from the street in accordance with Chapter 15, Article I, Section 15-109.

Sec. 19-309 Exceptions and Exemptions

1. Special Classes. No building may be erected, altered, or used, and no land may be used, for any of the following special use classes in the Residential A and AA zones. In other zones, the Planning Board, applying the procedures and standards set forth in Chapter 16, Article II, may approve such use in any zone other than Residential A or AA zones, upon application, notice, and public hearing, and upon a determination that the use will not be detrimental or injurious to the neighborhood, and that there will be provided fencing and screening adequate to provide visual and auditory barriers from other properties and public rights of way, and that the applicant has demonstrated compliance with all other applicable City ordinances. All owners of property located within 300 feet of the lot lines of the subject parcel shall be notified of the Special Class application, in writing and at least seven days prior to the public hearing, and shall be provided an opportunity to be heard at such hearing.

- A. Cemetery;
- B. Municipal use (not otherwise provided for);
- C. Public utility use (other than as provided by Section 19-304(3)(B));
- D. Stables, public; saddle horses for hire;
- E. Transformer stations;
- F. Wind power generation equipment;

G. Temporary Buildings that house a use incidental to and reasonably required by an occupant of residential property on the same parcel for a non-commercial purpose (other than the storage or repair of a recreational or fishing vessel, or fishing equipment). Such temporary buildings shall be removed within one (1) year at the owner's expense, unless the permit therefor shall have been extended by the Board for not more than one year. Applications for temporary building 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.

2. Seasonal Container Restaurants & Food Wagons.

A. Exemption From Certain Standards. In the Downtown and Tillson Avenue Area Overlay Zones, container restaurants and food wagons having total floor areas of fewer than 350 sq. ft. and utilized for less than six months / calendar year shall be exempt from the following standards, where applicable:

- (1) Architectural and/or Design Standards;
- (2) Space and Bulk Standards;
- (3) Maximum front setbacks; and
- (4) Buffering and Screening performance standards.

B. Planning Board Review.

(1) 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/or 19, in addition to applicable building code, life safety, and fire prevention requirements:

(a) Provisions for parking and vehicular and pedestrian circulation, except in the Downtown Parking District;

(b) Lighting standards;

(c) On-site restrooms for customers of restaurants with inside seating, and restroom availability for all employees;

(d) Water supply and wastewater disposal;

(e) Landscaping in accordance with Section 19-316(H)(3). 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.

(f) The use of exterior speakers or other audible devices to play music, communicate with customers, or other purposes shall be strictly prohibited.

Container restaurants and food wagons having total floor areas of 350 sq. ft. or more, and/or that are utilized for six months or more are subject to full site plan review and approval pursuant to Chapter 16, Article II.

(2) Food wagons in Buoy and Harbor Parks and at the Middle Pier shall be exempt from Planning Board Review.

(3) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) shall be removed from the site to another location where storage of such containers and wagons is authorized when not in use for two or more consecutive weeks.

(4) Container restaurants and food wagons exempted from standards pursuant to Section 19-309(2)(A) may not begin service to the public prior to 6:00 AM nor continue service after 9:00 PM, except during events for which the nearest street is closed pursuant to Order of the City Council, in which instances the hours of operation may be extended to the close of the event.

Sponsor: Councilor MacLellan-Ruf
Originator: Councilor MacLellan-Ruf
Postponed 05/12/14 to 09/08/14
Postponed 09/08/14 to 01/12/15

First Reading 04/14/14
First Publication 04/24/14
Public Hearing 05/12/14
Final Passage _____
Final Publication _____
Effective Date _____

MEMORANDUM

To: Mayor Larry Pritchett and members of the Rockland City Council

From: Valli Geiger, Chair of Comprehensive Planning Commission

Date: September 1, 2014

Re: Ordinance Amendment #10, Ch. 19, Sec. 19-302 & 19-309 Container Restaurants and Review of Winter Street Design plans

The Comprehensive Planning Commission met on July 17th and on July 31st.

At our July 17th meeting, the Comprehensive Planning Commission voted unanimously to endorse Design #2 for the Winter Street redesign as presented by Terry Pinto. During discussion, the design was praised for its allowance for greenways and sidewalks on both sides of the street along with a wide pedestrian walkway on the north side of Winter Street, as identified by colored paving yet also allowing for delivery vans, mail trucks and other commercial vehicles to pull off the roadway for quick stops. It was felt by all the members that Winter Street is a lynch pin street for connecting the downtown node with the waterfront and other development to come in the Tillson Avenue Area Overlay district. With the museum fronting Winter Street, pedestrians now have a strong reason to turn the corner and enter the Tillson overlay district. If wide sidewalks, green trees, and pedestrian scale lighting greet them, there is a reason to walk further on this street.

At our July 31st meeting, Container Restaurant ordinance came up for final debate and vote. This was a very difficult ordinance for the Commission to take a position on. But in the end we came to a unanimous vote to reject the ordinance. To many members, it felt like spot zoning and the risk long term and unexpected consequences of allowing containers on private property, exempt from all standards seemed unwise and one more weakening of the Tillson Overlay standards. On the other hand, members thought the container restaurant concept, if clustered together could provide a playful concept along the water front and allow for inexpensive food options for families of residents and visitors alike.

MOTION: Thomas Keedy moved to allow the Container Restaurant experiment only in Buoy Park, Middle Pier and the Municipal Fish Pier property. Eileen Wilkinson seconded. VOTE: 5-0-0.

The discussion then turned to the number of units that should be allowed. One to three spaces at Buoy Park were agreed upon. Members then gave ideas about what amenities should be provided along with what standards and conditions should be included. A list of ideas was compiled.

Members felt strongly that all permits for food wagons, container restaurants and other mobile structures on city waterfront property should add to the waterfront experience. They should be neat, attractive and be contained within their allotted spaces without spilling over onto additional city property. These facilities should pay fees to the city and in return the city should provide attractive seating in the park for patrons of the food wagons/containers and others. This seating should include benches, picnic tables, and shade covers such as pergolas. The Commission also suggested that all revenues from these permit holders and festivals should be returned for the continued improvement of city waterfront property. Amenities in the future should include rest rooms.

Thank you for your invitation to consider these issues. Adding affordable food options and comfortable park seating provide another reason to walk from downtown, along Winter Street to Buoy Park and the Middle or City Pier.

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #22
IN CITY COUNCIL**

August 11, 2014

ORDINANCE AMENDMENT Time Limits on Parking – Tillson Ave

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 17, Traffic and Vehicles, SECTION 17-802, Schedule II, Time Limits on Parking, BE AMENDED AS FOLLOWS:

Sec. 17-802 Schedule II. Time Limits on Parking

1. General Limitation. Parking time limited between 9:00 AM and 6:00 PM on Mondays, Tuesdays, Wednesdays, and Thursdays, and between 9:00 AM and 9:00 PM on Fridays and Saturdays, with the exception of Sundays and public holidays:

Street

Area Affected

F. Fifteen-Minute Limit

(1) Main

(a) Between Pleasant Street and Rankin Street between the hours of 2:00 A.M. and 6:00 A.M., Sundays and legal holidays excepted. Eff: 12/13/02

(2) Tillson

(a) The three (3) western-most angled parking spaces on the northerly side of Tillson Avenue.

Sponsor: Councilor Isganitis
Originator: Terry Pinto
Postponed 09/08/14 to 01/12/15

First Reading 08/11/14
First Publication 08/21/14
Public Hearing 09/08/14
Final Passage _____
Final Publication _____
Effective Date _____



**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #36
IN CITY COUNCIL**

November 10, 2014

ORDINANCE AMENDMENT Establishing the Commercial Corridor Overlay Zone

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-301, Zones Authorized, Bounded, and Defined; Rules of Construction, and SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:

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

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

2. Zone Divisions.

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

- (1) Residential A Zone
- (2) Residential AA Zone
- (3) Residential B Zone
- (4) Elderly Residential B-1 Zone
- (5) Rural Residential Zone 1 RR1 Zone
- (5A) Rural Residential Zone 2 RR2 Zone
- (6) Transitional Business 1 TB1 Zone
- (7) Transitional Business 2 TB2 Zone
- (8) Transitional Business 3 TB3 Zone
- (8A) Transitional Business 4 TB4 Zone
- (9) Resort RT Zone
- (10) Commercial C1 Zone
- (11) Commercial C2 Zone
- (12) Commercial C3 Zone
- (13) Plaza Commercial PC Zone

- (14) Downtown DT Zone
- (15) Neighborhood Commercial NC Zone
- (16) Business Park BP Zone
- (17) Industrial I Zone
- (18) Woodland & Wildlife G Zone
- (19) Recreation R Zone
- (20) Shoreland Zone
- (21) Chickawaukie Watershed Regulations
- (22) Waterfront Zones (7/11/90)
- (23) Tillson Avenue Area Overlay Zone
- (24) Commercial Corridor Overlay Zone

* * *

Sec. 19-304 Zone Regulations

* * *

24. COMMERCIAL CORRIDOR OVERLAY ZONE (“CCOZ”)

A. Purpose.

The purpose of the Commercial Corridor Overlay Zone is 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.

B. 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.

C. Standards.

The following space and bulk standards shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone:

<u>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</u>	
<u>Maximum Building Coverage</u>	<u>85%</u>
<u>Maximum Lot Coverage</u>	<u>85%</u>
<u>Minimum Floor Area Ratio</u>	<u>None</u>
<u>Minimum Front Setback</u>	<u>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 ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.</u>
<u>Maximum Front Setback</u>	<u>Ten feet; provided, however, that 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.</u>
<u>Minimum Landscaped Front Setback for Surface Parking Areas</u>	<u>Forty feet</u>
<u>Minimum Side Setback</u>	<u>Ten feet</u>

<u>Minimum Principal Building Height</u>	<u>Two functional stories</u>
<u>Surface Parking Lots</u>	<u>Areas for surface parking may not be located between a building and a street, except to provide handicap parking.</u>
<u>Parking</u>	<u>Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.</u>
<u>View Corridors</u>	<u>Buildings shall be so situated so that existing water views from public streets shall be maintained by providing – notwithstanding anything to the contrary in this or the underlying zones – a minimum building side setback of twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.</u>

Sponsor: Councilor Isganitis
Originator: Comprehensive Planning Commission
Postponed 12/08/14 to 01/12/15 (Prior to Public Hearing)

First Reading: 11/10/14
First Publication: 11/20/14
Public Hearing: 12/08/14
Final Passage: _____
Second Publication: _____
Effective Date: _____

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #36

IN CITY COUNCIL

November 10, 2014

**ORDINANCE AMENDMENT: Establishing the Commercial
Corridor Overlay Zone**

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE III, Zoning Ordinance, SECTION 19-301, Zones Authorized, Bounded, and Defined, and SECTION 19-304, Zone Regulations, BE AMENDED AS FOLLOWS:

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

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

2. Zone Divisions.

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

- (1) Residential A Zone
- (2) Residential AA Zone
- (3) Residential B Zone
- (4) Elderly Residential B-1 Zone
- (5) Rural Residential Zone 1 RR1 Zone
- (5A) Rural Residential Zone 2 RR2 Zone
- (6) Transitional Business 1 TB1 Zone
- (7) Transitional Business 2 TB2 Zone
- (8) Transitional Business 3 TB3 Zone
- (8A) Transitional Business 4 TB4 Zone
- (9) Resort RT Zone

- (10) Commercial C1 Zone
- (11) Commercial C2 Zone
- (12) Commercial C3 Zone
- (13) Plaza Commercial PC Zone
- (14) Downtown DT Zone
- (15) Neighborhood Commercial NC Zone
- (16) Business Park BP Zone
- (17) Industrial I Zone
- (18) Woodland & Wildlife G Zone
- (19) Recreation R Zone
- (20) Shoreland Zone
- (21) Chickawaukie Watershed Regulations
- (22) Waterfront Zones (7/11/90)
- (23) Tillson Avenue Area Overlay Zone
- (24) Commercial Corridor Overlay Zone

* * *

Sec. 19-304 Zone Regulations

* * *

24. COMMERCIAL CORRIDOR OVERLAY ZONE (“CCOZ”)

A. Purpose.

The purpose of the Commercial Corridor Overlay Zone is 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.

B. 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.

C. Standards.

The following space and bulk standards shall apply to all lots and/or parcels of land in the Commercial Corridor Overlay Zone:

<u>COMMERCIAL CORRIDOR OVERLAY ZONE “CCOZ” STANDARDS</u>	
<u>Maximum Building Coverage</u>	<u>85%</u>
<u>Maximum Lot Coverage</u>	<u>85%</u>
<u>Minimum Floor Area Ratio</u>	<u>None</u>
<u>Minimum Front Setback</u>	<u>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 ten feet or such distance as may be needed to accommodate such sidewalk and esplanade within the parcel.</u>
<u>Maximum Front Setback for Primary Structures</u>	<u>Single Primary Structure Developments:</u> <u>Ten feet</u> <u>Multiple Primary Structure Developments:</u> <u>Ten feet for at least one primary structure;</u> <u>other primary structures may be located</u> <u>between the setback-compliant structure</u>

	<p>and the rear property line.; provided, however, that</p> <p><u>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.</u></p>
<u>Minimum Landscaped Front Setback for Surface Parking Areas</u>	<u>Forty feet</u>
<u>Minimum Side Setback</u>	<u>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.</u>
<u>Minimum Principal Building Height</u>	<u>Two functional stories</u>
<u>Surface Parking Lots</u>	<u>Areas for surface parking may not be located between a building and a street, except to provide handicap parking.</u>
<u>Parking</u>	<u>Pursuant to Sec. 19-307(8), the parking permit-issuing authority may allow deviations from the parking requirements set forth in Sec. 19-307(6)(E) where the applicant submits a parking management plan acceptable to such authority that incorporates shared parking, provisions for one or more mass transit stops and shelters, short term parking limitations for commercial uses, and/or other parking solutions that reduce the anticipated on-site parking needs for the development.</u>
<u>View Corridors</u>	<u>Buildings shall be so situated so that existing water views from public streets shall be maintained by providing – notwithstanding anything to the contrary in this or the underlying zones – a minimum building side setback of</u>

	<p><u>twenty (20) feet; provided, however that the Planning Board may permit the substitution of a view corridor between buildings within a lot for the side setback.</u></p>
<p><u>Building Design</u></p>	<p><u>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.</u></p> <p><u>A minimum of twenty (20) percent of the structures' facades that are visible from a public street shall employ actual projections or recesses with a depth of a least six feet. No uninterrupted façade shall extend more than fifty (50) feet.</u></p> <p><u>Rear and side building facades shall be designed to complement the architectural treatment of the primary façade.</u></p>

Sponsor: Mayor Isganitis
Originator: Comprehensive Planning Commission

MEMORANDUM

TO: Mayor Isganitis & City Council

FROM: Valli Geiger, Chair, Comprehensive Planning Commission

DATE: January 5, 2015

RE: Memo on COMPs Meeting of 12/11/14

.....
Mayor Isganitis & Members of City Council:

Commercial Overlay Zone:

The Comprehensive Planning Commission met on 12/11/14 to finish work on the Commercial Corridor Overlay Zone, making adjustments and changes to address concerns raised by City Council members and by members of COMPs. Former City Councilman, Eric Hebert, joined us.

Former Councilman Hebert had many concerns about the Overlay Zone, specifically that it would change significantly the look and composition of businesses and retail developments there. He was concerned with proposed setbacks and both the visual impact and the impact on traffic visibility.

COMPs members reminded Councilman Hebert that these ordinance changes come directly from the Camden Street Design Study. That Study was presented to the City Council and accepted by the city council. This ordinance is work requested of COMPs by the City Council.

The purpose of the Camden Street Design study was to propose changes to the public roadway, current zoning and ordinances to stem sprawl and to create a pedestrian friendly street with liner buildings close to the street. This kind of redevelopment is showing up all over the country as towns and cities realize they are losing their unique sense of place and beginning to look like every other city and town. It is also driven by a realization that the tax value of sprawling properties with sole dependence on automobiles, framed by large parking lots are lower by multiples of 10 when compared with dense, downtown properties, while their infrastructure needs are higher.

After much discussion, COMPs members reached a consensus to keep the 10" front maximum setback but to add language making it clear that this applies to primary structures only. Additional Actions were:

Action: Remove language “that are visible from public streets, residential neighborhoods or adjacent properties” in the third Building Design Standard. Vote 7-0-0

Action: Change the word protrusions to projections and to change 100’ to 50’ in the second Building Design Standard. Vote 7-0-0

Historic Preservation Ordinance:

Members of the Comprehensive Planning Commission would like to explore the creation of a Historic Preservation Ordinance for Rockland. We are concerned that the listing in the National Register of Historic Places does not protect the buildings in our two historic districts from demolition or drastic alterations, except in the case of projects funded by the federal government, such as highways or radio towers. The Main Street Historic District and the Residential Historic District between Union Street and Broadway contain buildings of historic and architectural significance that are municipal treasures today.

We would like to research successful historic preservation ordinances in other Maine communities and recommend wording that would be appropriate for Rockland. If we include elements recommended by the Maine Historic Preservation Commission, such as: establishing a historic preservation review commission, a procedure for designating local historic landmarks, and a procedure for delaying demolition permits for historic landmarks, the City of Rockland will be eligible to be a Certified Local Government and receive annual grants to fund surveys of historic buildings, publish guidelines for preservation, and publish walking tours.

We would like your permission to proceed with a draft ordinance.

Rockland has become a cultural center for Mid-Coast Maine. Our historic architecture is an important aspect of the cultural heritage of Rockland. We believe a historic preservation ordinance will help residents to better appreciate and preserve our important heritage.

Height Moratorium:

Postponed until January 15, 2015 COMPS meeting.

Thank you for allowing us to serve the City Of Rockland.

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #37
IN CITY COUNCIL**

November 10, 2014

ORDINANCE AMENDMENT Authorizing Zoning Map Amendment

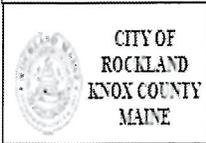
THE CITY OF ROCKLAND HEREBY ORDAINS THAT THE OFFICIAL ZONING MAP OF THE CITY OF ROCKLAND BE AMENDED AS FOLLOWS:

THAT the Commercial Corridor Overlay Zone, adopted by the City Council pursuant to Ordinance Amendment #36 which became effective on _____, shall encompass the area defined by the listed parcels (see attached list of parcels and map).

Sponsor: Councilor Isganitis
Originator: Comprehensive Planning Commission
Postponed 12/08/14 to 01/12/15 (Prior to Public Hearing)

First Reading: 11/10/14
First Publication: 11/20/14
Public Hearing: 12/08/14
Final Passage: _____
Second Publication: _____
Effective Date: _____

Tax Map #	Street Address
29C3	131 CAMDEN STREET
35A8	270 CAMDEN STREET
36A5	200 CAMDEN STREET
36A2	9 BELYEA AVENUE
28C10	104 CAMDEN STREET
28C9	106 CAMDEN STREET
28C8	108 CAMDEN STREET
15B1	65 CAMDEN STREET
15B15	59 CAMDEN STREET
15A4	73 CAMDEN STREET
15A1	91 CAMDEN STREET
28D9	99 CAMDEN STREET
28D2	107 CAMDEN STREET
28D3	103 CAMDEN STREET
29C3-1	137 CAMDEN STREET
29C1	1 WALDO AVENUE
34A3	245 CAMDEN STREET
34A1	265 CAMDEN STREET
34A1-2	273 CAMDEN STREET
34A7	3 GLEN STREET
36B1	201 CAMDEN STREET
36B3	179 CAMDEN STREET
29B2	145 CAMDEN STREET
29B3	143 CAMDEN STREET
29B1	169 CAMDEN STREET
36A8	190 CAMDEN STREET
36A3	220 CAMDEN STREET
29A2	172 CAMDEN STREET
28C7	110 CAMDEN STREET
28C4	116 CAMDEN STREET
28C3	118 CAMDEN STREET
28C2	124 CAMDEN STREET
28A6	130 CAMDEN STREET
29A1	182 CAMDEN STREET
29A3	170 CAMDEN STREET
29A10	136 CAMDEN STREET
29A11	132 CAMDEN STREET
27A7	96 CAMDEN STREET
27A6	98A CAMDEN STREET
27B6	60 CAMDEN STREET
27B5	74 CAMDEN STREET
27B4	80 CAMDEN STREET
27B3	82 CAMDEN STREET
27B2	88 CAMDEN STREET
27B1	92 CAMDEN STREET
34A2	235 CAMDEN STREET
29A4-2	168 CAMDEN STREET
29A4	166 CAMDEN STREET



Printed: 10/23/2014
 0 125 250 500 750
 Feet
 1 inch = 500 feet



DISCLAIMER
 The maps are compiled from aerial photography,
 existing surveys, deeds, and instrument descriptions.
 They are to be used for assessment purposes only,
 and not for convenience.

PROPOSED AMENDMENT TO ORDINANCE AMENDMENT #37

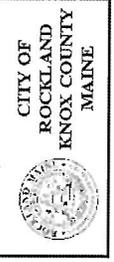
Tax Map #	Street Address	
29C3	131 CAMDEN STREET	<u>except for that portion of the property zoned Waterfront "WF-5"</u>
35A8	270 CAMDEN STREET	
36A5	200 CAMDEN STREET	
36A2	9 BELYEA AVENUE	
28C10	104 CAMDEN STREET	
28C9	106 CAMDEN STREET	
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15B15	59 CAMDEN STREET	
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28C4	116 CAMDEN STREET	
28C3	118 CAMDEN STREET	
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28A6	130 CAMDEN STREET	
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27B1	92 CAMDEN STREET	
34A2	235 CAMDEN STREET	
29A4-2	168 CAMDEN STREET	
29A4	166 CAMDEN STREET	



DISCLAIMER
 Tax maps are compiled from aerial photography, existing surveys, deeds, and landowner's descriptions. They are to be used for assessment purposes only, and not for conveyance.

Printed: 10/24/2014
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CITY OF
 ROCKLAND
 KNOX COUNTY
 MAINE



CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #40

IN CITY COUNCIL

December 8, 2014

ORDINANCE AMENDMENT: Scope of Review of the Zoning Board of Appeals

THE CITY OF ROCKLAND HEREBY ORDAINS THAT CHAPTER 19, Zoning and Planning, ARTICLE II, Board of Appeals, SECTION 19-202, Powers and Duties; Conduct of Appeals; and ARTICLE III, Zone Regulations, SECTION 19-304(20), Shoreland Zone Ordinance; and CHAPTER 14, ARTICLE IV, SECTION 14-423, Board of Sewer Appeals, BE AMENDED AS FOLLOWS:

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

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, ~~or~~ the issuance or failure to issue a building or occupancy 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 Under Chapters 4, 7, or 19. Any person having a potential particularized direct and personal injury as a result of, and any owner or lessee of abutting property or of parcels located entirely or partially within 300 feet of property that is the subject of any decision, action, or inaction of the Code Enforcement Officer or other authorized official under Chapter 4, 7, or 19, may have standing to appeal such decision, action, or failure to act to the Zoning Board of Appeals, ~~and may appeal a decision of such Board to the Superior Court, as provided by law or rule of civil procedure.~~

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 thirty (30) days of the decision that is the subject of the appeal. The person taking the appeal shall file with the Code Enforcement Office a notice of appeal on a form provided for that purpose by the Code Enforcement Office, and, pay to the City the administrative appeal fee as prescribed ~~in the Code of Ordinances or~~ by Order of the City Council, which fee is calculated to cover the various costs to the City including, but not limited to, publishing notice of hearing, notifying ~~abutting land~~

owners, and reviewing the appeal. The Code Enforcement Officer shall forthwith transmit to the Board a copy of the notice of appeal ~~and of all papers constituting the record of the action that is the subject of the appeal.~~ The Zoning Board of Appeals shall hear such appeal ~~fix a reasonable time within ninety (90) days~~ six months for the hearing of the appeal, 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 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 ~~appellant(s)~~ 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 of the appeal and of the grounds therefor; and, at least one (1) week prior to the hearing, shall give public notice of such hearing by publication in at least one (1) issue of a newspaper of general circulation ~~published~~ 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. When acting in ~~this~~ an appellate capacity, the Zoning Board of Appeals shall review the matter 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 Board's review shall not be limited to the information reviewed by the Code Enforcement Officer at the time of the decision being appealed.~~ may reverse the decision of the Code Enforcement Officer only upon a finding that the decision was contrary to specific provisions of the Rockland Code of Ordinances, or contrary to the facts presented to the Code Enforcement Officer at or prior to his decision. The Board may remand the matter to the Code Enforcement Officer for further consideration, specifying the information to be obtained and/or considered upon remand, or may sustain the decision of the Code Enforcement Officer or grant the appeal and vacate or modify the decision that is the subject of the appeal. The party ~~person that filed~~ ing 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 of the Code Enforcement Officer. The decision of the Board shall not be final until the earlier of (1) 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 (2) the passage of six months following the date of the completed notice of appeal.; and notify the parties of its decision in a notice of decision signed by the Chair.

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 19-304 may be granted by the Board only where strict application of the Article, or a provision thereof, to the petitioner and his property would cause undue hardship. A variance may not be granted to permit a use not permitted or conditionally permissible under ~~otherwise prohibited by~~ Section 19-304. The phrase "undue

hardship” as used in this subsection shall mean:

- (1)~~A~~. That the land in question cannot yield a reasonable return unless a variance is granted;
- (2)~~B~~. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3)~~C~~. That the granting of a variance will not alter the essential character of the locality; and
- (4)~~D~~. 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 land owners, 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 ninety (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 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 land owners 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. 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.

D. Disability Variances. The Board also may hear, grant, grant with conditions, or deny applications for disability variances pursuant to 30-A M.R.S. § 43534-A).

E. 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 ninety (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.

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

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

Determine precise zone boundary lines to the extent authorized by Section 19-301(4).

4. Appeals to Superior Court. Pursuant to Title 30-A, Maine Revised Statutes, Section 2691(3)(G) and Maine Rule of Civil Procedure 80B, any party who participated in a proceeding before the Zoning Board of Appeals and who has a particularized injury may appeal the decision of the Board to Superior Court within 45 days of the date of the vote on the original decision.

* * *

ARTICLE III Zone Regulations

Sec. 19-304(20) Shoreland Zone Ordinance

* * *

16. Administration.

* * *

H. Appeals

Any appeal of a decision of the Code Enforcement Officer under Section 19-304(20), or a variance request, shall be heard by the Zoning Board of Appeals pursuant to Chapter 19, Article II, Section 19-202. 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, § 16-26, respectively, to the Knox County Superior Court, pursuant to Maine Rule of Civil Procedure 80B. Any such appeal must be filed with the court within thirty (30) days of the decision appealed from. Such appeal shall be reviewed by the court consistent with state law and/or the Maine Rules of Civil Procedure., it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board.

~~———— (1) Powers and Duties of the Zoning Board of Appeals. The Zoning Board of Appeals shall have the following powers:~~

~~(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by any person having a potential direct and personal injury, or by any owner or lessee of abutting property or of property located entirely or partially within 300 feet of the affected property, that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer in the administration of this Ordinance.~~

~~(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.~~

~~* * *~~

~~(3) Administrative Appeals~~

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

~~———— (4) Appeal Procedure~~

~~(a) Making an Appeal~~

~~(i) An administrative appeal or variance appeal may be madetaken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.~~

~~(ii) Applications for appeals shall be made by filing with the Code Enforcement Office a written notice of appeal which includes:~~

~~a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.~~

~~b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.~~

~~(iii) Applications for variances shall be made in the same manner as is provided for administrative appeals.~~

~~(ivii) Upon receiving an application for an administrative appeal or for a variance, the Code Enforcement Officer, as appropriate, shall transmit to the Board of Appeals a copy of the application and, in the case of an appeal, of the decision that is the subject of the appeal all of the papers constituting the record of the decision appealed from.~~

~~(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.~~

* * *

ARTICLE VI Floodplain Management

* * *

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the City of Rockland may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this Ordinance. Such appeals shall be conducted and heard in accordance with the procedures set forth in Ch. 19, Art. II, Sec. 19-202(1) – Administrative Appeals. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law, applying the procedure and requirements set forth in Ch. 19, Art. II, Sec. 19-202(2) – Variances, and satisfying the following criteria:

* * *

CHAPTER 14 Sewers, Drains and Solid Waste

ARTICLE IV Use of Public and Private Sewers and Drains

Sec. 14-423 Board of Sewer Appeals

* * *

4. Appeal Procedure.

A. *Appealable Decisions.* Any user and any municipal department aggrieved by the decision of the Director, or the Local Plumbing Inspector, which decisions arise from provisions of Article IV may appeal such decision to the Board of Sewer Appeals.

B. *Appeal Deadline.* Within thirty (30) days of the date of the decision of the Director

or Local Plumbing Inspector, the appeal shall be entered at the Code Enforcement Office of the City Clerk upon forms to be approved by the Board of Appeals. The appellant shall set forth in the form the grounds of his appeal and shall refer to the specific provisions of Article IV involved.

Following the receipt of any appeal, the Code Enforcement Officer City Clerk shall notify forthwith the officer concerned and the Chairperson of the Board of Sewer Appeals. The appellant shall pay to the Code Enforcement Office City Clerk a fee as established by the Charges and Fees Order of the Rockland City Council.

C. Appeal to Superior Court. An aggrieved user may appeal from the decision of the Board of Sewer Appeals to the Superior Court as provided by the laws of the State of Maine.

Sponsor: Councilor MacLellan-Ruf
Originator: Zoning Board of Appeals

First Reading 12/08/14
First Publication 12/18/14
Public Hearing 01/12/15
Final Passage _____
Final Publication _____
Effective Date _____

**CITY OF ROCKLAND, MAINE
ORDINANCE AMENDMENT #29
IN CITY COUNCIL**

September 8, 2014

ORDINANCE AMENDMENT Dogs Prohibited in Certain City Parks

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~~ November 1 of each year, except for any areas that may specifically be designated as "dog parks" by order of the City Council:

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

Sponsor: Councilor Hebert
Originator: City Manager
Postponed 09/08/14 to 01/12/15

CITY OF ROCKLAND, MAINE

ORDINANCE AMENDMENT #1

IN CITY COUNCIL

January 12, 2015

**ORDINANCE AMENDMENT: Amending Zoning Regulations of
Bed And Breakfast Establishments**

**NOW, THEREFORE, 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

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

* * *

Bed and Breakfast Establishments.

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

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.

Sec. 19-304 Zone Regulations

1. Residential Zone "A"

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

* * *

B. Conditional Uses.

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

RESIDENTIAL ZONE “A” CONDITIONAL USES	
(1)	<p>Bed and Breakfast Establishments.</p> <p><u>(a) Parking and Buffering. Off-street parking shall be provided for all vehicles of both owners, staff, and guests in either the side or rear yards of the lot. On-site off-street parking for day patrons of Bed and Breakfast Establishments shall also be provided.</u> Where the lot of a bed and breakfast borders on a lot used solely for residential purposes, a buffer strip shall be maintained. The desired effect of the buffer planting is visual screening of the activity on the bed and breakfast lot. Landscaping of the lot and any buffer strips shall be reviewed and approved by the Planning Board.</p> <p><u>(b) Owner Occupancy. Notwithstanding anything to the contrary in Sec. 19-302, the owner of the Bed and Breakfast Establishment may be authorized by the Planning Board to reside in a residence on a parcel that is immediately contiguous to the Bed and Breakfast Establishment parcel where the property line separating the parcels is uninterrupted and intersects with the boundaries of two streets separated by the subject parcels.</u></p>

Sponsor: Councilor Clayton
Originator: Councilor Clayton

CITY OF ROCKLAND, MAINE

ORDER #83

IN CITY COUNCIL

October 15, 2014

ORDER Authorizing Use of Reserve Funds – Sandy Beach Parking Area

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to expend up to \$11,000 from the City Land Sales Reserve Account (#10000-01724) to pay the cost of installing the salvaged cobblestones in the parking area at Sandy Beach Park.

Sponsor: Councilor MacLellan-Ruf
Originator: Councilor MacLellan-Ruf
Postponed 10/15/14 to 01/12/15

CITY OF ROCKLAND, MAINE

ORDER # 1

IN CITY COUNCIL

January 12, 2015

ORDER Amending Licenses & Permits Fee Schedule – Adult Amusement Store License

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the Licenses and Permits Fee Schedule, adopted by the City Council on July 12, 2010, and as amended May 14, 2012, is hereby further amended as follows:

LICENSES AND PERMITS FEE SCHEDULE

Adopted 07/12/10, Amended 05/09/11; 05/14/12

LICENSE

FEE

Adult Amusement Store License

\$150

[remainder of schedule is unchanged]

Sponsor: City Manager

Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER # 2

IN CITY COUNCIL

January 12, 2015

ORDER Authorizing Transfer of Funds – FY 2014 Solid Waste Budget Shortfall

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to transfer up to \$199,000 from the Landfill Closure Account (#70000-01649) to the FY 2014 Solid Waste Facility Operational Budget to cover a shortfall in that budget.

Sponsor: City Manager

Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER # 3

IN CITY COUNCIL

January 12, 2015

ORDER Authorizing Transfer of Funds – Solid Waste Facility Equipment Repairs

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to transfer up to \$18,119 from the Transfer Station Equipment Reserve, Account #70000-01765, to the FY 2015 Solid Waste Facility Operational Budget to cover the cost of transmission repairs to the 1999 Western Star road tractor.

Sponsor: City Manager

Originator: City Manager

CITY OF ROCKLAND, MAINE

ORDER #4

IN CITY COUNCIL

January 12, 2015

ORDER Authorizing License Agreement – Fence in Right-of-Way

IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT the City Manager is hereby authorized to enter into a license agreement with Amy D. Files and Alexander D. Shaw to allow a wood fence within the right-of-way at their home located at 39 Pleasant Street (Tax Map #10-I-2), substantially in conformance with the license agreement attached hereto.

Sponsor: Councilor Clayton
Originator: Councilor Clayton

(1.)

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the "Agreement") by and between the City of Rockland, Maine, a municipal corporation situated in the County of Knox and State of Maine (the "City" or "Licensor") and **Amy W. Files and Alexander D. Shaw**, who reside at 39 Pleasant Street in Rockland, Maine (the "Licensees"), is effective January 13, 2015.

WHEREAS, the Licensees own and make their home in the single-family dwelling located at 39 Pleasant Street in Rockland, Maine (Tax Map 20-I-2) (the "Premises"); and

WHEREAS, for the purpose of improving and beautifying the Premises, and enhancing the use of the Premises as the Licensees' home, the Licensees recently constructed a fence on the Premises, measuring approximately 4 feet in height and 25 feet in length along the Pleasant Street right-of-way (the "Fence"); and

WHEREAS, unbeknownst to the Licensees, the Licensees inadvertently located the Fence within the Pleasant Street right-of-way; and

WHEREAS, the City has determined that the location of the Fence, as currently situated, does not pose a danger or impediment to the passage of vehicles or pedestrians within the right-of-way,

NOW, THEREFORE, in consideration of the limitations and conditions set forth therein, the City hereby grants to Licensees a license to utilize the Pleasant Street right-of-way for the Fence as follows:

1. Grant of License. The City of Rockland grants to Licensees a license and permission to retain the Fence, as currently situated and extend the same along and up to the entire length of Licensees' frontage, as approximately shown on the attached Exhibit A, partly or completely within the Pleasant Street right-of-way, subject to the terms and conditions set forth in this License;

2. Term. The Term of this License Agreement shall be five (5) years, commencing on January 13, 2015, and terminating at midnight on January 12, 2020; provided, however, that this License Agreement may be renewed for one additional, five-year term upon the mutual, written agreement of the City Manager and Licensee.

3. Termination. The City may terminate this License Agreement prior to the expiration of the Term or any renewal term by giving written, ninety (90) days' notice of termination in the event the City Manager determines, in his sole discretion, that (A) the Fence (1) poses an unreasonable risk to the public or City personnel or equipment or (2) road or sidewalk construction, maintenance, repairs, alterations, or increased or changed use(s) require the Fence's removal, and (B) no alternative remedy is reasonably available. The Licensees may terminate this Agreement by obtaining a permit and relocating the Fence on the premises outside the right-of-way. In the event of such termination prior to the expiration of the Term of this License Agreement, the permissions granted herein to the Licensees shall cease upon the effective date of such termination; Licensees shall, with or without order or other notice to that effect, and at Licensees' sole expense, remove or cause to be removed the Fence and its constituent parts and materials, and Licensees shall immediately cease any such use;

4. Fee. There shall be no fee owed to the City for the permissions granted herein during the initial term of this License Agreement;

5. Conditions. The license and permissions granted herein by the City are subject to the following conditions:

A. Maintenance. Licensees shall be fully and solely responsible for the construction, maintenance, repair, removal, and relocation, and the costs thereof, of the improvement(s) authorized in this License Agreement, and the City shall have no responsibility or liability therefor. Licensees shall maintain the Fence in a safe and presentable condition throughout the Term or Terms of this License Agreement, to the satisfaction of the Code Enforcement Officer, and shall bear the full expense thereof.

B. Winter Maintenance. The City shall not be liable for any damage or destruction to the Fence caused by road or sidewalk construction, maintenance, or repair; by snow clearing, removal, or related activities; or by any unintentional act or omission by the City;

C. Relocation. In the event that the Fence, or any post or portion thereof, shall become so damaged, deteriorated, or unsightly – in the sole discretion of the Code Enforcement Officer – as to require its repair, Licensees shall, at their own expense, cause the relocation of the Fence to a location on the Premises that is outside the public right-of-way;

6. Default. In the event of any default under this Agreement by Licensees, or any failure of Licensees to comply with any other applicable code, rule, or regulation of the City, or order to correct by the Code Enforcement Officer or his designee, Licensees shall, at Licensees' sole expense, cure such default or failure to comply within thirty (30) days; provided, however, that nothing in the foregoing shall limit the City's authority to terminate this Agreement, as set forth herein;

7. Indemnification; Hold Harmless. Licensees hereby agree and undertake to indemnify Licensor, and shall protect and hold Licensor harmless from and against any and all liabilities, losses, claims, demands, judgments, costs, and expenses (including reasonable attorney's fees) of any nature arising from any event, act, or omission within the term of this Agreement in connection with any claim, loss, or damage arising from or connected with the construction of the installation(s) authorized herein, or their maintenance as required of Licensees herein. Nothing herein shall be deemed a waiver of any limitation of liability or immunity afforded to the City by the doctrine of sovereign immunity, the Maine Tort Claims Act, and/or other applicable law or doctrine;

8. Miscellaneous.

A. This License Agreement is contractual, and is not intended and shall not be construed as creating or conveying to Licensee, or any party, an interest in real property or right-of-way, and Licensee acknowledges for itself, its tenants, members, agents, successors, and assigns, that it or they shall have no right, title, or interest in any City property or right-of-way;

B. The limitations, obligations, and rights granted to or imposed upon Licensee in this License Agreement shall alike extend to and be binding upon Licensee and its successors and assigns;

C. This License Agreement and the rights and obligations of the parties thereto shall be governed by the laws of the State of Maine;

D. This License Agreement sets forth the entire agreement between the parties relating to the subject matter hereof, and stands in the place of any previous agreement, whether oral or in writing. The parties hereto agree that no amendment to this License Agreement shall be effective or binding upon any party unless it is in a writing signed in due form by both parties.

IN WITNESS WHEREOF, this License Agreement has been duly executed by the parties hereto and is effective as of the date first above written.

WITNESS:

CITY OF ROCKLAND, MAINE:

by: Stuart H. Sylvester, City Clerk
(2.)

by: Thomas J. Luttrell
its: Acting City Manager

As to Form:

Kevin J. Beal, City Attorney

WITNESS:

AMY W. FILES:

Print: _____

WITNESS:

ALEXANDER D. SHAW:

Print: _____

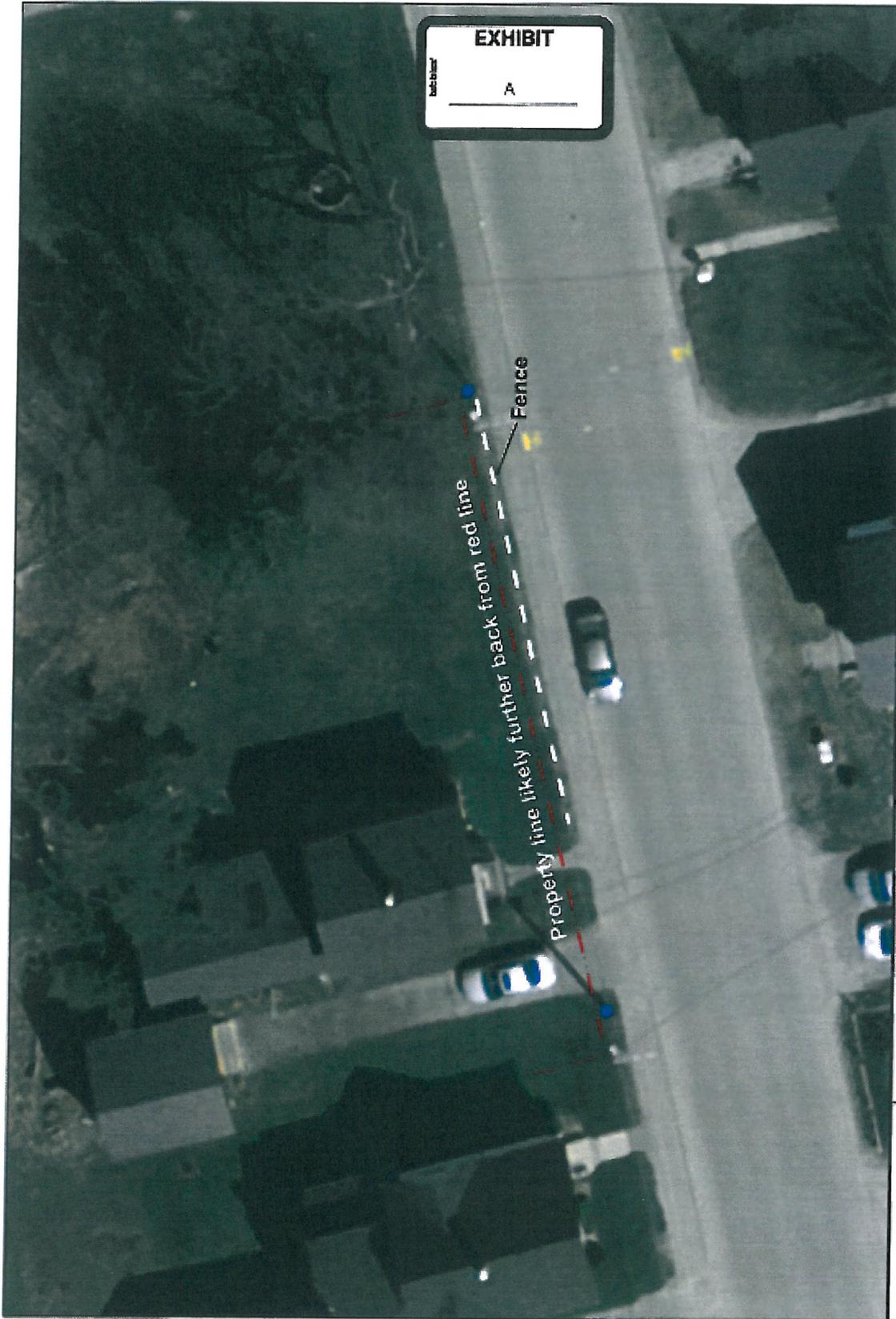


EXHIBIT
A

DISCLAIMER
This map was compiled from aerial photography, existing surveys, deeds, and inventor's descriptions. They are to be used for assessment purposes only, and not for conveyance.

Printed: 1/29/2015
1 inch = 20 feet
0 5 10 20 30 Feet

39 Pleasant Street Order #4

**CITY OF
ROCKLAND
KNOX COUNTY
MAINE**



CITY OF ROCKLAND, MAINE

ORDER #5

IN CITY COUNCIL

January 12, 2015

ORDER Authorizing Development of a New Department of Public Services

WHEREAS, the City Council seeks to maximize opportunities for efficiencies and coordination among city staff in delivering quality services to the residents of the City; and

WHEREAS, the City's Solid Waste Director has recently been appointed the Assistant Treatment Plant Director and the Environmental Compliance Officer for the City; and

WHEREAS, the FY15/FY16 Work Plan adopted by the City Council on November 10, 2014 identified improved sharing of personnel between Solid Waste and Public Works as a goal; and

WHEREAS, in many towns the public services of waste disposal, snow removal, road and sidewalk maintenance, and other services are provided by one department; and

WHEREAS, the City Council sees substantial merit in bringing the services provided by the current Solid Waste and Public Works departments under the leadership of one department head; and

WHEREAS, enacting this change will require ordinance revisions, the development of a new position to head up the re-organized department, and possibly other organizational changes; and

WHEREAS, the City Council intends to maintain solid waste disposal as a fee based service within the new department; and

WHEREAS, the City Council seeks to have these changes fully in place by the beginning of the FY16 fiscal year on July 1, 2015;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:

THAT, the City Manager is directed to bring before the City Council the ordinance changes needed to create a Department of Public Services that encompasses the responsibilities of the current Solid Waste and Public Works Departments for consideration at its February 9, 2015 Regular Meeting; and

THAT, the City Manager is directed to develop a job description and ideal candidate profile for a director to lead the new Department of Public services as well as any other internal changes needed to optimize the potential of this reorganized department; and

THAT, the City Manager is direct to develop a plan for recruiting a Director for the Department of Public Services and having this reorganization substantially in place by July 1, 2015.

Sponsor: Councilor MacLellan-Ruf
Originator: Councilor Pritchett