

File # _____	For Office Space Only	Acct. Code 3250
Application Fee \$ _____	Date _____	Receipt # _____ Paid by _____
Public Hearing \$ _____	Date _____	Receipt # _____ Paid by _____

CITY OF ROCKLAND

Site Plan Review Application

Please Note: This application, along with the required fee, will not be processed unless completed and signed by the applicant and submitted to the Code Enforcement Office no later than three weeks prior to the day before the first meeting of the next month. See **PB Submittal Deadlines and Fees**. This deadline is to comply with public notice requirements of the Ordinance.

Applicant's Name: _____

Email Address: _____

Title of the Proposed Development: _____

Street Address of Development: _____

Location (Tax Map #, Block and Lot #): _____

Square Footage of Proposed New Building(s) Including all Floors: _____

Zone: _____

Proposed Use: _____

Estimated Cost: _____

Estimated Time to Completion: _____

Owner's Name: _____

Owner's Address: _____

Owner's Telephone #: _____

The applicant is requested to submit **8 copies of the Site Plan** for the proposed development to the Code Enforcement Office no later than two weeks prior to the 1st meeting of the next month.

Applicant's Statement:

To the best of my knowledge, all information submitted on this application is true and complete.

Applicant Signature: _____

Date: _____

PLANNING BOARD (PB) SUBMITTAL DEADLINES & FEES

Planning Board meetings are regularly scheduled for the **first** and **third Tuesdays** of each month. (Please check with the Code Office to make sure circumstances have not precipitated a change in the schedule.)

1. Application Deadlines for Site Plan, Subdivision, Change of Use (requiring PB approval), Special Exception & Conditional Use Review:

- a) A completed application and fee for Site Plan, Subdivision, Change of Use, Conditional Use and Special Exception Review shall be submitted to the Code Office **21 days prior** to the first meeting of the month. **(NO New Site Plans, Subdivisions, Changes of Use, Special Exceptions or Conditional Uses will be heard at the second meeting of the month unless otherwise determined by the Planning Board.)**
- b) Eight (8) copies of all Plans and any other pertinent information being submitted for the above noted reviews shall be submitted to the Code Office **14 days prior** to the first meeting of the month.
- c) After the applicant's first meeting, any additional information requested by the Board shall be submitted to the Code Office **6 days prior** to the next regularly scheduled meeting.

2. Application Deadlines for Expansion, Relocation and Reconstruction or Replacement of Non-Conforming Structures, and Home Occupations Requiring Site Plan Review:

- a) A completed application, fee and plans (8 copies) for Expansion, Relocation and Reconstruction or Replacement of Non-Conforming Structures, and Home Occupations shall be submitted to the Code Office **10 days prior** to either the first or second meeting of the month. **Deadlines for either meeting shall be met accordingly.**
- b) After the applicant's first meeting, any additional information requested by the Board shall be submitted to the Code Office **6 days prior** to the next regularly scheduled meeting.

NOTE: ANYONE NOT MEETING SUBMISSION DEADLINES FOR A PARTICULAR MEETING (WITH THE REQUIRED NUMBER OF COPIES) WILL BE HEARD AT A SUBSEQUENT MEETING PROVIDED THOSE DEADLINES ARE MET.

SITE PLAN REVIEW FEES:

Pre-application meeting (A written request to the PB as well as a plan giving the PB some idea of what is to be proposed must be submitted 5 days prior to the next meeting.	\$60
Commercial/Industrial/New Buildings and additions including 3 or More Dwelling Units:	\$210 plus \$.03 per sq. ft. of total floor area. Maximum combined fee: \$700
Change of Use (if PB review is required)	\$135 for uses requiring less than 15 parking spaces; otherwise \$185.
Home Occupation (requiring PB review)	\$135
Public Hearing Fee	\$110
Revisions to Approved Plan	\$100

For projects involving one lot with multi-family dwellings (apartments) where both Site Plan and Subdivision Review are required, only Site Plan Review fees shall apply.

SUBDIVISION REVIEW FEES:

Pre-application meeting	\$60
Public Hearing Fee	\$150
Preliminary Plan, all but one lot fronting existing street ⁷	\$160 plus \$60 per lot or per dwelling unit ⁸
Final Plan, all but one lot fronting existing street ⁹	\$50 per lot or per dwelling unit
Preliminary Plan, with new street(s) creating lot frontage ⁹ or serving multiple homes on commonly owned land	\$160 plus \$110 per lot or per dwelling unit
Final Plan, with new street(s) creating lot frontage ⁸	\$50 per lot or per dwelling unit
Amendment to property line(s), or other revisions in approved subdivision (not creating new lots) ¹⁰	\$110
⁷ Permits one flag (rear) lot. ⁸ Commonly owned land or duplex, \$50 each dwelling. ⁹ Streets which are likely to be accepted by the City. Not access drive to multi-family dwelling. ¹⁰ Scaled back PB review, but must be recordable plan.	

Third party review fees and/or other technical review fees including review of legal documents by the City Attorney, if requested by the PB, must be paid for by the applicant. See Section 16-203.18.

**CITY OF ROCKLAND
PLANNING BOARD**

APPLICANT:

We are pleased that you have chosen to build or expand your business in Rockland. It is the role of the Planning Board to review your Site Plan to assure that it is in compliance with the City ordinances as well as certain State statutes. The checklist below will help you in preparing your Site Plan for presentation to the Planning Board; however the Site Plan Review Ordinance should be read carefully to ensure compliance. **Please check your Site Plan against this list to make sure these elements are not overlooked.** Because other applicants may be waiting, any omission(s) during the review may cause your review to be delayed. Your cooperation in presenting a thorough and complete Site Plan will be greatly appreciated by the Planning Board and will expedite your review process.

CHECKLIST

1) APPLICATION PAGE:

- Name & address of the owner of the proposed development.
- Estimated cost of the proposed development.
- Time required to complete the development.
- Fee submitted.

2) SUBMITTALS:

- Eight copies of the site plan were submitted.
- Eight copies of any other information being supplied were submitted.

3) ELEMENTS THAT MUST BE INCORPORATED ON THE SITE PLAN:

- Scale: Not less than 1" = 50'.
- Title: Proposed name or identifying title of the development along with date(s) of submittal.
- Scale & orientation (north arrow).
- Parcel size: Dimensions of the parcel to the nearest foot **and** acreage of the parcel to be built upon or converted.
- Contours: Existing contours at elevation intervals of not more than two feet **and** proposed contours to be shown in contrasting demarcation at intervals of not more than two feet.
- Existing man-made and natural features: The size, shape and location of **existing and proposed** buildings/structures and other significant physical features both within the development and outside the perimeter of the property in accordance with the following schedule: New structures or additions having a ground floor area up to 400 sq. ft. requires all features within the property lines; development up to 10,000 sq. ft. requires features to 100' outside property lines; development from 10,000 sq. ft. to 50,000 sq. ft. requires features to 200 ft. outside property lines and development over 50,000 sq. ft., requires features to 300 ft. outside property lines.
- Vehicular access and traffic impact.
- Easements (existing and proposed).
- Pedestrian access (both on and off site).
- Existing and proposed above & underground utilities (including fire hydrants, etc.).
- Existing and proposed lighting (include location, type & intensity).
- Direction of surface drainage and groundwater impact.
- Existing and proposed landscaping.
- Abutters.
- Space for approval.
- Other data.

NOTE: For ease of reading and for the purposes of creating this Site Plan Review packet, sections of Chapter 16 and 19 of the Rockland City Code have been copied and inserted into this document. These Chapters can be found in their entirety on the City's web site at www.ci.rockland.me.us under City Departments, Code Enforcement, Down-Loads, Ordinances, Site Plan and Subdivision Review Ordinance, and Zoning and Planning Ordinance.

ARTICLE II Site Plan Review Ordinance

- 16-201 Projects Reviewed, Effect on Action by Building Inspector and Board of Appeals
- 16-202 Procedure
- 16-203 Elements of The Site Plan
- 16-204 Standards
- 16-205 Approval
- 16-206 Appeals
- 16-207 Penalty

ARTICLE II Site Plan Review Ordinance

Sec. 16-201 Projects Reviewed; Effect on Action by Code Enforcement Officer and Board of Appeals

No person, corporation or other legal entity shall construct a new structure or structures or add on to an existing structure or structures, for a public, commercial or industrial use or for a multi-unit residential development which consists of five or more dwelling units and which does not constitute a subdivision without first obtaining approval from the Planning Board under this Section. No building permit for projects requiring review under this Section shall be issued by the Code Enforcement Officer without evidence that the project has received final Planning Board approval. If an interpretation or variance appeal is filed with the Zoning Board of Appeals prior to the granting of final approval of the application by the Planning Board, the Planning Board shall table final action on the application pending the Zoning Board of Appeals' decision and shall notify the Zoning Board of Appeals of that action. Eff: 01/09/08

Any change of use of an existing structure or land to another permitted use not within the Downtown Parking District, the Industrial Park, or the Plaza Commercial Zone, where the required number of parking spaces for the use is ten (10) or more in accordance with Section 19-307.7.J Table of Parking Requirements, shall be subject to Planning Board approval under this Article, whether or not a structure is involved. Additionally, any change of use outside of the Downtown Parking District or Plaza Commercial to Eating and Drinking Places, Convenience Stores, and use with a drive-up window or drive-thru, or Sole Source Pharmacy, shall also be subject to Planning Board approval regardless of how many parking spaces are required. In granting, denying and/or imposing conditions, the Planning Board shall review a scaled drawing of sufficient detail for consideration of the following: location, character and nature features of the site and adjoining property; fencing and screening; landscaping, topography and natural drainage; traffic hazards, vehicular access, circulation and parking; frequency and number of vehicles accessing the site; pedestrian circulation; lighting; noise; hours of operation; availability of necessary public services; compliance with applicable requirements of all City Ordinances and standards to the greatest practical extent. The Planning Board may impose any reasonable conditions in the interest of public safety and to minimize impact on adjacent properties and neighborhoods. The Planning Board may request additional information as deemed necessary. Eff: 03/16/05

A new structure permitted for residential use, which undergoes a change of use to a non-residential or mixed use within five (5) years from the date of the original building permit, shall be subject to full Site Plan Review by the Planning Board under this section. This provision shall not apply to legally established Home Occupations. Eff: 05/10/06

Notice Required. All property owners within three hundred (300) feet of the lot lines of any proposed change of use under this section shall be notified in writing at least ten (10) days prior to consideration of the change of use by the Planning Board. Submission deadlines shall be the same as for any Site Plan Review. Eff: 03/16/05

Sec. 16-201.1 Exceptions to Review Requirements

1. New Structures or additions or changes in use will not be reviewed under the Site Plan Review Ordinance if in any five year period the new structure or new addition or the structure within which a change of use is to be located is:
 - a. Under 600 square feet in gross floor area and does not exceed 20 feet in height, or
 - b. Located in the City of Rockland Industrial Park.
2. Structures or additions will not be reviewed under the Site Plan Review Ordinance if the structure replaces another structure partially or totally destroyed by fire, explosion, or other mishap, and is to be rebuilt the same size (building

footprint and height) at the same location and elevation, and no other changes are required to the site. In the case of such replacement structure, the proper permits from the Code Office are required even though Site Plan Review may not be mandatory, and the permits must be applied for within six months after the partial or total destruction of the original structure or addition. If ordinance or Code provisions require, (or the applicant chooses to make) changes to the size, height or elevation of the building or changes to the site, or to its use, the project shall be reviewed as a new structure under the Site Plan Review Ordinance. Eff: 10/9/91

Sec. 16-202 Procedure

The following procedure shall govern the submission and review of all mandatory site plans:

1. Statement by Applicant. The applicant shall submit to the Planning Board a statement indicating the name and address of the owner of the parcel proposed for development, and the estimated cost of the development. The statement shall also include an estimate of the time required to complete the proposed development. The statement shall be accompanied by the payment of a fee as prescribed in Chapter 11, Section 11-403, Fee Schedule, to cover the various costs to the City in reviewing the site plan applications may include a public hearing. Eff: 8/12/87

2. Site Plan. Every applicant applying for approval under this Article shall submit to the City Planner eight (8) copies of the site plan of the proposed development which shall be prepared in accordance with Sec. 16-203 herein. The City Planner shall retain one (1) copy, forward five (5) copies to the Board, and one (1) to the City Manager. Eff. 6/7/89

3. City Manager's Comments. Within ten (10) days after receipts of the site plan, the City Manager or his designee shall submit written comment to the Planning Board.

4. Deadline for Commission Action. Within thirty (30) days after receipt of a complete site plan and required statement (or such further time as may be agreed upon by the parties), the Planning Board shall in writing approve, approve upon conditions certain, or disapprove the site plan and shall forward copies of its decision to the applicant, the Building Inspector, City Manager, and the City Council.

5. Public Hearing. The Planning Board may at its sole discretion convene a public hearing to consider the matter.

6. Form of Decision. All decisions of the Planning Board under this Article shall contain a statement setting forth its findings of fact, its conclusions and the reasons therefore upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed by certified letter with return receipt requested or hand delivered to the applicant within seven (7) days of the decision.

7. Performance Guarantee. The Planning Board may at its sole discretion require a performance guarantee from the developer in the form of a certified check payable to the City of Rockland or a performance bond running to the City of Rockland and issued by a corporate surety acceptable to the Planning Board or an escrow agreement with the City, managed by a financial institution acceptable to the Planning Board. The conditions and amount of such performance guarantee shall be determined by the Planning Board with the advice of the various City departments or agencies concerned. The amount shall be at least equal to the total estimated cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage and utilities or any other improvements specified in the site plan. The performance guarantee shall not be released by the Planning Board until it has been established that the work required has been completed in accordance with the approved site plan.

Sec. 16-203 Elements of the Site Plan

The site plan shall be drawn to a scale of not less than one (1) inch equal fifty (50) feet and shall contain the following:

1. Title. Proposed name of identifying title of the development along with the date of submittal.

2. Scale. Scale and orientation.

3. Parcel Size. Dimensions (to the nearest foot) and acreage of the parcel to be built upon or converted.

4. Contours. Existing contours at elevation intervals of not more than two (2) feet. Proposed contours to be shown in contrasting demarcation at intervals of not more than two (2) feet.

5. Existing Man-made and Natural Features. The size, shape and location of existing and proposed buildings, structures and other significant physical features both within the development and outside the perimeter of the development in accordance with the following schedule: In addition, all projects located in whole or in part within the Chickawaukie Lake watershed must have that fact clearly indicated on the Site Plan. Eff: 8/12/87

Additions or separate buildings

having a ground floor area of:

Four hundred (400) square feet or less.

More than four hundred (400) square feet up

to ten thousand (10,000) square feet.

Distance beyond property line

of development:

To property line only.

One hundred (100) feet.

More than ten thousand (10,000) square feet
up to fifty thousand (50,000) square feet.
More than fifty thousand (50,000) square feet.

Two hundred (200) feet.
Three hundred (300) feet.

6. Vehicular Access and Traffic Impact. The location and dimensions of parking areas, loading and unloading facilities, handicapped assistance facilities, and points of ingress and egress of vehicles to and from the site to public and private streets and ways proposed and existing. In addition, if the proposed site adjoins that section of U.S. Route One between Maverick Street and the Rockport Town Line, or is to be located on a right of way leading to the above section of Route One, the Board shall require the developer to submit a traffic study on the proposed project.

The traffic study shall be undertaken by a certified traffic engineer at the expense of the applicant for site plan approval, shall examine the impact of projected traffic changes that may be caused by the project and shall recommend improvements and/or changes to the proposed project, including downsizing, if such improvements or changes will ameliorate traffic problems and will not reduce the current Level of Service (L.O.S.) of the roadway system involved. The Planning Board may require the applicant to follow recommendations contained in the traffic study. Eff: 9/11/96

7. Easements. Location of all existing and proposed easements and right-of-way.

8. Pedestrian Access. Location of all pedestrian access ways and the dimensions thereof, existing and proposed.

9. Underground Utilities. Location and size of existing and proposed water and sewer mains, culverts, storm drains, fire hydrants, wells, septic systems, fire ponds and all underground utility conduits.

10. Lighting. Locations of outdoor lighting and the intensity of illumination thereof.

11. Surface Drainage and Groundwater Impact. Location of natural features such as water courses, marshes, rock out-croppings, stands of trees and indication of surface water drainage. In addition, if the proposed project lies within the drainage area of Rockland Harbor north of Maverick Street as shown on a map from a 1978 Time and Tide study entitled "Rockland Shore Erosion - Critical Area Measure - Final Report", a copy of which map is incorporated in this section by reference, the Board shall require that the applicant undertake or participate at the applicant's own expense in a Site Specific Hydrogeological Study performed by a licensed geologist certified by the State of Maine who is knowledgeable in the areas of hydrology and hydrogeology, unless the Board makes a positive finding that the proposed project shall have such minimal impact upon groundwater or drainage that such requirement is unduly burdensome.

Each such study shall be tailored to the site and surrounding land uses, and shall be guided by the best professional judgement of the licensed professional conducting the study. The study shall evaluate

- (a) The character and depth of surficial materials,
- (b) The bedrock topography,
- (c) The horizontal and vertical ground water gradients,
- (d) Current ground water recharge and/or discharge areas and rates,
- (e) Changes in ground water recharge, flux, gradients, and discharge under proposed development conditions,
- (f) The impact of these changes on the stability of slopes down gradient from the site, from changes in site

loading, ground water flux, and surface water discharge.

The study shall be closely coordinated with the on-site geotechnical evaluation of foundation and slope conditions and with the engineering evaluation of the management of stormwater from the property. The Board may require the applicant for site plan approval to follow recommendations contained in the hydrogeological study, including downsizing of the project if so indicated in the study. The Board may also, at its sole discretion, require that the applicant for site plan approval pay for an independent evaluation of the applicant's hydrogeological study. Eff: 4/9/97

12. Landscaping. Landscape plan showing location and type of plantings and screening.

13. Signs. Location and size of signs and advertising features shall be governed by Chapter 19 of the Rockland Code, Section 19-315, Signs. Eff: 1/11/95

14. Above-ground Utilities. Location and size of above-ground utilities.

15. Abutters. Names of abutting landowners are required in all cases. In addition, show all landowners within the area required by Site Plan in accordance with the schedule in #5 above. Lastly, all construction occurring in whole or in part within the Chickawaukie Watershed must show the Camden-Rockland Water Company under this section. Eff: 8/12/87

16. Other Data. Such other information as the Planning Board may, from time to time, request.

17. Space for Approval. Suitable space to record, on the Site Plan, approval by the Planning Board, date and conditions of approval, Certification by the City Clerk and certification of substantial completion by the Code Enforcement Officer as follows:

Approved: Rockland Planning Board

_____, Chairman
_____, Commission Members

Date & _____
Conditions: _____

City Clerk: _____
Code Enforcement Officer: _____

Eff: 8/12/87

18. Technical Review Fee. The Planning Board, in the review of any application, may refer said application presented to it to such engineer, traffic professional, environmental expert, attorney or other professional that the Board shall deem reasonably necessary to enable it to review said application as required by law. Such review shall not be a substitution for any technical submissions as required by Ordinance or requested by the Board, but rather shall constitute a third party review of any of the applicant's submissions. The Board may waive such third party review if it is determined that the scale or nature of the project does not warrant it. Fees charged by such professionals shall be in accord with fees usually charged for such services in the region and pursuant to a contractual agreement between the City and such professional. All such charges shall be paid by the City through an escrow account established in accordance with Section (19) below. Eff: 07/11/07

19. Escrow accounts. At the time of initial review of an application for completeness, if the Planning Board determines that outside technical review will be reasonably necessary, the Board shall require the establishment of an escrow account, from which withdrawals shall be made to reimburse the City for the cost of professional review services. The applicant shall then provide funds to the City for deposit into such account in an amount to be determined by the Planning Board with the advice of the various municipal officials concerned. The applicant shall be provided with copies of any City voucher for such services as they are submitted to the City. When the balance in such escrow account is reduced to 1/3 of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the Planning Board may suspend its review of the application. A building permit or certificate of occupancy or use shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the City. After all pertinent charges have been paid; the City shall refund to the applicant any funds remaining on deposit. Eff: 07/11/07

Sec. 16-204 Standards

A site plan shall be approved unless in the judgment of the Planning Board one or more of the following conditions are found to exist:

1. Traffic. The provisions for vehicular loading, unloading, and parking, and for vehicular and pedestrian circulation on the site and onto adjacent public and private streets and ways will create hazards to safety, or will impose a significant burden upon public facilities. There shall be a presumption that sidewalks are required. However, in those cases where the Planning Board makes a specific finding that, due to the inadequacy or lack of connecting sidewalks adjacent to the proposed project, together with circumstances within the proposed project which render the immediate construction of sidewalks inappropriate, the Planning Board may substitute one of the following conditions:
 - i. It may require a reasonable payment from the applicant to be used to link the proposed project to the City's sidewalk system when the system reaches the proximity of the project.
 - ii. It may waive the requirement either partially or entirely.
 - iii. It may make reasonable provision for the construction by the developer of sidewalks serving the project, whether or not the sidewalks are actually within the project. Eff: 11/15/02
2. Compatibility with Other Uses; Burden on Public Facilities. The size and location of proposed building and structures and the proposed uses thereof will be detrimental or injurious to other private or public development in the neighborhood or will impose significant burdens upon public facilities.
3. Landscaping. The provisions of on-site landscaping and screening do not provide adequate protection to neighboring properties from detrimental features of the development.
4. Drainage. The site-plan fails to solve the soil and drainage problems that the development will create.

Projects within the Chickawaukie lake watershed, as defined in Section 19-304-13, shall be required to improve existing man-made drainageways flowing directly or indirectly to Chickawaukie Lake which will receive storm water from the proposed development, if such storm water is calculated to increase in volume above existing conditions. The volume of sediment or dissolved nutrients reaching Chickawaukie Lake shall not be increased. Eff: 11/13/87

5. Lighting. The provisions of exterior lighting create a hazard for vehicular or pedestrian traffic or safety or will unreasonably diminish the value or create a hardship to the reasonable enjoyment of adjacent property.
6. Fire Hazard. The proposed development will create fire hazard.
7. Sewer; Water; Solid Waste. The proposed development will impose an undue burden on on-site and off-site sewer and water or solid waste disposal.
8. Compatibility With Area. The proposed use and layout will be of such size or character that it will not be consistent with the appropriate and orderly development of the surrounding area.
9. Signs. If a sign is part of the application, the Planning Board does not have jurisdiction over review of this element. Standards and procedures relating to signs or other advertising devices are contained in Chapter 19 of the Rockland Code, Section 19-315, Signs. Eff: 1/11/95
10. Compliance With Other Ordinances. The proposed use, building, design or layout will not meet the provisions of the Zoning Ordinance or other regulations and ordinances of the City of Rockland or statutes of the State of Maine.

Sec. 16-205 Approval

1. Completion Deadline. If an applicant has not obtained a Certificate of Occupancy from the code enforcement officer within two (2) years from the date on which the Planning Board granted its approval under Sec. 16-202.4, then the applicant shall be subject to a penalty under Sec. 16-207. The Planning Board may permit an extension of up to one (1) additional year to obtain a Certificate of Occupancy for good cause shown. Eff: 11/10/89
2. Violation. Failure to comply with the order of the Planning Board shall constitute a violation of this Article and shall be subject to Section 16-207.

Sec. 16-206 Appeals

Pursuant to Maine Rule of Civil Procedure 80B, appeals authorized under Section 16-201 of this Article shall be filed with the Knox County Superior Court within thirty (30) days of the Board's final decision. An appeal of the Board's final decision may be filed by any person aggrieved by that decision. Eff: 01/09/09

Sec. 16-207 Penalty

Violation would mean a fine of no less than fifty (\$50) a day nor more than one hundred dollars (\$100) a day; each day is considered an additional violation.

State Law Reference: 30 MRSA § 1917; 33 MRSA §§ 1601-105, 1601-106.

Sec. 19-307 Off-Street Parking

1. Purpose.

The purpose of this Section is to establish minimum standards for off-street parking, parking access and landscaping for all land uses.

2. Applicability.

- A. Standards contained in this Section shall not be retroactively required for any legal use of a building in existence on the date of adoption or amendment of this Section except as stated below. Any non-conforming use of a building which does not meet all of these standards may continue subject to the requirements of this Section.
- B. In the City of Rockland, no new building addition resulting in additional floor area shall be constructed, no new land use shall commence, no land use shall be changed to a different classification in the Table of Parking Requirements, and no land use shall be expanded to additional land area unless all of the standards of Section 19-307 are met. Exception: see 19-307.7.A, 19-307.7.D, and 19-307.7.E.

3. Conflict with Other Ordinances.

Whenever the requirements of this Section differ from those of any other section of this Ordinance or any other law, ordinance or regulation, the more restrictive regulation or that imposing the higher standard shall govern.

4. Definitions.

Terms not defined shall have their customary dictionary meaning except as defined herein or in Section 19-302 of this Ordinance.

Building Services: Areas incident to a principal use, such as restrooms, mechanical rooms and small offices for management of the principal use.

Circulation Area: Areas exclusively for getting from one place to another, such as hallways, corridors, or vestibules, and not part of the aisle of the sales floor of a business.

Expansion of a Structure: The increase in floor area or volume of a structure.

Expansion of a Use: The use of more floor area or ground area devoted to a particular use.

Downtown Parking District: The "Downtown Parking District" shall include all properties fronting on Main Street between the intersection of Main Street and Water Street at General Berry Square on the South and Summer Street and the center line of Summer Street as extended to Rockland Harbor on the Southerly side of Summer Street between Main and Union Streets; all properties fronting on the Easterly side of Union Street between Summer and Park Streets; all properties fronting on the Northerly side of Park Street between Union and Main Streets; all properties within the Downtown "DT" Zone fronting on Tillson Avenue and Winter Street; and all properties enclosed by these portions of Main, Summer, Union, Park, Tillson Avenue and Winter Streets described above, and the property located at 9 Water Street identified as Rockland Tax Map #5-F-3. Eff: 11/13/09

Permit-Issuing Authority: For the purposes of this Parking Ordinance the "permit-issuing authority" is the Code Enforcement Officer, the Planning Board or any other person or entity authorized by the Rockland City Ordinances to issue building or other land use permits.

Vehicle Accommodation Area: That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

5. Design Standards for Off-Street Parking.

A. General Design Requirements.

- (1) Vehicle accommodation areas shall be designed so that vehicles can exit such areas without backing onto a public street and without resorting to extraordinary movements, unless no other practicable alternative is available. Traffic circulation within large lots should be continuous with a minimum number of turns. These requirements do not apply to parking areas consisting of driveways that serve one or two-family dwelling units, although backing onto arterial streets is discouraged.
- (2) Vehicle accommodation areas in all developments shall be designed so that delivery, sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- (3) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas. Thought should be given to the safe movement of pedestrians to and from the cars and public ways.
- (4) All vehicle accommodation areas and driveways, except for one and two-family dwelling units, shall have a maximum grade of 5% and a minimum grade of 1%.
- (5) Any lighting of drives or parking areas shall be so designed as not to cause any glare on any residentially zoned area in the vicinity.

- (6.) Vehicle accommodation areas shall be provided at the side or to the rear of buildings on a lot whenever practicable.
- (7.) Consideration should be given to snow removal and/or snow storage when designing vehicle accommodation areas.

B. Access to Off-Street Parking.

- (1.) Angles. Two-way operation. Driveways used for two-way operation shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees or more than 120 degrees.

One-way operation. Driveways used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty five (45) degrees with a road.

- (2.) Residential Zones. Unless allowed in another section of the Rockland Zoning Ordinance no driveways or vehicle accommodation areas shall be located in any residential zone which serve uses other than:

- (i) uses permitted in such residential district; and
- (ii) uses which legally existed prior to the effective date of this Article.

- (3.) Sight Distances. Any exit driveway or driveway lane other than those for single-family and two-family dwellings shall be so designed in profile and grading and so located as to provide the following minimum sight distances measured in each direction along the intersecting public street or in one direction in the case of one-way streets. Driveways for one and two-family dwellings shall provide the minimum sight distances to the greatest extent practicable. The sight distance measurements shall be in a straight line from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye three and five tenths (3.5) feet above the driveway to the top of an object four and twenty-five hundredths (4.25) feet above the pavement of the public street. The permit-issuing authority may allow changes to non-conforming situations, including the relocation or widening of a driveway, if the existing conditions will be improved and the minimum sight distances will be provided to the greatest extent practicable. The developer or landowner shall bear the costs of any signs or other traffic control devices needed where minimum sight distances cannot be provided.

Posted Speed Limit (Miles Per Hour)	Absolute Minimum (Feet)
25	150
30	200
35	250
40	325
45	400
50	475
55	550

NOTE: On streets on which traffic is required to stop by "STOP" signs at intersecting streets and on dead end streets, the sight distances shall not be required to exceed the distances to such intersections or a dead end.

- (4.) Distance from Intersections. No driveway entrance or exit shall be located closer than fifty (50) feet from a street intersection, as measured from the curb or the point of intersection of the tangents of the curbs of the intersecting streets to the curb and the point of intersection of the tangents of the intersecting street and driveway.
- (5.) Driveway Limitations. Unless otherwise approved by the Permit Issuing Authority, no off-street parking facility shall have more than one (1) driveway onto the same street. The minimum distance between driveway entrances for non-residential uses shall be the minimums set forth in Section 19-304, Zone

Regulations. Where separations are not specified in 19-304 a minimum of fifty (50) feet shall be required between any two (2) driveways onto the same parcel. At least one driveway entrance shall be allowed onto any lot.

- (6.) Driveway Dimensions. Driveways shall be not less than ten (10) feet in width for one-way traffic and eighteen (18) feet in width for two-way traffic, except that ten (10) feet wide driveways are permissible for two-way traffic: (i) when it services a one or two-family dwelling; or (ii) when the driveway is not longer than fifty (50) feet, it provides access to not more than six (6) spaces and sufficient turning space is provided so that vehicles need not back onto a public street. Unless otherwise approved by the permitting authority and the Maine Department of Transportation, no two-way driveway serving a non-residential use shall exceed forty-two (42) feet in width. The Permit Issuing Authority may require a dividing center island if deemed necessary. No driveway serving a one or two-family or multifamily dwelling shall exceed thirty (30) feet in width. No one-way driveway shall exceed twenty-six (26) feet in width. The width measurements shall not include center islands and curb radii.
- (7.) Curb and Sidewalk Construction. When driveways are cut into existing curbing and sidewalks, curbing must be cut back at least four (4) feet on each side of the driveway opening. Replacement curbing, in kind, must be re-laid with ends tapered from seven (7) inches high (or from the height of the existing curbing) to no more than one and one half (1½) inches high at the driveway. When driveways are constructed to slope toward the gutter line of the street, the grade shall be no less than ¼ inch per foot and no more than ½ inch per foot across the complete width of the sidewalk. All work shall be done at the expense of the applicant, and shall be performed to the satisfaction of the Director of Public Works.
- (8.) Culverts. Whenever the installation of a culvert underneath a new driveway is deemed necessary to maintain street side drainage, the property owner shall petition the City for such an installation and the City may install the same, provided that the property owner, at his own expense, furnish a culvert satisfactory to the City. Such culvert shall thereafter be maintained by the City.

C. Dimensions of Parking Facilities.

- (1.) Parking Spaces. Each parking space shall contain a rectangular area at least 19 feet long and 9 feet wide except that parallel parking spaces shall be not less than 22 feet by 9 feet. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles so long as the parking spaces so created contain within them, the rectangular area required by this section.
- (2.) Parking Area Aisles. Parking area aisle widths (in feet) shall conform to the following table, which varies the width requirements according to the angle of parking.

Parking Angle					
Aisle Width	0°	30°	45°	60°	90°
One-Way Traffic	13'	11'	13'	18'	24'
Two-Way Traffic	19'	20'	21'	23'	24'

D. Vehicle Accommodation Area Surfaces.

- (1.) Vehicle accommodation areas that include lanes for drive-in windows or that are required to have more than 25 parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. The permit-issuing authority may allow exceptions to this requirement when adequate evidence is presented to demonstrate that due to the low volume or type of traffic (such as employee only parking) location of parking area, site or area conditions or other similar factors that any allowed exceptions will not adversely effect public safety or cause unreasonable erosion, dust or other problems.
- (2.) Vehicle accommodation areas that are not provided with the type of surface specified in Subsection D.(1.) shall be graded and surfaced with crushed stone, screened gravel or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. A base of at least twelve (12) inches of

properly compacted gravel must be provided. Whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in Subsection D.(1.) for a distance of at least 15 feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have less than six (6) parking spaces.

- (3.) Parking spaces in areas surfaced in accordance with Subsection D.(1.) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Subsection D.(2.) shall be demarcated whenever practicable or whenever deemed necessary because of limited parking or type of parking space layout, for example.
 - (4.) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- E. Curbs or Wheel Stops. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties, landscaped areas or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks to restrict pedestrian traffic or tend to bump against or damage any wall, vegetation or other structure.
- F. Fire Lanes. Whenever required by Section 17-901 of the Rockland City Code, fire lanes shall be established and maintained in accordance with said Section.

6. Other Standards

A. Location of Off-Street Parking.

- (1.) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.
- (2.) All such satellite parking spaces (except spaces intended for employee use) must be located within 600 feet of the lot on which the principal use is located. Satellite parking spaces intended for employee use may be located within any reasonable distance approved by the permit-issuing authority.
- (3.) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he owns the land or has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces and must specify the length of time for which the permission is granted, i.e., 5 yr. minimum subject to renewal. The developer must also sign an acknowledgment that the continuing validity of his permit approval depends upon his continuing ability to provide the requisite number of parking spaces.
- (4.) The permit-issuing authority shall consider the extent to which any satellite parking area meets the design requirements in determining if the satellite parking will be counted in meeting the minimum number of spaces required by the ordinance.

B. Mixed Uses. Where a building or lot serves more than one use, the number of required off-street parking spaces serving such building or lot shall be the sum of the requirements for all of the various uses except as allowed in Subsection C., below.

C. Shared Use of Parking Facilities. The permit-issuing authority may approve the shared use of a parking facility by two or more buildings or uses, provided the owners or lessees have clearly demonstrated that the shared use of the parking facility would substantially meet the requirements of this Section due to variations in the time of day or days of use by the residents, patrons and employees of the buildings or uses to be served by the parking facility. For example, a parking lot used on Monday through Friday for an office building could be partly used by a flea market operating only on weekends or for an adjacent churches' Sunday morning services. The permit-

issuing authority may require a contract between proposed users of a shared parking facility as a condition of approval of such shared use. The provisions of Subsection 6.A., Location of Off-Street Parking, are also applicable if satellite parking spaces are involved.

D. **Parking Facilities for the Physically Handicapped.** All vehicle accommodation areas shall be designed to provide an adequate number of properly designed and located parking spaces, appropriately designated as required by the Maine Human Rights Act, Title 5, MRSA § 4551, et seq. and other regulations.

E. **Loading and Unloading Areas.**

(1.) Subject to Subsection 6.E. below, whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(2.) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

Gross Leasable Area of Building	Number of Spaces*
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,999	5
256,000 - 319,999	6

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

*Minimum dimensions of 12 feet X 55 feet and overhead clearance of 14 feet from street grade required.

(3.) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (i) maneuver safely and conveniently to and from a public right-of-way, and (ii) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(4.) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

(5.) Whenever there exists a lot with one or more structures on it constructed before the effective date of this Ordinance or amendment thereto, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.

F. **Landscaping, Buffering, etc.** Landscaping, buffering, screening, etc., shall meet all standards provided elsewhere in the Zoning Ordinance.

7. Number of Off-Street Parking Spaces Required.

A. All developments within the City of Rockland, except for the required number of parking spaces in the "Downtown Parking District" as defined in Section 19-307.4, shall provide a sufficient number of off-street parking spaces to accommodate the number of vehicles that are likely to be attracted to the development in question.

- B. The presumptions established by this Subsection are that:
- (1.) A development must comply with the parking standards set forth in Subsection 19-307.7.J, Table of Parking Requirements, below, to satisfy the requirements stated above in Subsection 19-307.7.A; and
 - (2.) Any development that does meet these standards is in compliance.
 - (3.) Subsection 19-307.7.J, the Table of Parking Requirements, however, is intended to establish a presumption and may be flexibly administered, as provided in Subsection, 19-307.8, Flexibility in Administration.
- C. The floor area used to determine the off-street parking requirement shall be the sum of the floor area on all floors of the building, excluding areas used exclusively for building services, storage, and circulation, except where otherwise specified. When determination of the number of parking spaces required by the Table of Parking Requirements results in a requirement of fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- D. In the case of an expansion of a structure or a use, the required number of new spaces shall be the number of spaces required for the expansion itself. The new spaces for the expansion shall not be required to make up any deficit that may attend the original building or structure, if such building or structure was in lawful existence at the time of adoption of this Ordinance. An expansion of a structure which does not increase the need for off-street parking shall not be required to provide additional parking spaces. However, subsequent changes to the expansion which result in any greater deficit will require additional parking to be provided for the expansion in accordance with Section 19-307.7.J, Table of Parking Requirements. This subsection shall not apply to expansions of use within the "Downtown Parking District" as defined in Section 19-307.4.
- E. In the case of a change of use, the required number of spaces shall be the number of spaces required for the new use itself minus the number of spaces which were required for the original use, whether or not such original use, if in lawful existence at the time of adoption of this Ordinance, actually provided its required number of spaces. Vacant or abandoned buildings or spaces, for which the original use cannot be determined, shall be deemed to have required one (1) space per three hundred fifty (350) square feet of gross floor area. This subsection shall not apply to changes of use within the "Downtown Parking District" as defined in Section 19-307.4.
- F. In no case shall the number, dimensions, location, or layout of off-street parking spaces or areas as authorized by the permit-issuing authority be altered without prior approval of the permit-issuing authority.
- G. Off-street parking spaces used in the fulfillment of the requirements of this Section shall be available for use at all times and shall not be obstructed by trash receptacles, snow, leaves, or other debris, accessory structures or activities, or other obstacles that will prevent their use for off-street parking unless authorized by the permit issuing authority (such as snow storage in specific areas after the holiday season).
- H. No off-street parking area presently in conformance with this Section shall be made non-conforming as to number, dimensions, location, or layout of spaces; and no off-street parking area that is presently lawfully non-conforming with respect to number, dimensions, location, or layout of spaces shall be altered such that the non-conformity is worsened.
- I. The City Council recognizes that the Table of Parking Requirements set forth in Subsection (J) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit issuing authority is authorized to review the proposed parking and to determine if the parking requirements are deemed met, using this table as a guide for similar uses.
- J. Table of Parking Requirements.

USES:	OFF STREET SPACES REQUIRED:
Automobiles	(See Motor Vehicle-Related Uses)
Churches and Other Places of Worship	1 space for every 4 seats in portions of the building used for services.
Day Care Centers or Nursery Schools	1 space / 200 sq. ft. of floor area plus 1 space for each employee.

USES:	OFF STREET SPACES REQUIRED:
Educational Facilities:	(Various types below.)
Elementary Schools	2 spaces / classroom plus 1 space for each employee.
High Schools	8 spaces / classroom plus 1 space for each employee.
Trade or Vocational School (beyond High School)	1 space / 150 sq. ft. of floor area.
Colleges or Universities (including all facilities such as dormitories, office buildings, etc.)	1 space / 150 sq. ft. of floor area.
Financial Services including Banks and Credit Unions	1 space / 200 sq. ft. of floor area plus reservoir lane capacity equal to 4 paces for each drive-through window (8 spaces if window serves 2 stations).
Fraternal and Social Clubs or Lodges	1 space / 200 sq. ft. of floor area (except that public assembly parking requirements will apply to areas used for such purposes by the public).
Funeral Homes	1 space / 100 sq. ft. of floor area.
Home Occupations or Professions	5 spaces / doctor or dentist, 2 spaces / attorney or at least 1 space / other use, plus 1 space for each employee not residing in the home. (Adequate parking for the residential uses on the property must also be provided as required in the residential section of this Table.)
Institutional Residence or Care of Confinement Facilities:	(Various types below.)
Hospitals or Clinics	2 spaces / bed or 1 space / 150 sq. ft. of floor area, whichever is greater.
Nursing Care, Intermediate Care or Long Term Care Institutions, Handicap or Infirm Institutions, Child Care Institutions	3 spaces for every 5 beds.
Institutions (other than Half-way Houses or Group Homes where mentally ill persons are confined)	1 space for every 2 employees on the maximum shift.
Penal or Correctional Facilities	1 space for every 2 employees on the maximum shift.
Assisted Living Facilities	1 space per every 3 units; 1 space per every 2 units for unassisted units within a multifamily dwelling that includes an Assisted Living Facility. Eff: 09/09/09
Lodging Places (Including Hotels, Motels, Bed & Breakfast Homes or Rooming and Boarding Homes)	1 space for each room to be rented plus additional space for restaurants or other facilities in accordance with other sections of this table.
Manufacturing, Processing, Repairing or Assembling Goods, Merchandise or Equipment:	(Various types below.)
When the majority of dollar volume of business is done with walk-in trade	1 space / 400 sq. ft. of floor area.
When the majority of dollar volume of business is not done with walk-in trade	1 space for each 2 employees.
Marinas and Facilities for Excursion Boats or Similar Uses	1 space for each boat slip plus 1 space / 200 sq. ft. of building area used for the marina.
Excursion boats or other vessels with regularly scheduled destination services from the facility	1 space for each 4 passengers.
Motor Vehicle Related Sales, Services and Repair Operations (Including Sales and Service or Mobile Homes & Boats)	1 space / 200 sq. ft. of floor area (with a minimum of 5 spaces per business).
Gas or Other Motor Vehicle Fuel Sales	Sufficient parking area to accommodate vehicles at the pumps and 2 additional queuing spaces shall be provided at each pump without interfering with other parking spaces.
Museums, Libraries, Art Galleries (Including Associated Educational Activities)	1 space / 300 sq. ft. of floor area.
Offices, Clerical, Research and Services (Not Primarily Related to Goods or Merchandise):	(Various types below.)
Operations designed to attract and serve customers or clients on the premises (such as offices of	1 space / 250 sq. ft. of floor area.

attorneys, insurance and stockbrokers, travel agents, personal services, governmental offices, etc.)	
Operations designed to attract little or no customer traffic other than employees of the operation	1 space / 400 sq. ft. of floor area.
Doctors or dentists offices	1 space / 150 sq. ft. of floor area.
Public Assembly (See Also Sections for Theaters, Restaurants, Taverns, etc., if Applicable)	1 space / 4 seats (or 4 patrons) or where there are no fixed seats, 1 space / 100 sq. ft. of assembly area plus 1 space / employee.
Recreation, Amusement, Entertainment:	(Various types below.)
Bowling alleys, skating rinks, pool halls, indoor athletic and exercise facilities and activities conducted primarily outdoors such as golf courses, tennis courts or miniature golf courses and similar uses	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if measurable, such as bowling alleys or tennis courts) plus 1 space / 200 sq. ft. of floor area of building used in a manner not susceptible to such calculation.
Theaters, stadiums or similar places of assembly	1 space for every 4 seats.
Residential Uses:	(Various types below.)
One-family dwelling	2 spaces / dwelling unit.
Two-family and multi-family dwellings	Units with one or no bedrooms: 1½ spaces dwelling unit plus 1 space for each room rented out.
	Units with 2 or more bedrooms: 2 spaces / dwelling unit plus 1 space for each room rented out.
Elderly or congregate care housing	Units with 1 or no bedrooms: 1 space / dwelling unit plus 1 space for any employees.
	Units with 2 or more bedrooms: 1½ spaces / dwelling unit plus 1 space for any employees.
Restaurants, Taverns or Lounges	1 space / 4 seats in dining areas plus 1 space / 100 sq. ft. of lounge, bar and waiting area, plus 1 space / employee. Two additional spaces shall be required for each take-out window (with a minimum of 10 spaces for an establishment with take-out windows). 1 additional space shall also be required for each outside dining table. A reservoir lane capacity equal to 5 spaces shall be provided for each drive-in window.
Sales and Rental of Goods, Merchandise and Equipment:	(Various types below.)
General retail sales and rental	1 space / 250 sq. ft. of floor area.
Convenience stores	1 space / 150 sq. ft. of floor area plus the provisions for fuel pumps (see Motor Vehicle Related Sales, Service and Repair Operations).
Wholesale and low volume retail sales such as furniture, appliance, and floor covering stores, tradesmen or decorators showrooms, and rental of tools and equipment	1 space / 400 sq. ft.
USES:	OFF STREET SPACES REQUIRED:
Open air markets and horticultural sales	1 space / 1000 sq. ft. of lot area used for storage, sales and/or display (green houses and other enclosed sales areas must meet the requirements above for general retail sales).
Schools	(See Educational Facilities.)
Storage Buildings (for Goods not Related to the Sale or Use of Goods on the Same Lot Where they are Stored)	1 space for every 2 employees (but not less than 1 space / 5000 sq. ft. of storage area).
Theaters	(See Recreation, Amusement, Entertainment.)
Veterinarians and Kennels	1 space / 200 sq. ft. of floor area.

8. Flexibility in Administration.

- A. The Council recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in the Subsection 19-307.7.J, may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation

wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Subsection 19-307.7, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 19-307.7.J, and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Subsection 19-307.7.A. In making the determination to allow or require a deviation, the permit-issuing authority shall consider a parking plan drawn to scale and all available information concerning the specific proposal and similar developments such as: sales reports or computer printouts from other branches or similar operations; national standards; information from headquarters for franchises, etc., and adequate land area available, if necessary, for enlarging the parking area.

- B. Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the from the parking requirements set forth in Subsection 19-307.6.E., when it finds that:
 - (1.) A residential development is irrevocably oriented toward the elderly;
 - (2.) A business is primarily oriented to walk-in trade.
- C. Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Subsection 19-307.7.J., it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.
- D. If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Subsection 19-307.7.J, for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Section 2-212.
- E. When site conditions or other constraints prevent full compliance with Section 19-307.5, Design Standards for Off-Street Parking, the permit issuing authority may accept alternative designs that are not in full compliance with said section provided that reasonable and accepted standards are used and that the variation does not result in unsafe conditions. Eff: 7/12/00

9. Driveway and Curb Cut Permits.

- A. Permits. No person, corporation or other legal entity shall construct or maintain a driveway entrance or approach or cut any curb within the right-of-way of any City street within the Urban Compact District without approval of the Planning Board or a written permit from the Code Enforcement Officer. A permit or Planning Board approval shall also be required for any change in location or grade, or any change in degree or kind of use of an existing driveway, entrance or approach. The permit application form, provided by the Code Enforcement Office, shall be completed and submitted for approval along with the appropriate fee listed in Section 11-402, Land Use Fee Schedule. The Director of Public Works and the Chief of Police or their authorized agents shall make recommendations and countersign each permit application.
- B. Review Criteria. The permit-issuing authority shall ensure compliance with the standards in Subsection 19-307.5.B and other applicable standards in Section 19-307 when reviewing applications for new and changed driveways. Safe access with respect to grades, intersections, vehicular and pedestrian traffic volume, schools, housing for the elderly and handicapped, other traffic generators, and any other elements to adequately protect and promote the safety of the traveling public shall be considered. In no case shall reasonable ingress and egress to property abutting a City street be denied.
- C. Penalty. Whoever violates any of the provisions of this Section or the rules and regulations made under the authority thereof shall be punished by a fine of not more than one hundred (\$100) to twenty-five hundred (\$2,500) per day as provided in 30-A, MRSA §4452. Eff: 4/12/00

Sec. 19-316 Performance Standards

A. Dust, Fumes, Vapor, and Gases.

Emission of dust, fly ash, fumes, vapors, smoke, or other particulate matter or gases and chemicals which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

B. Odors.

(1) No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, measured either at ground level of habitable elevation. For purposes of this section, an "offensive

odor" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of the Odor Committee per the Rockland City Code, Chapter 10, Article III.

(2) Any proposed use which may emit odoriferous substances must include detailed plans to mitigate such to the Planning Board before the appropriate permit is granted

C. Lighting.

Statement of Purpose: Ensure appropriate outdoor lighting by addressing the issues of safety, efficiency, the environment and aesthetics.

- (1) Definitions: For the purposes of this Section, terms used shall be defined as follows:
 - (a) Authority having jurisdiction – The Planning Board or Code Enforcement Officer.
 - (b) Direct Light – Light emitted directly from the lamp, off the reflector or reflector diffuser, through the refractor or diffuser lens, or from a luminaire.
 - (c) Fixture – The assembly that houses the lamp(s), including but not limited to housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and/or a refractor or lens.
 - (d) Flood or Spot Luminaire – Any luminaire that incorporates a reflector or a refractor to concentrate the light output into a directed beam.
 - (e) Indirect Lighting – Direct light that has been reflected or scattered off other surfaces.
 - (f) Luminaire Height – The vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
 - (g) Lamp – The component of a luminaire that produces light.
 - (h) Lumen – A unit of luminous flux. One foot-candle is equal to one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp.
 - (i) Luminaire – A complete lighting system, including lamp(s) and/or fixture(s).
 - (j) Outdoor Lighting – Nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
 - (k) Temporary Outdoor Lighting – Outdoor lighting in place for less than fourteen (14) days, with at least eighty (80) days passing before being used again.
- (2) Regulations: Unless determined to be a safety hazard or in violation of any state or federal law, all outdoor lighting installed in the City of Rockland shall comply with this section, except for the following: lighting installed and maintained for public safety by Municipal, State or Federal government; approved signs; external illumination of flags; approved lighting for athletic fields; temporary outdoor lighting; holiday lighting; luminaires with a lamp or lamps rated at a total of 2,000 lumens or less.
 - (a) No luminaire shall produce a stray, dazzling light or reflection onto neighboring residential properties, or onto any public road so as to impair the vision of any driver.
 - (b) Luminaires shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent buildings. No luminaire shall emit any direct light above a its horizontal plane. The Planning Board may grant exceptions for lights that are aesthetically consistent with decorative streetlights and located on parcels adjacent to such streetlights.
 - (c) No flood or spot luminaire of any lumen output rating shall be aimed, directed or focused toward any adjacent or nearby residential parcel.
 - (d) Rather than leaving security lights on, the use of motion sensors is encouraged.
 - (e) Direct or indirect illumination shall not exceed one-half (1/2) foot-candles upon abutting residential properties.
 - (f) Unless otherwise approved by the authority having jurisdiction, luminaire height, including the base, shall not exceed twenty-five (25) feet in non-residential areas and fourteen (14) feet when adjacent to residential zones or neighborhoods. Exceptions may be granted only when it can be demonstrated that the intent of this section will still be substantially met.
- (3) Existing Non-Conforming Luminaires:
 - (a) The continued use of non-conforming luminaires legally existing as of the effective date of this section shall be permitted unless determined to be a safety hazard or in violation of any State or Federal laws.
 - (b) Non-conforming luminaires replaced or moved after the effective date of this section shall comply with the provisions of this section. Eff: 8/9/06

D. Noise and Vibration.

(1) Excessive noise and/or vibration at unreasonable hours shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.

(2) No use in any zone may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at the lot line of the complainant. Eff: 9/8/99

(3) The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by an activity shall be as established by the time period and type of zone listed below.

Zone	7 a.m. - 9 p.m.	9 p.m. - 7 a.m.	
Industrial, Business Park and WF1 thru WF5 12/14/07	85 decibels	60 decibels	Eff:
Rural Residential, Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Downtown	75 decibels	55 decibels	
Transitional Business 1, Transitional Business 2	65 decibels	50 decibels	
Transitional Business 3, Transitional Business 4, Neighborhood Commercial, Resort, Residential Zones 02/07/01	55 decibels	45 decibels	Eff:

Sound pressure levels shall be measured on a sound level meter at all lot lines of the site, at a height of at least four (4) feet above the ground surface. Noise shall be measured with a sound level meter and frequency weighing network meeting the standards prescribed by the American National Standards Institute. The levels specified may be exceeded by the (10) decibels (dBs) for a single period, no longer than fifteen (15) minutes, in any one (1) day.

(4) Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise or vibration entering that zone.

(5) Noise or vibration created by construction and maintenance activities between 7 a.m. and 9 p.m. are exempt from the requirements of paragraphs (2) and (3) above. Construction activities on a site abutting any residential use between the hours of 9 p.m. of one day and 7 a.m. of the following day shall abide by the maximum sound levels allowed for the Commercial 1 Zone.

(6) These noise and vibration regulations are enforceable by law enforcement officers and by the Code Enforcement Officer, who may measure noise or vibration levels and who shall report documented violations to the police. For the purposes of enforcement, sounds exceeding the limits established in this section shall be deemed to constitute "loud and unreasonable noise" under Title 17-A M.R.S. Section 501.

(7) The following uses and activities shall also be exempt from paragraphs (2) and (3) above:

- (a) the noise or vibration of safety signals, warning devices, emergency pressure relief valves, and any other emergency device;
- (b) normal traffic noise or vibration on public streets or noise or vibration created by airplanes, railroads, and farm or timber harvesting machinery;
- (c) noise or vibration created by refuse or solid waste collection, provided that the activity is conducted between 6 a.m. and 7 p.m.;
- (d) emergency construction or repair work by public utilities, at any hour;
- (e) noise or vibration created by any recreational activities which are permitted by law and for which a license or permit has been granted by the City including, but not limited to, parades, sporting events, concerts and firework displays;
- (f) vehicle and/or equipment involving municipal services at any hour;
- (g) noise and vibration created by ordinary residential maintenance activities such as lawn mowing or snow throwing between the hours of 6 a.m. and 9 p.m.

E. Refuse Disposal.

All solid and liquid wastes shall be disposed of on a timely basis and in a manner provided for by Federal, State, and local regulation. All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats, animals, or other vermin. All such wastes shall be stored so as to prevent access to or disposal by stray animals. This shall be accomplished by enclosures in containers, raising material above ground, separation of material, prevention of stagnant water, extermination procedures, or other means. Outdoor storage containers and areas shall be screened from public view. Walls, fencing, screening dense plant material, or a combination of material can be used to achieve this intent.

F. Water Quality Impacts.

(1) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that runoff, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or use nuisances, such as objectionable shore deposits, floating or submerged debris, oil, scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

(2) All above ground storage facilities fuel, chemical or industrial wastes, and biodegradable raw materials (excluding non-commercial compost heaps), shall be completely enclosed by an impervious dike, which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a twenty-five (25) year storm, so that such liquid shall not be able to spill or seep onto the ground surrounding the paved storage area. Storage tanks for home heating oil, and diesel fuel, not exceeding two hundred and seventy-five (275) gallons in size, are exempt from this requirement in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

(3) All below ground tanks must meet the standards of the Maine Department of Environmental Protection.

G. Landscaping.

(1) General Landscape Standards

(a) Purpose.

The purpose of the following landscape standards is to protect the public welfare by assuring that:

i. the landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes;

ii. landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses;

iii. plant materials are appropriate to Maine climatic conditions and the functions of the areas in which they are used;

iv. plant materials are of a size and condition that will allow them to establish themselves, mature, and survive in a healthy and attractive manner;

v. landscaping elements and the areas in which they are established are maintained in a clean, healthy, and attractive condition; and

vi. landscaping is not placed in such a way as to pose a safety hazard and plantings are designed so as not to interfere with sight distance along a right-of-way and traffic safety.

(2) Types and Uses of Landscape Elements

For the purpose of this ordinance:

(a) a canopy tree is a deciduous tree that reaches at least thirty-five (35) feet or more in height at maturity. Canopy trees are used to help create identity and establish the character of an area, to help define large spaces, and to provide shade in the hotter months of the year;

(b) an evergreen tree is a tree that reaches at least thirty-five (35) feet or more in height at maturity. Evergreen trees are used to create year-round interest with their dominant forms and color, to screen or direct views, act as windbreaks, and to provide a backdrop for other elements of a site. Where evergreen trees are installed in buffers, the installed heights should vary at a minimum from four (4) to twelve (12) feet to add greater variety and landscape interest;

(c) an understory tree reaches ten (10) feet to thirty-five (35) feet at maturity. Understory trees are used to provide eye-level landscaping features that help to scale down larger architectural and landscape elements, to define minor spaces, and to provide a variety of form, color, and accents to a site;

(d) shrubs have mature heights of two (2) to ten (10) feet. They are used to form physical and visual barriers, add seasonal interest and color, and help define the scale and location of buildings;

(e) miscellaneous plantings include ground covers, vines, perennials, annuals, bulbs, and other herbaceous material. They are used to add seasonal color, form patterns on the ground plane, and add to the humanizing of the site.

(3) Minimum Size Standards.

The plant materials defined in paragraph (2) shall meeting the following minimum size standards at time of installation, with calipers measured at diameter at four (4) feet above ground.

Canopy trees	1½" caliper
Evergreen trees	4' height
Understory trees	1½" caliper
Shrubs	18" - 24" height

(4) Plant Selection.

Plant materials shall be selected for appearance, durability, and tolerance to air pollution; native trees and shrubs shall be planted whenever possible. All plantings required under this section shall be of a type and species appropriate for soil types and climatic conditions in Rockland.

(5) Amenities and Stone Walls.

Pools, sculptures, benches, and walkways may be used to complement plant materials. In cases where a traditional stone wall exists, it should be conserved or rebuilt in another location.

(6) Disturbed areas.

Where buffers are not required, all disturbed areas not to be used as parking or building footprint shall be planted to lawn or left in their natural vegetated state as a minimum requirement.

(7) Maximum Slope.

A maximum maintainable slope of three horizontal to one (3:1) vertical should be established for both the front and back of berms. Where room permits, a flat top area, four (4) feet in width should be provided.

(8) Fencing.

Fencing materials should complement the architectural style of the buildings of the lot upon which they are erected. Fences shall not be used in locations that will obscure views of the water from public streets.

(9) Maintenance.

(a) All plantings and bufferyards shall be maintained in a good and healthy condition. The Maine Erosion and Sedimentation Control Handbook for Construction - Vegetative Measures, developed by the Maine Department of Environmental Protection shall be used as a guide. Fencing and berms shall be durable and properly maintained at all times by the owner. All landscaping elements shall be so located with respect to property boundaries to allow access for maintenance on both sides without intruding upon abutting properties.

(b) Plants required or recommended by this subsection or plants that are part of an approved Plan that die shall be replaced within one (1) growing season.

(10) Parking Areas.

Landscaping shall be designed to accommodate attractive and safe pedestrian circulation patterns, and allow good visibility of oncoming pedestrians and vehicles throughout the parking area.

(a) Landscaping Within the Parking Areas.

Landscaping areas shall be provided within parking areas to provide shade and visual relief from broad expanses of pavement and to channelize and separate areas for pedestrian and vehicular circulation.

i. In addition to required perimeter landscaping, at least five (5) percent of the gross area of all parking lots with twelve (12) or more parking spaces shall be landscaped. Existing parking lots shall be exempt from this requirement although landscaping should be provided to the greatest extent possible.

ii. The recommended landscaping within the parking area should include a minimum of two (2) canopy trees, one (1) understory tree, and five (5) shrubs for every twelve (12) parking spaces or fraction thereof. For every mature canopy tree that exists on the proposed site of a parking lot prior to the parking lot's development and that is retained and integrated into the parking lot's design, the number of new canopy or understory trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building use permit issued for the development, it shall be replaced with two (2) similar trees meeting the standards of this ordinance.

iii. The landscaping shall be:

(i) in planting areas at least ten (10) feet wide to accommodate canopy and/or understory trees. Planting areas should be located to demarcate the ends of parking rows, avoiding long rows of parked cars, and to channel pedestrian circulation. Planting areas should be edged with a six (6) inch continuous vertical curb or wheel stops to prevent vehicles from overhanging into planting areas and designed to allow efficient snow removal. Planting areas shall be oriented to maximize pedestrian safety and convenience;

(ii) located to break up parking areas into smaller areas of no more than fifty (50) spaces each;

(iii) designed to accommodate snow plowing and storage without damage to the plants and trees.

iv. Landscaping shall be provided except in the case of automobile drop-off loading area, or a vehicular entry in to a building, in order to enhance the appearance of the site and avoid impact to occupants from exhaust fumes and noise. The landscaped area should be no less than fifteen (15) feet deep from all buildings, except in commercial and industrial zones where the depth need be no more than four (4) feet, provided that the building footprint is less than twenty-five hundred (2,500) square feet. The area shall be landscaped with shrubs, groundcover, and trees where appropriate, and may include a walkway if the area is fifteen (15) feet deep or more.

v. To accommodate circumstances where the recommended landscaping may not fit site conditions, an applicant may submit an alternative plan for the siting of landscaped areas provided that an equal or greater amount of landscaped area is provided than would be otherwise required.

(b) Perimeter Landscaping.

Parking lots shall be landscaped adjacent to other uses and rights-of-way with trees, shrubs, fencing, and earth berming to avoid the impact of glare, headlights, parking lot lights, noise, and dust and to protect and enhance visual character as follows:

i. Abutting a public right-of-way:

(i) Where a parking area that includes six (6) or more parking spaces abuts a public right-of-way, a continuous landscaped strip shall be established between the right-of-way boundary line and the parking area and shall be maintained in good condition. It may be interrupted only by a driveway meeting the standards of this ordinance. In areas other than the Downtown, Commercial 3, Plaza Commercial, Business Park, and Rural Residential 1 zones, when the parking area abuts an arterial or collector street, the perimeter planting shall be at least ten (10) feet wide and should be planted with at least three (3) canopy trees, four (4) understory trees, thirty (30) shrubs, and six (6) evergreen trees per one hundred (100) linear feet of street frontage or fraction thereof exclusive of the width of the driveway. When it abuts any other right-of-way, it shall be at least six (6) feet wide and should be planted with at least two (2) canopy trees, two (2) understory trees, twenty (20) shrubs, and four (4) evergreen trees per one hundred (100) linear feet of street frontage exclusive of the width of the driveway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications. In the Plaza Commercial, Business Park, and Rural Residential 1 zones the landscaped strip shall be at least ten (10) feet wide and should be planted with at least three (3) canopy trees, six (6) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the driveway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion to the above specifications. The plantings shall be designed and located so as not to interfere with sight distance along the right-of-way and traffic safety.

(ii) In the Downtown Zone, the landscaped strip shall be at least six (6) feet wide and should be planted with at least three (3) canopy or evergreen trees, four (4) understory trees, and twenty (20) shrubs per one hundred (100) linear feet of street frontage exclusive of the width of the driveway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion to the above specifications.

ii. Where a commercial parking facility or a parking area serving a nonresidential use abuts a residential zone or a lot wholly or partially in residential use, a continuous landscaped strip shall be established between the adjoining zone or use and the parking area at least ten (10) feet wide and shall be maintained in good condition. It may be interrupted only by a single pedestrian pathway at each abutting property line no more than five (5) feet wide. The landscape strip shall be planted with at least three (3) canopy trees, four (4) understory trees, thirty (30) shrubs and six (6) evergreen trees per one hundred (100) linear feet of frontage. The number of trees for frontage less than one hundred (100) feet shall be in proportion to the above specifications. For every mature canopy or evergreen tree existing in the area prior to construction of the parking lot and preserved within the buffer area, the required number of new trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building permit issued for the development, it shall be replaced with two (2) similar trees meeting the standard of this ordinance. As an alternative, a dense hedge or screen composed of at least 2/3 evergreen plantings four (4) feet or more in height at the time of planting of a type which will reach six (6) feet or more in height within five (5) years may be substituted. If the land is bermed to a height of two (2) feet or more, the height of the plantings may be adjusted.

H. Buffering and Screening

(1) Purpose

The following buffer standards are intended to protect the public welfare. Buffers of plantings, berms, and/or walls, fences or natural features should:

- (a) separate conflicting land uses, zones or activities from one another;
- (b) create visual barriers which obscure buildings, signs, headlights, glare, vehicles or other modifications of the landscape;
- (c) reduce the impact of noise;
- (d) reduce air pollution, wind, dust, dirt, and litter and contribute to healthy air and water quality;
- (e) help prevent undesirable access to dangerous areas; and
- (f) direct the eye to more attractive views in keeping with the planned character of the City.

(2) General Standards

(a) Unless otherwise stated, buffer requirements shall apply to perimeter property lines of projects and along arterial and collector streets in the Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Industrial, Business Park, and Rural Residential 1 zones, and in master planned developments. The perimeter property lines of projects shall be considered to be the perimeter lines of:

- i. business or industrial parks;
- ii. master planned residential, commercial, or mixed use developments;
- iii. single commercial, business, or industrial developments not associated with a subdivision or park or master planned development.

(b) Natural features shall be maintained whenever possible to meet buffer requirements. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops, do not exist or are insufficient to provide an effective buffer, landscaped buffers shall be created. Indigenous plantings shall be used whenever possible.

(c) Although this ordinance does not prohibit landscaping within a street or street right-of-way, no part of the right-of-way shall be used to satisfy buffer requirements.

(d) Landscaping and Maintenance

See section G above.

(3) Multifamily and Nonresidential Uses Abutting a Residential Zone.

(a) The required side and back yards of nonresidential uses that abut properties in residential zones, or of multifamily uses that abut properties in single family residential use, shall be retained in their natural vegetated state to the maximum extent possible to provide a visual screen between uses. The buffer may be part of the setback.

(b) Where natural buffering does not exist, or is not possible to be retained, or is not sufficient to achieve an effective, complete visual screen, the required side and back yards shall be landscaped to provide a visual screen between uses. It may be interrupted only by a single pedestrian pathway at each abutting property line no more than five (5) feet wide. In areas other than the Downtown, Transitional Business 3, Commercial 3, Plaza Commercial, Business Park, and Rural Residential zones, the landscaped strip shall be at least ten (10) feet wide and shall be planted with at least three (3) canopy trees and twelve (12) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications.

In the Downtown Zone, the landscaped strip shall be at least six (6) feet wide and shall be planted with at least three (3) canopy evergreen trees, four (4) understory trees and fifteen (15) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages less than one hundred (100) feet shall be in proportion to the above specifications.

In the Transitional Business 3, Commercial 3, Plaza Commercial, Business Park, and Rural Residential zones, the landscaped strip shall be at least thirty (30) feet wide and shall be planted with at least three (3) canopy trees, twelve (12) evergreen trees, four (4) understory trees, and thirty (30) shrubs per one hundred (100) linear feet of length exclusive of the width of the pathway. The number of trees for frontages of less than one hundred (100) feet shall be in proportion with the above specifications.

For every mature canopy or evergreen tree existing prior to development and retained within the buffer area, the required number of new trees may be reduced by two (2). If any such retained tree dies within five (5) years of the date of the building permit issued for the development, it shall be replaced by two (2) similar trees meeting the standard of this ordinance.

(4) Front Yards of Multifamily and Nonresidential Uses.

The required front yards of multifamily and nonresidential uses shall be maintained in a landscaped condition.

(5) Exposed Areas and Areas for Commercial Outdoor Storage.

Exposed machinery installation, sand and gravel extraction operations, and areas for the storage and collection of discarded or uninspected vehicles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a minimum, the screening shall include dense evergreen hedges, four (4) feet or more in height at the time of planting, of a type that shall reach six (6) feet or more in height within five (5) years. If the land is bermed to a height of two (2) feet or more, the height of plantings may be adjusted. All such plantings shall be maintained as an effective, complete visual screen. Where a potential safety hazard to children would be likely to arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and be maintained in good condition.

(6) Areas for Outdoor Sales and Automobile Repair in the Rural Residential 1 Zone.

Areas for outdoor sales and automobile repair in the Rural Residential 1 Zone shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a

minimum, the screening shall include a dense evergreen hedge, four (4) feet or more in height at the time of planting, of a type that will reach six (6) feet or more in height within five (5) years. If the land is bermed to a height of two (2) feet or more the height of plantings may be adjusted. All such plantings shall be maintained as an effective, complete, visual screen. Where a potential safety hazard to children would be likely to arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and be maintained in good condition.

I. Storage of Materials and Machinery.

All outside storage areas, areas used for the storage or collection of discarded automobiles, auto parts, metals, and any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on other land uses and properties in the area. All materials stored outdoors shall be screened from public view. Walls, fencing, screening dense plant material, or a combination of material can be used to achieve this intent.

Where a potential safety hazard to children would likely arise, physical barriers sufficient to prevent small children from entering the premises shall be provided and maintained in good condition.

J. Preservation of Water Views.

Development in Transitional Business 2 and Transitional Business 3 zones shall preserve water views to the maximum extent feasible. In the Transitional Business 3 zone, a fifty (50) foot wide space between buildings at least every one hundred fifty (150) feet shall be provided to afford views of the waterfront from public rights-of-way.

K. Transportation, Traffic, and Curb Cuts.

In the Commercial 1, Commercial 2, Commercial 3, Plaza Commercial, Transitional Business 1, Transitional Business 2, Transitional Business 3, Neighborhood Commercial, Business Park, and Industrial zones:

(1) development proposals shall include a program identifying all proposed traffic controls, parking areas, interior traffic circulation and traffic interface with public highways and pedestrian and bicycle safety.

The Program shall demonstrate that additional traffic generated by the project itself can be accommodated on existing public highways or that satisfactory improvements, if necessary, will be made at the developer's cost. The Planning Board may require a Traffic Impact Study also at the developer's expense. Where traffic studies indicate, deceleration lanes and/or turning lanes will be provided.

Development proposals shall discourage conventional strip development by the use of centers or clusters of development, shared accessways, and buffer zones.

(2) Whenever possible, development proposals shall use access from existing side streets where they abut the premises on secondary street frontage in cases where they will not create a hazardous nuisance to those sending streets. Where this access is not available, a single accessway or curb-cut should provide access to the entire parcel. All lots from the same original parcel should be accessed from this central point.

L. The above alternative Performance Standards shall be adhered to, however, proposals of exceptional merit that meet the spirit of these standards may be accepted by the Planning Board. Eff: 9/11/96

Sec. 19-317 Design Standards

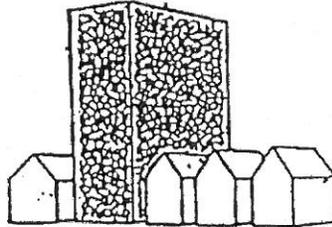
A. Design Standards Of General Applicability.

1. General Standards: To protect, enhance, and perpetuate the City's historic, cultural, and architectural heritage and to enhance the City's attraction to residents, and visitors and to serve as a support and stimulus to business and industry, construction of a new building or structure or addition to an existing structure shall be of such design, form, proportion, mass, configuration, building materials, texture, color, and location on a lot as will be compatible with existing buildings or blocks of buildings in the area and with streets and open space to which it is visually related and in keeping with the area. In areas of the City where structures have little or no historic value, new construction or renovations shall enhance the area rather than replicate existing structures. These standards shall not apply to structures in the Industrial Zone. In areas of the City that are rural in nature and have no clear pattern or style of construction, these standards shall be used as guidelines for future development to achieve visual compatibility. Throughout these standards compatibility is not meant to mean uniformity. Residential new construction or renovations that do not require Planning Board approval under the provisions of Chapter 16 of this Code shall not require Planning Board review under the provisions of this Ordinance unless the Code Enforcement Officer denies a building permit because of the provisions herein.

2. Special Standards: New construction or renovations shall be visually compatible or superior in terms of:

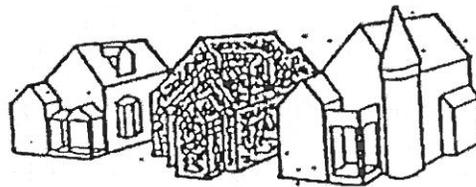
A. Height. The height of the proposed building or additions to existing buildings relate the overall height of new construction to that of neighboring structures. As a general rule, construct new buildings to a height comparable to the average height of existing buildings from the historic period on the same side of and across the street.

Avoid new construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

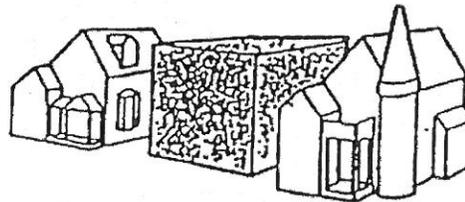


B. Proportion of Buildings Front Facade and Massing. The relationship of the width of the building to the height of the front elevation should be visually compatible with buildings, structures, and open spaces where it is visually related.

In reviewing a proposed new building or structure, or additions to existing buildings, break up uninteresting box-like forms into smaller, varied masses comparable to the historic structures or blocks of buildings from the historic period. Variety of form and massing are often elements essential to the character of the historic streetscape.



Avoid single, monolithic forms that are not relieved by variations in massing. Box-like facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and facade articulation.



C. Relationship of Solids to Voids in Front Facades. The relationship of solids to voids in the front facade of a building should be visually compatible with that of buildings to which it is visually related.

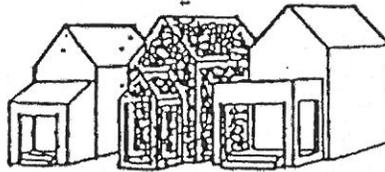
In reviewing a proposed new building or structure or addition to an existing building, respect the recurrent alternation of wall areas with door and window elements in the facade. Also consider the width-to-height ratio of bays in the facade. The placement of openings with respect to the facade's overall composition, symmetry, or balanced asymmetry should be studied.



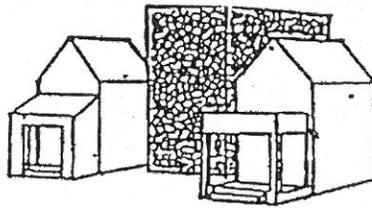
D. **Spacing of Buildings on Streets.** The relationship of the building to the open space between it and adjoining buildings should be visually compatible with those of buildings to which it is visually related when zoning regulations permit.

E. **Entrance and/or Porch Projection (Setback).** The relationship of entrance and porch projections to sidewalks and streets should be visually compatible with those of buildings to which it is visually related.

In reviewing a proposed new building or structure or an addition to an existing building, maintain the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of neighboring buildings when zoning regulations permit. If exceptions are made, buildings should be set back into the lot rather than closer to the street. If existing setbacks vary, new buildings should conform to historic siting patterns.



Avoid violating the existing setback pattern by placing new buildings in front of or behind the historic facade. Avoid placing buildings at odd angles to the street, unless in an area where diverse siting exists, even if proper setback is maintained.



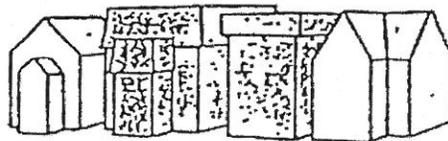
F. **Materials, Textures, and Color.** The relationship of materials, textures, and color of the facade of a building should be visually compatible either with that of the predominant materials used in the buildings to which it is visually related or compatible with materials traditionally used in the City.

G. **Roof Shapes.** The roof shape of a building should be visually compatible with that of the buildings to which it is visually related. When no clear pattern exists, a roof pitch of 5/12 or steeper should be used, or the building should be designed so as to appear to have a pitched roof.

In reviewing a proposed new building or structure, or an addition to an existing building, relate the roof forms of the new building to those found in the area. Although not entirely necessary, duplication of the existing or traditional roof shapes, pitches, and materials in new construction is one way of making new structures more visually compatible.

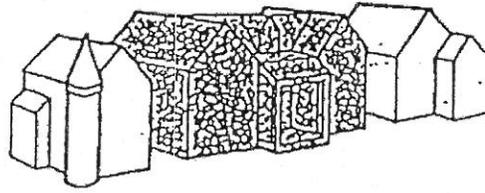


Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.

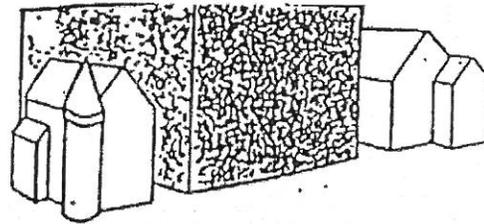


H. **Scale of Buildings.** The size of the building, the mass of the building in relation to open spaces, the window, door openings, porches, and balconies should be visually compatible with those characteristics of buildings and spaces to which it is visually related.

In reviewing a proposed new building or structure, or addition to an existing building, relate the size and proportions of new structures to the scale of neighboring buildings. Although much larger than its neighbors in terms of square footage, the building shown maintains the same scale and rhythm as the existing buildings.



Avoid buildings that in height, width, or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape, although it might be appropriate in a different location.



318.3

I. **Directional Expression of Front Elevation.** A building should be visually compatible with the building, squares, and places to which it is visually related in its directional character, whether this is vertical character, horizontal character, or non-directional character. This provision is not intended to apply to residential subdivisions covered in Chapter 16 of this Code.

In reviewing a proposed new building or structure, or addition to an existing building, relate the vertical, horizontal, or non-directional facade character of new buildings to the predominant directional expression of nearby buildings. Horizontal buildings can be made to relate to the more vertical neighboring structures by breaking the facade into smaller masses that conform to the primary expression of the streetscape as shown below.



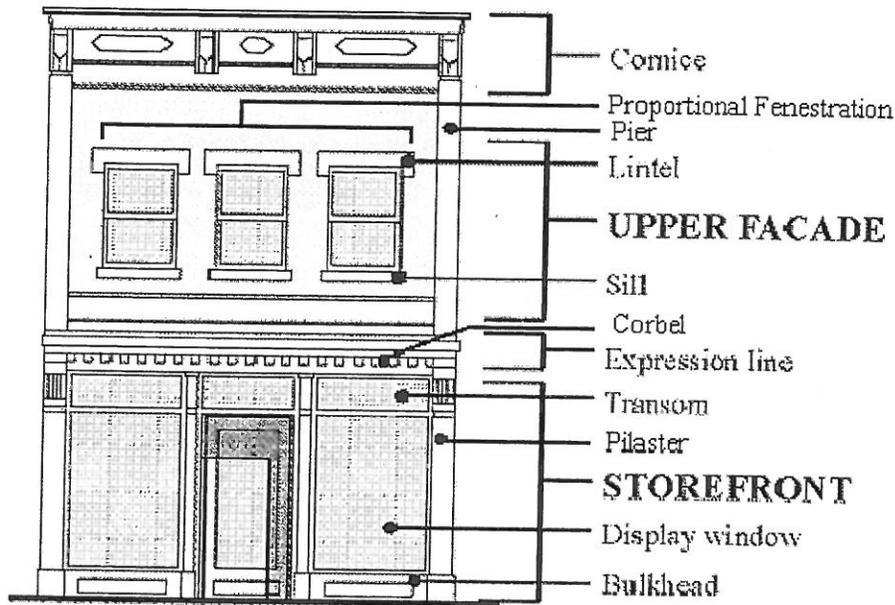
3. **Alternate Proposals:** The above Design Standards shall be adhered to within all zones within the City except in the Industrial Zone, however, alternative proposals of exceptional design merit that meet the spirit and intent of these Standards may be accepted by the Planning Board. Eff: 9/10/97

B. Minimum Architectural Design Standards – Downtown District And Tillson Avenue Overlay Zone.

1. **Policy and Purpose.** The City hereby finds that excessive dissimilarity or uniformity, or poor quality of design or materials in the exteriors of buildings or other structures erected or altered in the Downtown District or Tillson Avenue Area Overlay Zone would adversely affect property values and the utility and desirability of the use of property in the Overlay area and adjacent areas for existing and new business, residential, or other purposes, and thus impair the benefits of occupying, developing, or redeveloping property in these districts. Poor design discourages the most appropriate development and use of the City's urban core, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants, and contributes to the diminution of the utility and the taxable value of real property and its ability to support municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects, and thus to promote the health, safety, comfort and general welfare of the community, to conserve the value of buildings, and to encourage the most appropriate use of land. To that end, the City of Rockland adopts the following design standards to require the proper, contextual placement of buildings and other structures in the

Overlay area, and the use of architectural elements and quality materials to assure compatibility with the existing Downtown, while continuing to allow and encourage innovation in design and construction.

2. Terminology.



3. Applicability. No building or structure may be constructed or substantially renovated in the Downtown District or Tillson Avenue Area Overlay Zone unless the Planning Board first determines that the architectural plans and elevations for such building satisfy the architectural design standards set forth in this section in addition to the design standards established in Chapter 19, Article III, Section 19-317; provided, however, that the architectural design standards set forth in this section shall not apply to a building the primary use of which is proposed for one or more functionally water dependent uses. Nor may any building or structure that is to be converted from a primary, functionally water-dependent use to another use be substantially rehabilitated or renovated in the Downtown District or Tillson Avenue Area Overlay Zone without such Planning Board determination. The Code Enforcement Officer shall not issue any building permit for a building subject to such design standards without such Planning Board approval, and shall not issue a certificate of occupancy that does not comply with the plans and elevations upon which the Planning Board based its approval.

For the purposes of this subsection, "substantially renovated" shall mean additions to or the reconstruction or repair of a structure at a cost, over a ten year period, of 75% or more of the pre-construction assessed value of the structure. "Substantially renovated" shall also include the repair, reconstruction, or replacement of a structure that is removed, damaged, or destroyed by more than fifty percent (50%) of its assessed value by fire, flood, storm, or other hazard, risk, loss, or act not at the volition or under the control of the owner or occupant of such structure.

4. Procedures and Meetings. Upon the receipt of any application for site plan approval or a building permit for a building or structure subject to the requirements of this section, the Code Enforcement Office shall notify the

Chair of the Planning Board and schedule the application for review by the Planning Board, which review shall be performed in conjunction with site plan review, where applicable. The applicant shall provide the Code Enforcement Office with plans and/or elevations depicting the architectural features and materials proposed for the facades of the building, and details of specific architectural, lighting, landscaping, and other pertinent features that the applicant represents satisfies these architectural design standards, together with any and all other plans and materials required for site plan review or a building permit, as may be applicable.

5. Findings. The Planning Board shall approve an application received pursuant to this section unless the Board finds that the building or structure would, if erected or altered, cause or contribute to one or more of the harmful effects set forth in this chapter hereof by reason of:

- a. Marked absence of architectural elements characteristic of the predominant architecture in the Downtown District, including but not limited to street and sidewalk orientation of the structure; functional pedestrian entrances from adjacent public ways; horizontal expression lines such as cornices, window 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;
- b. Excessive dissimilarity to any other structure existing, proposed in the same application, or for which a permit has been issued that faces upon the same or an intersecting street within 250 feet of the proposed new structure as measured along the center lines of streets, except to structures primarily housing functionally water dependent uses, in respect to one or more of the following features:
 - i. Bulk;
 - ii. Gross floor area;
 - iii. Height of building or height of roof; or
 - iv. Quality of building materials;
- c. Excessive similarity to any other structure existing, proposed in the same application, or for which a permit has been issued that faces upon the same or an intersecting street within 250 feet of the proposed new structure as measured along the center line of streets, resulting in actually, nearly, or apparently identical:
 - i. Front, side or other elevations visible from a street, sidewalk, or other public way;
 - ii. Sizes and arrangement of doors, windows, porticos, or other openings or breaks in the elevation, including reverse arrangement; or
 - iii. Other predominant design features, such as but not limited to materials, roof line or height, or other design elements; provided that a finding of such excessive similarity include the additional finding that such excessive similarity is of such a nature as to be reasonably expected to provoke one or more of the harmful effects sought to be avoided in the policy statement for this Overlay Zone.

Eff:
10/14/09