

NOTE: For ease of reading and for the purposes of creating this Subdivision 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 (Chapter 16), and Zoning and Planning Ordinance (Chapter 19).

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**CHAPTER 16
SITE PLAN AND SUBDIVISION REVIEW**

ARTICLE I Land Subdivision

Sec. 16-101 Purpose

The purpose of this Article is to encourage the most appropriate use of land, provide for the orderly development of the City of Rockland and to protect and preserve the health, safety and general welfare of the citizens of Rockland including the future occupants of such subdivisions.

Sec. 16-102 Authority and Administration

1. Authority.

A. State Law. These provisions are adopted pursuant to and consistent with the Maine Revised Statutes, Title 30-A, §§ 4401 et seq.

B. Title. These subdivision regulations shall be known as cited as "Subdivision Ordinance of the City of Rockland".

2. Administration.

A. Planning Board Administrators. The Planning Board for the City of Rockland hereinafter called the "Commission" shall administer these regulations.

B. Applicability. The provisions of these regulations shall pertain to all the land proposed for a subdivision, as defined, within the boundaries of the City of Rockland.

Sec. 16-103 Definitions

For the purpose of this Article, the word "subdivision" means the division of a lot, tract or parcel of land, as defined in the Maine Revised Statutes, Title 30-A, § 4401.

Sec. 16-104 Procedures for Subdivision Review

1. Pre-Application Meeting.

A. Informal Meeting. Prior to the formal submission of a subdivision application and the preliminary plan, the subdivider or his authorized agent may appear informally to discuss the proposed subdivision at a meeting of the Board.

B. Sketch Plan. The applicant is urged to present to the Board, for an informal review and comment, a sketch plan of the proposed subdivision. Such a sketch plan would show, in general terms, the layout of lots and any streets or similar terms.

C. No Binding Commitments. No binding commitments shall be made between the subdivider and the Board at this stage. A clear understanding of what is proposed, what is possible and what is acceptable is the aim of the "Pre-Application Meeting".

2. Subdivision Application. A subdivider shall submit a subdivision application to the Board upon such form(s) to be provided by the Board, paying to the City a fee as prescribed in Chapter 11, to cover the various costs to the City in reviewing the subdivision plan application. Upon receiving an application, the Board shall issue to the applicant a dated receipt and shall notify by mail all abutting property owners of the proposed subdivision, and the clerk and the reviewing authority of municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project. Within thirty (30) days from receipt of the subdivision application, the Board shall notify the applicant in writing either that the application is complete and if not, which specific information is necessary to make a complete application. After the Board has determined that a complete application has been filed, it shall notify the applicant that he may proceed to submit the preliminary plan of the subdivision for evaluation and review by the Board. Eff: 12/13/00

3. Preliminary Plan.

A. Basic Information. The Preliminary Plan map shall not be less than sixteen inches by twenty four inches (16"x 24") (at least eight (8) copies shall be provided: one (1) for the subdivider or his agent; five (5) for the Board; one (1) for the City Council; and one for Code Officer) and drawn to scale of not less than one inch (1") equals forty feet (40') nor greater than one inch (1") equals four hundred feet (400') with contour lines of five foot (5') intervals unless otherwise specified by the Board. Each shall include:
Eff: 6/7/89

(1) Name of Subdivision. Proposed name or identifying title of the subdivision along with the date of submittal.

(2) Name of Subdivider. Name and address of subdivider and his authorized agent, owner(s), engineer(s) and surveyor(s).

(3) Description of Land. Deed, book and page number of original tract or parcel of land; acreage of the tract or parcel, City tax map and lot number and names of abutting landowners. (Information may be obtained either from the County Registry of Deeds and/or municipal tax maps or assessment cards).

(4) Survey. Perimeter survey of tract made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of tract, and date of survey and total acreage.

(5) Man-Made and Natural Features. Existing buildings, lot lines, roads, streets, highways, utility lines, sewer lines, pumping stations, water lines, easements, natural features such as lakes, streams, rivers, wetlands, natural drainage ways, wooded and open roads, etc.

(6) Proposed Construction. Proposed buildings, lot lines and approximate dimensions (acreage) of each lot, roads, streets, highways, utility lines, water lines, sewer lines, pumping stations, easements and disturbances of natural features.

(7) Drainage. Indication of proposed surface water drainage (by arrows) and diversion plan.

(8) Soils Investigation. If the subdivision is not to be served by a public sewer line, then an on-site soils investigation report by a soil scientist, certified by the State of Maine Department of Human Services, must be made. This report shall contain the most appropriate and suitable subsurface sewage disposal systems of each lot in the subdivision and be signed by the soil scientist.

(9) Water Supply. Proposed water supply system(s).

B. Additional Information. The Preliminary Plan map shall be accompanied by the following data:

(1) Different Owner. If the owner of the land is different than the name of the subdivider, state whether the subdivider has an option to buy or a purchase and sales agreement.

(2) Water Table. Statement indicating the water table level of the area from approved evidence.

(3) Solid Waste Disposal. Statement of method of solid waste disposal.

(4) Notice to Abutters. Copies of letters to abutting landowners notifying them of the proposed subdivision.

(5) Financial Capability. Statement of financial capability to complete subdivision project.

(6) Compliance with Other Laws. Statement of intention to comply with applicable local, state and federal ordinances, statutes, laws, codes and regulations such as, but not limited to, zoning ordinances, Great Ponds Act, Coastal Wetlands Act and the flood prone areas subject to the National Flood Insurance Program.

(7) Fire Protection. Statement from the Fire Chief concerning availability of fire hydrants and/or fire ponds.

(8) Covenants. Deed restrictions and covenants running with the land.

(9) Other Studies. The Board may require that the subdivider make other studies and provide other data that it deems necessary or desirable.

4. Approval of Preliminary Plan.

A. Decision; Options. The Board shall approve, approve with modification, or disapprove the Preliminary Plan. The reason for any modification or the causes for disapproval shall be stated in a letter to the subdivider or his authorized agent and recorded in the records of the Board.

B. Deadline for Final Plan. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather serve as approval of the general design submitted in the Preliminary Plan as a guide to the preparation of the Final Plan. Within six (6) months after the approval of the Preliminary Plan, the subdivider or his authorized agent shall submit the Final Plan to the Board with a check of ten dollars (\$10) per residential lot. In the case of a cluster development, ten dollars (\$10) per dwelling unit shall be submitted. This check shall be made payable to the City of Rockland.

C. Failure to Submit Final Plan. Failure to submit the Final Plan within the designated time period shall require the submission of a new subdivision application.

5. The Final Plan.

A. Basic Information. The map of the Final Plan shall be submitted with two (2) original transparencies and four (4) copies. It shall include the following:

(1) Preliminary Plan. All the information shown on the Preliminary Plan map and any additions or modifications made by the Board.

(2) Permanent Markers. Location of permanent markers at all lot corners. The term "permanent markers" shall include, but is not limited to the following: a granite monument, a concrete monument, an iron pin or a drilled hole in a ledge.

(3) Who Prepared Plan. The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.

(4) Space for Approval. Suitable space to record on the Final Plan approval by the Planning Board, certification by the City Clerk and the date of such approval as follows:

Approved: Rockland Planning Board

Signed _____, Chairman

_____, City Clerk
Date: _____
Conditions: _____

B. Additional Information. The map of the Final Plan shall be accompanied by the following data:

(1) Street Construction. Statement from the City Engineer and/or Director of Public Works that any proposed road or street construction, grading and ditching have been reviewed and approved.

(2) Covenants. Any additional covenants or deed restrictions intended to cover all or part of the subdivision that the Board may require.

(3) Bond. Evidence from the City Clerk that the subdivider has filed a certified check or a performance bond to cover the full cost of any required public improvements with the City Manager.

(4) Other Data. Other data that may be requested by the Board to accompany the Final Plan. Eff: 12/13/00

(5) 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 (6) below. Eff: 07/11/07

(6) 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

6. Performance Bond.

A. Amount. The Planning Board shall require that the subdivider file with the City Manager at the time of submission of the Final Plan a performance guarantee in an amount sufficient to defray all expenses of any proposed public improvements. This may be rendered in the form of a certified check payable to the City of Rockland or a faithful performance bond running to the municipality and issued by a surety company acceptable to the municipality. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board with the advice of the various municipal officials concerned. The amount shall be at least one and a half (1½) times the estimated cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified on the Final Plan within two (2) years of the date of the certified check or performance bond.

B. Extension. The Planning Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Planning Board and other interested officials or agencies, good cause for such extension.

C. Release. Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board will require certification from the various municipal officials concerned to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (State and local codes and ordinances).

7. Final Plan Approval.

A. Deadline. Within sixty (60) days after the submission of the Final Plan, the Planning Board by a majority vote shall

approve, approve with conditions or disapprove the Final Plan.

B. Reasons. The reason for any conditions or the cause for disapproval shall be stated in a letter to the subdivider or his authorized agent and recorded in the records of the Planning Board.

C. Procedures After Approval. Upon approval of the Final Plan, a majority of the Planning Board shall sign all copies. One (1) of the transparencies shall be filed with the Registry of Deeds and one (1) with the City of Rockland. One (1) of the copies is to be retained by the subdivider or his authorized agent, one (1) copy will be retained by the Planning Board as part of their permanent records, and one (1) copy to the Code Enforcement Officer.

8. Public Hearing.

A public hearing shall be held on the Preliminary Plan (and may also be held on the Final Plan) within thirty (30) days of submission. Notice of the date, time and place shall be published in a newspaper of general circulation in the area at least seven (7) days prior to the hearing date.

Sec. 16-105 General Requirements

In reviewing subdivisions, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision:

1. Conformance with Other Laws. Any proposed subdivision shall be in conformity with the provisions of all pertinent local, State and Federal ordinances, statutes, laws and regulations.

2. DEP Approval. If the proposed subdivision meets the definition of "subdivision" under the State of Maine Site Location Law as defined in the Maine Revised Statutes, Title 38, § 482, approval from the Department of Environmental Protection must be secured by the subdivider or his authorized agent.

3. On-Site Investigations. The Board may conduct on-site investigations of the proposed subdivision site at its discretion.

4. Lots and Density. Lot sizes shall be governed by the zone in which the subdivision is located. Lots shall be generally rectangular in shape with a ratio of no greater than one (1) to three (3), width to depth, unless specifically approved by the Board. On a cul-de-sac, the minimum frontage measured along the chord of a circle shall be the square root of one-third the required minimum lot area for the zone or shall be the normal minimum frontage required in the zone, whichever is less. For cluster developments see Section 19-306 Clustering. Eff: 04/11/07

5. Minimum Standards for Street Design and Construction. The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built-up areas; and proper projection of streets into adjacent undeveloped and open land. The design of all streets and utilities within the right-of-way shall be prepared by a Maine Registered Professional Engineer.

A. Minor Streets. Minor streets shall be designed to discourage through traffic.

B. Right-of-Way; Width. Width of right-of-ways shall be a minimum of fifty feet (50') with sixty-six feet (66') desirable and the Commission may require additional width where the street may reasonably expect heavy usage.

C. Traveled Way; Width. The width of traveled ways shall be a minimum of two (2) eleven foot (11') traffic lanes. In addition the Planning Board may require two (2) eight-foot (8') parking. The Commission may also require that additional widths be added for streets which will receive heavy usage.

D. Horizontal Curves. The minimum centerline radius shall be established by the formula;

$$R = \frac{V^2}{15 \left(e + 0.14 + \frac{50 - V}{n} \right)}$$

R = minimum horizontal curve radius

V = design speed (miles per hour)

e = superelevation (ft/ft)

n = 1000 for design speeds of 50 or less and 500 for design speeds greater than 50

E. Vertical Curves. Changes in slope shall be accomplished with parabolic vertical curves designed in accordance with sound engineering practice.

F. Intersection Angle. The angle of street intersections shall be as close to ninety (90) degrees as possible; but in no case less than sixty (60) degrees (unless a traffic signal is used).

G. Street Grade. Street grades shall be a minimum of one-half percent (0.5%) and a maximum of seven percent (7%) which

may be varied by the Commission in certain cases. Grade at intersections shall be a maximum of three percent (3%) within fifty (50) feet of the intersection.

- H. **Dead-End Streets.** Dead end streets shall have a maximum length of one thousand (1000) feet from the centerline of the intersecting street and shall terminate in a cul-de-sac with a minimum radius of fifty feet (50'). The use of a T-shape turn around may be permitted as an alternative, if approved by the City Engineer and/or the Director of Public Works.
- I. **Minimum Construction Requirements.** Construction of streets shall conform to the requirements of the City Engineer with the following minimum requirements:
- (1) **Road Base.** Eighteen inches (18") of road base shall be required as follows:
 - (a) At least twelve inches (12") of sub-base gravel (MDOT Type D).
 - (b) At least six inches (6") of base crushed gravel (MDOT Type A).
 - (2) **Road Crown.** Road crown shall be at least two percent (2%) excepting transition to horizontal curves.
 - (3) **Paving.** Bituminous paving three and one-half inches (3-1/2") thick (two inch (2") binder with one and one half inch (1-1/2") surface coat) shall be required for the full width of the traveled way.
 - (4) **Engineering Standards.** All street construction shall conform to good engineering practices and be suitable for the intended usage of the street.
 - (5) **Shoulder.** Paving (two inches (2") hot bituminous) of the eight (8') foot shoulder (parking lane) may be required by the Commission.
- J. **Private Roads:** As an alternative to street design standards contained in Section 16-105.5.A through I, if approved by the Planning Board, a private road is permissible for residential subdivisions or development serving more than one single family dwelling in accordance with the following:
- (1) No more than six (6) new lots shall be created on any new or existing private road. Each lot shall have the minimum frontage required in the district regulations unless otherwise approved under Section 19-306 Clustering. The Planning Board may permit a private road to serve more than six (6) dwellings on commonly owned land when homes are clustered.
 - (2) All private roads shall connect to a street accepted by the City of Rockland, or a road built to the standards of Section 16-105.5. Multiple private roads may be established within a subdivision.
 - (3) When a private road is created or extended or a new lot is created on a private road and if the private road is to provide access to two or more lots or dwellings, a maintenance agreement specifying each lot owner's rights and responsibilities with respect to ownership, maintenance, repair, and plowing shall be established. Such agreement must be approved by the Planning Board and, before a building permit is issued, shall be recorded in the Knox County Registry of Deeds. Such recording shall bear the note: "The City of Rockland will not be responsible for the maintenance, repair, plowing or similar services for the private road. Future lot divisions may be prohibited."
 - (4) A plan and construction details for the private road must be submitted and shall include grades, the road profile, a typical section, a grading plan, a drainage plan, a plan for erosion and sedimentation control, and a utilities plan for each private road serving two or more lots. Construction details must bear the stamp and signature of a Professional Engineer registered in the State of Maine. The City of Rockland Fire Chief or his designee shall review all plans for private roads and make recommendations regarding safe passage with emergency equipment. The plan and construction details of the new, extended, or improved private road as approved by the Planning Board shall be recorded in the Knox County Registry of Deeds as part of the subdivision plan.
 - (5) The person proposing the private road shall submit a name of the road for City review. The name of the street shall not be so similar to the name of other streets or locations in the City as to cause confusion. The City reserves the right to designate any name for the road and name and number it in accordance with E-911 standards.
 - (6) The land within the right-of-way of a private road shall not be used to meet the frontage or lot area requirements of any lot obtaining its frontage from the private road. The creation of a private road shall not reduce the frontage, lot area, or other dimensional requirements of an existing conforming lot below that required by the zone in which it is located nor reduce the frontage, lot area, or other dimensional requirements of an existing nonconforming lot.
 - (7) **Construction Standards:** The design standards for new private roads and improvements to existing private roads are as follows:
 - (a) Right-of-way width shall be fifty feet (50'). A right-of-way may not be required in development on commonly owned land.
 - (b) Minimum travel width shall be eighteen feet (18').
 - (c) Minimum shoulder shall be 3 feet (3').
 - (d) Minimum aggregate sub-base (MDOT Type D) twelve inches (12").

- (e) Crushed gravel (MDOT Type A) or reclaim surface course six inch (6").
 - (f) Minimum centerline grade: one percent (1%) or one-half of one percent (.5%) if paved.
 - (g) Maximum centerline grade: ten percent (10%)
 - (h) Minimum centerline radius: one hundred feet (100').
 - (i) Roadway crown: three percent (3%) (two percent (2%) if paved).
 - (j) Maximum grade at intersection: three percent (3%).
 - (k) Maximum length dead end: fifteen hundred feet (1500') (including a dead end public road, an existing private road or private road network).
 - (l) A turnaround suitable for public safety vehicles is required and can be designed as a "T" or cul-de-sac.
 - (m) Swales and culverts are generally acceptable. However, at the intersection with a City street, the drainage practice used on the intersecting street may be required for the portion within the City right-of-way.
 - (n) The applicant will provide and install a stop sign and street name sign meeting City specifications at the intersection with the public street or at the intersection with a road meeting the standards of a City street, designed to serve such private road.
 - (o) Trees and brush shall be cleared from within three feet (3') of the traveled way and this clear zone shall be maintained permanently. The Rockland Fire Department may inspect the road periodically. If the road is not in good repair in the judgment of the fire department, the parties to the maintenance agreement may be notified that the road needs repair.
 - (p) The Planning Board may require sidewalks on private roads.
- (8) Before an occupancy permit is issued, the road (or portion thereof) will be inspected by the City and the applicant's engineer shall certify that it has been constructed as designed.
- (9) Existing private roads: Any private road existing on January 11, 2006, which provides frontage for one or more lots shall be allowed to provide frontage to a maximum of six lots with Planning Board approval if it meets the standards or is improved to the standards of this section. The design standards for existing private roads are included in Paragraph § 7 above.
- (10) Subdivisions on existing City Streets: Where existing conditions or the number of new lots being created make compliance with Section 16-105.5 impractical, the Planning Board may permit necessary improvements to substandard existing City streets to meet the standards of a private road when approving subdivisions on such City streets. All accepted City streets must have bituminous paving in accordance with Section 16-105.5.H.(3.).
- (11) No private road shall be accepted as a City street by the City of Rockland unless its design and construction meet the standards set forth in 16-105.5.A-I. inclusive. Such construction and design shall be certified by a Professional Engineer registered in the State of Maine
- K. Sidewalks. There shall be a presumption that sidewalks are required to be installed in all Residential and Commercial subdivisions. Where the Planning Board finds that, due to special circumstances of a particular plan, sidewalks are not required in the interest of public health, safety and general welfare or are inappropriate because of the inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision, it may waive such requirements, subject to appropriate conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.
- L. Storm Sewer. A storm sewer may be required by either the City Engineer or the Planning Board. If a storm sewer is required, the road shall be curbed on one or both sides of the street as appropriate and paving shall be as specified in I (3) above for the curbed shoulder(s). A separate stub shall be provided for each parcel to convey storm and groundwater from perimeter drains and the like. Each stub shall be clearly located and identified on the record drawing and in the field. Design and specification of the sewer shall be approved by the City Engineer before construction begins and record drawings shall be submitted to the City Engineer within three (3) months of substantial completion. No street may be accepted by the City unless such record drawings are received.
- M. Sanitary Sewer. Unless each lot is to be served by a private septic system, the Planning Board shall require the construction of a separate sanitary sewer. A separate stub shall be provided for each parcel to convey sanitary wastewater. Each stub shall be clearly located and identified on the record drawing and in the field. Design and specification of the sewer shall be approved by the City Engineer before construction begins and record drawings shall be submitted to the City Engineer within three (3) months of substantial completion. No street may be accepted by the City unless such record drawings are received.
- (1) Street Lighting and Underground Utilities. The design, type and location of street and proposed on-site lighting are subject to review. The lighting materials must blend with the overall project scheme enhancing building design and landscaping. Standards and fixtures must be compatible with surrounding development. Excessive brightness must

be avoided and lighting must be confined to the extent possible to the area of the project.

- (2) The Planning Board shall require the applicant to install street lighting in the subdivision. Where utilities are installed underground, the applicant shall install street lights wired into the underground system. The requirement of street lighting may be waived if no new streets are being constructed as part of the subdivision, and street lighting in the existing street is adequate to illuminate the proposed development.
- (3) Utilities shall be installed underground, unless in the sole discretion of the Planning Board such an installation would cause unnecessary hardship or, because of the prevalence of overhead wires in the immediate vicinity, extension of the existing overhead wire network would be more practical. Utilities shall be installed in a timely manner during street construction to prevent re-excavation of the finished street. Eff: 01/11/06

6. Utility Easements. The Board shall require easements for sewer lines, drainage or other utilities if they are not in the street rights-of-way.

7. Buffer Strip. The Board may require a buffer strip when the proposed subdivision will be located adjacent to a use where separation is desirable.

8. Surface Water. The Board may require the installation of ditches, catch basins, piping systems and other appurtenances for the conveyance, control or disposal of surface waters. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

9. Traffic Study. The Board shall require the subdivider to submit a traffic study on the impact of the proposed subdivision if the proposed subdivision adjoins that section of U.S. Route One which is between Maverick Street and the Rockport Town Line, or is to be located on a right of way leading into the above section of U.S. Route One.

The traffic study required under this section shall examine the impact of projected traffic changes that may be caused by the subdivision and recommend improvements and/or changes to the proposed subdivision, including downsizing of the project, 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 required traffic study shall be undertaken by a licensed traffic engineer at the expense of the subdivider. The Planning Board may require the developer of the subdivision to follow recommendations contained in the traffic study.

10. Groundwater Study. If the proposed subdivision 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 subdivider undertake or participate at the subdivider'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 the management of stormwater from the property. The Board may require the subdivider to follow recommendations contained in the study, including downsizing of the project if so indicated in the study. The Board may also, at its sole discretion, require that the subdivider pay for an independent evaluation of the subdivider's hydrogeological study. Eff: 4/9/97

Sec. 16-106 Enforcement

No person, firm, corporation or other legal entity shall sell, lease, develop, build upon, or convey for consideration any land in a subdivision which has not been finally approved and signed by the Planning Board, certified by the City Clerk and recorded in the Knox County Registry of Deeds. Nor shall such person, firm, corporation or other legal entity sell or convey any land in an approved subdivision unless at least one "permanent marker" as defined in 30 MRSA, Section 4956(4) is set at one lot corner of the lot sold or conveyed. Nor shall there be any sewer, water, or other public utility services installed, streets constructed, lots graded, buildings erected or other improvements made to any lot in a subdivision for which a Final Plan has not been approved. Violation of this provision shall be punishable by a fine of not more than one thousand dollars (\$1000) for each offense. The City

Council may institute legal proceedings seeking other appropriate relief in addition to a fine, including but not limited to injunctive relief and specifically the restoration of the land to its previous condition.

Sec. 16-107 Resubdivision

After approval of a plat by the Board, any additional division of land within or contiguous to the plat or any changes to privately owned rights-of-way created by the subdivision, shall be subject to the full requirements of these regulations for review and approval. This requirement shall not apply to divisions of land in an approved subdivision which are conveyances between abutters, and which result in an increase in lot size to the lots involved. Eff: 5/14/97

Sec. 16-108 Waivers

1. **Hardship.** Where the Zoning Board of Appeals finds that extraordinary and unnecessary hardship due to topographical considerations may result from strict compliance with the regulations or where there are special circumstances of a particular plan, it may vary such regulations provided that these variations will not have the effect of nullifying the intent and purpose of the official map, the comprehensive plan, the shoreland use ordinance or other land use ordinances where such exist.

2. **Special Circumstances.** Where the Zoning Board of Appeals finds that due to special circumstances of a particular plan, the provision of certain required improvements and regulations not requisite in the interest of public health, safety and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

3. **Conditions Imposed.** In granting waivers and modifications, the Zoning Board of Appeals shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so varied or modified.

Sec. 16-109 Appeals

Pursuant to Maine Rule of Civil Procedure 80B, appeals from a final decision of the Planning Board to approve, approve with conditions, or deny a subdivision application may be filed with the Knox County Superior Court by any person aggrieved within thirty (30) days of the Board's decision. Eff: 01/09/08

Sec. 16-110 Validity and Severability, Effective Date and Filing

1. **Severability.** Should any section or provision of these regulations be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these regulations.

2. **Filing in Registry.** A certified copy of the Subdivision Regulations and any amendments shall be endorsed by the City Clerk and shall be filed with the Knox County Registry of Deeds in the manner provided by law.

State Law Reference: 30-A M.R.S. § 4401; 33 M.R.S. §§ 1601-105, 1601-106; 38 M.R.S. §§ 481-490.

Sec. 19-306 Clustered Housing

A. Purpose and Scope.

The purpose of this Clustered Housing Ordinance is to promote flexibility in the design of housing by authorizing the Planning Board to approve subdivisions with clustered residential units on lots and/or in configurations within subdivisions that exceed maximum densities and/or that are reduced in area and width below the minimum normally required by the zoning and subdivision ordinances, where the reduced lot sizes and/or minimum acreage requirements are offset with the provision of at least 50% of the total land area in the subdivision preserved as Conservation Areas. The relief from lot size and/or minimum acreage requirements afforded by this Clustered Housing Ordinance shall not be construed as a variance.

B. Definitions.

1. **Buildable Lot:** A lot upon which at least one (1) dwelling unit may be built in accordance with the requirements of the Zoning, Subdivision, and Shoreland Zone Ordinances, and other applicable ordinances and standards. Ch. 19, Sec. 19-306

2. **Building Envelope:** The area within a buildable lot shown on a standard subdivision plan in which a dwelling might be constructed, taking into consideration all applicable setback, environmental, and other regulatory and site constraints.

3. **Clustered Housing Subdivisions:** Clustered Housing Subdivisions contain attached or detached single-family dwelling units that are constructed in clusters so as to reduce the land consumed by the dwelling units in the subdivision by at least 50% and to increase land conserved within the subdivision as Conservation Areas. The number of clustered dwelling units authorized in a Clustered Housing Subdivision shall not, except as provided in subsection 19-306(D)(4), below, exceed the number of lots or dwelling units that would be permitted in a standard subdivision as required in the zoning district in which the development is located were this Clustered Housing Ordinance to not apply.

4. **Common Space:** Those areas reserved in a clustered housing subdivision for common purposes benefiting residents and their guests, including pedestrian and vehicular access, parking, and circulation (except walking trails in Conservation Areas); exterior lighting; landscaping; shared on-site sewerage disposal; and active recreational uses.

5. **Conservation Area:** Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the preservation of natural features and conditions, or for organic farming. Recreational facilities other than unpaved trails, and structures, other than tool or produce sheds for farming activities, are prohibited in Conservation Areas. Conservation Areas shall, whenever possible, be laid out to be contiguous both within the Clustered Housing Subdivision, and with Conservation Areas or other natural, undeveloped portions of abutting parcels.

6. **Density:** The number of dwelling units per square foot of lot area.

7. **Dwelling Unit, Single-family, Attached:** For purposes served by this Clustered Housing Ordinance, a dwelling unit under separate ownership contained within a structure that houses more than one dwelling unit constructed as separate "buildings" as that term is utilized in the Building Code, with independent access.

8. **Parent Parcel:** the entire land area of the existing parcel or parcels of real estate proposed to be subdivided pursuant to this Clustered Subdivision Ordinance, including Conservation Areas and Common Spaces.

9. **Standard Subdivision Plan:** The preliminary plan that would be required by Chapter 16, Article I were this Clustered Housing Ordinance to not apply.

C. Application Procedure.

1. If the applicant seeks to present a Cluster/Conservation Subdivision proposal, the Planning Board shall require the applicant to submit two preliminary plans: a standard subdivision plan that conforms with the preliminary plan requirements of Chapter 16, Article I, and a Cluster/Conservation Subdivision plan that conforms with the provisions of this Clustered Housing Ordinance and applicable provisions of Chapters 16 and 19 not altered or supplanted by this Ordinance. The plans, which will be used to determine the number of dwelling units that may be permitted in the proposed Cluster/Conservation Subdivision, shall show at a minimum the following:

(a) **Basic Information.** The plan map shall not be less than sixteen inches by twenty four inches (16"x 24") (at least eight (8) copies shall be provided and drawn to scale of not less than one inch (1") equals forty feet (40') nor greater than one inch (1") equals four hundred feet (400') with contour lines of five foot (5') intervals unless otherwise specified by the Board.

(b) **Name of Subdivision.** Proposed name identifying the name of the subdivision and indicating it as the standard plan to accompany a cluster housing proposal along with the date of submittal.

(c) **Name of Subdivider.** Name and address of subdivider and his authorized agent, owner(s), engineer(s) and surveyor(s).

(d) **Description of Land.** Acreage of the tract or parcel.

(e) Survey. Perimeter survey of tract made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of tract, and date of survey and total acreage.

(f) Man-Made and Natural Features on the parcel. Existing buildings, proposed building envelopes, lot lines, if any, roads, streets, highways, utility lines, sewer lines, pumping stations, water lines, easements, natural features such as lakes, streams, rivers, wetlands delineation, natural drainage ways, wooded and open roads, etc.

(g) Proposed lot lines, where applicable, and the approximate dimensions (acreage) of each such lot, frontage on rights of way serving the lots, building envelopes, existing easements, tree save areas, and disturbances of natural features that would be required by the development of the parcel and construction of buildings and amenities therein.

(h) Other Studies. The Board may require that the subdivider make other studies and provide other data that it deems necessary or desirable.

2. The application review procedure of preliminary and final plans shall be conducted in accordance with Chapter 16.

D. Performance Standards; Design Standards.

1. The relief from building lot size and dimension requirements, and/or minimum acreage/~~dwelling unit requirements~~ afforded by this Clustered Housing Ordinance shall only be available where the dwelling units Ch. 19, Sec. 19-306 proposed subdivision are clustered, Conservation Areas of at least 50% of the total land area ~~of the parent parcel are~~ preserved, and the other requirements of these Performance Standards are met.

2. Clustered Housing Subdivisions shall meet all requirements of these provisions, in addition to the applicable provisions of Chapter 16, Article I that are not superceded in this Section 19-306.

3. The minimum, total size of the tract of land to be subdivided (the "parent parcel") shall be three (3) acres.

4. The number of dwelling units that may be approved and constructed in the subdivision shall be the number of buildable lots (see definition) having the minimum, buildable lot dimensions into which the parent parcel might be subdivided were this Clustered Housing Ordinance not applied; provided, however, that the Planning Board may authorize additional dwelling units in the subdivision, as follows:

(a) three (3) additional dwelling units, where the area of the parent parcel is three (3) or more acres and fewer than five (5) acres;

(b) five (5) additional dwelling units, where the area of the parent parcel is five (5) or more acres and fewer than ten (10) acres;

(c) seven (7) additional dwelling units, where the area of the parent parcel is ten (10) or more acres.

5. Each building shall be an element of an overall plan for site development. Only developments having an approvable site plan that includes the dwelling structures will be considered for subdivision approval. The application shall illustrate the placement of buildings, the location(s) of the required Conservation Area(s), and the treatment of Common Space(s), paths, roads, utility services, and parking, elevations showing compliance with applicable design standards, and landscaping, screening, and buffering compliant with Subsections 19-316(G) and (H), and shall conform with all requirements of this section and other relevant sections of this ordinance.

6. Conservation Areas, buildings, building envelopes, buildings, roads, and other improvements shall be so located as to preserve the existing scenic and natural features of the property to the greatest extent practical.

7. Professional estimates of the costs of infrastructure development (roads, utilities, etc.) shall accompany the plans. The written statement shall describe the natural features that will be preserved or enhanced by utilizing the Clustered Housing Ordinance. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important natural or historic sites identified by the comprehensive plan as worthy of preservation. The statement shall also compare the impacts upon the municipality of clustered housing and a traditional subdivision. Examples of impacts are municipal costs for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of floodwater storage areas, and environmental impacts on sensitive lands caused by construction activities, underground utilities, reclamation of land, and provision of land for conservation use.

8. No building shall be sited on slopes steeper than 25%, or within 100 feet of any water body. No building shall be sited on soil classified as being very poorly drained, unless such building will utilize sewer or a community sewage collection and treatment system.

9. Buildings in Clustered Housing Subdivisions shall contain only single-family dwelling units, whether attached or detached. No building in a Clustered Housing Subdivision shall contain more than five (5) single-family dwelling units.

10. The distance between principal structures shall not be less than 10 feet.

11. Unless otherwise approved by the Planning Board, no proposed building lot or proposed dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

12. Shore frontage shall not be reduced below the minimum normally required by the shoreland zoning ordinance.

13. Where the Clustered Housing Subdivision abuts a body of water, the required Conservation Area shall include a portion of the shoreline.

14. The minimum rear setback of the zone(s) in which the Clustered Housing Subdivision is located shall apply to the perimeter of the subdivision.

15. In Clustered Housing Subdivisions where public sewerage disposal service is not available within 200 feet of that parcel boundary line that is closest to existing public sewerage disposal facilities, on-site sewerage disposal shall whenever possible be accomplished with shared, commonly owned, leach field(s) or other commonly-owned disposal facilities that comply with applicable law, and private on-site sewerage disposal shall be prohibited.

16. Homeowner association covenants and other private restrictions or agreements affecting land use within the Clustered Housing Subdivision may not prohibit residential geo-thermal or solar energy facilities, clothes-lines, vegetable gardens, or domesticated animals permitted by applicable municipal zoning regulations.

17. Sidewalks shall be constructed along at least one side of each street, drive, or other vehicular access route on which residential structures are proposed or later constructed in a cluster subdivision.

18. The principal structure(s) in Clustered Housing Subdivisions shall adhere to the following design standards, subject to Planning Board review and approval:

(a) Purposes. These Building Design Standards are purposed to ensure that new develop Ch. 19, Sec. 19-306 Housing Ordinance complements and strengthens the traditional, New England village character of Rockland, and simultaneously to allow for maximum flexibility in the location, size, and configuration of dwelling units in clustered housing developments.

(b) Standards.

(1) Variety of Styles. Provide a variety of building solutions through the mixing of one and two story building profiles. Limit the amount of replication of building styles within one block.

(2) Setbacks of Houses to Create a Neighborhood Streetscape. The front facades of houses should be set back no less than 15 feet from the sidewalk. Vary side yard setbacks from house to house to provide interest and variety.

(3) Setbacks of Garages to Reduce Visual Impact. The preferred location for garages is at the rear of the lot. Where this is not feasible, garages shall be setback no fewer than five feet further from the front lot line than the principal structure(s).

(4) Architectural Features.

[A] Housing shall include features such as:

- * Dormers
- * Brackets supporting or adorning eaves or other roof overhangs
- * Corner boards
- * Wide trim around windows
- * Railings around balconies and porches
- * Low picket fencing

[B] Fronts of houses shall face the street and incorporate usable porches, stoops and steps.

[C] The orientation of ridgelines of homes shall be varied.

(5) Materials. Exterior finishes should incorporate traditional and natural building materials such as have been historically used in Midcoast Maine.

(6) Height

[A] Minimum 1 1/2 stories above grade

[B] Maximum 2 1/2 stories

(7) Massing. Horizontal facades longer than 30' shall be articulated into smaller units, using methods such as:

- * distinctive roof forms
- * changes in materials and/or patters
- * color differentiation
- * bay windows, balconies, or porches
- * recesses or offsets.

(8) Roof Pitch. Roof pitch ranges from 5:12 to 12:12 are encouraged.

(9) Architectural Features.

[A] Front Porches shall have a depth of at least six feet, to allow seating.

[B] Street-Facing Garages shall be de-emphasized with two or more of the following or similar design features:

- * porches
- * trellises
- * side location of entry

- * break up massing/doors for double or multiple garages
- * overhanging second floor

E. Ownership Of Common Open Spaces and Conservation Areas.

1. All common open space and facilities shall be owned by the owners of the lots or dwelling units by means of an owners' association.
2. All conservation areas may be owned by one of the following:
 - (a) the owners of the lots or dwelling units by means of an owners' association;
 - (b) an organization which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - (c) The City of Rockland, upon acceptance of such Conservation Area(s) by the Rockland City Council.

F. Development, or further subdivision, of the Conservation Area(s) required by this ordinance are prohibited, and the use of such Conservation Area(s) shall be limited to preservation of wooded or other natural areas, passive recreation trails no greater than five feet in width, and organic farming. When the Conservation Areas are to be owned by an entity other than the municipality, no building permit and no land disturbance may occur until a suitable easement Ch. 19, Sec. 19-306 development inconsistent with the requirements of this ordinance shall have been granted to and accepted by the municipality.

G. The Conservation Area and any Common Open Space required or authorized by this ordinance shall be shown on the final plan with appropriate notations indicating, at a minimum, whether the area is reserved for conservation or as common open space, and the identity of the entity(s) that will own each such area.

H. The final plan application shall include the following where applicable:

1. Covenants for mandatory membership in the owners' association setting forth the owners' rights, interests, duties and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling, subject to the limitations set forth in this ordinance;
2. Draft articles of incorporation of the proposed owners' association; and
3. Draft by-laws or covenants of the proposed owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

I. In combination, the document(s) required pursuant to the preceding paragraph shall provide for the following:

1. The homeowners' association shall have the responsibility of maintaining Common Areas, common facilities, and Conservation Areas not owned by the City of Rockland;
2. The homeowners' association shall levy annual charges against all owners of lots and/or dwelling units to defray the expenses connected with the maintenance, repair, and replacement of common property and facilities, tax assessments, and Conservation Areas not owned by the City of Rockland;
3. The authority of the homeowners' association to place a lien on the property of members who fail to pay dues or assessments; and
4. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance, until development sufficient to support the association has taken place.

Eff: 07/14/10

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 19-307 of this Ordinance.

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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.

Ch. 19, Sec. 19-307

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 ~~50 feet~~ ^{Ch. 19, Sec. 19-307} and provides access to not more than six (6) spaces and sufficient turning space is provided so that vehicles can safely enter and exit 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 (30) 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 appropriate Ch. 19, Sec. 19-307 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 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 M.R.S. § 4551, et seq. and other regulations. Ch. 19, Sec. 19-307
- 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 else where 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 Ch. 19, Sec. 19-307 to 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	1 space / 200 sq. ft. of floor area (with a minimum of 5 spaces per

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Operations (Including Sales and Service or Mobile Homes & Boats)	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 attorneys, insurance and stockbrokers, travel agents, personal services, governmental offices, etc.)	1 space / 250 sq. ft. of floor area.
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 is no seating 1 space / 100 sq. ft. of assembly area plus 1 space
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).

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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 Ch. 19, Sec. 19-307 concerning the specific proposal and similar developments such as: sales reports or comp 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, M.R.S. §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 properties.

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	85 decibels	60 decibels	Eff: 12/14/07
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	55 decibels	45 decibels	Eff: 02/07/01

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. § 501-A.

(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
Ground covers	2 year old plants

(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 at

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 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

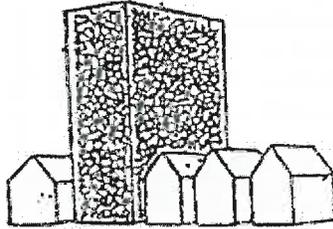
A. Design Standards Of General Applicability.

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, Downtown Zone, or Tillson Avenue Area Overlay Zone, (The Downtown and Tillson Avenue Area Overlay Zones are subject to design standards set forth in Sec. 19-317(B)). 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 prov

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

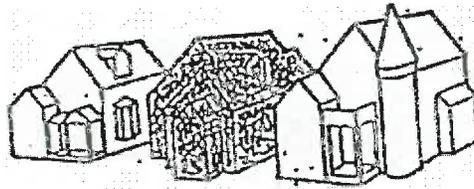
A. Height. The height of the proposed building or additions to existing buildings relate the overall height of new construction to that of neighboring structures. As a general rule, construct new buildings to a height comparable to the average height of existing buildings from the historic period on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

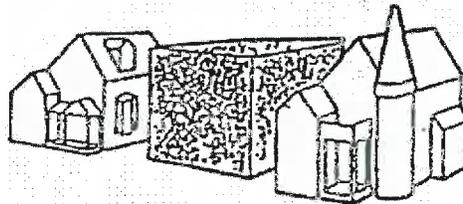


B. Proportion of Buildings Front Facade and Massing. The relationship of the width of the building to the height of the front elevation should be visually compatible with buildings, structures, and open spaces where it is visually related.

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.

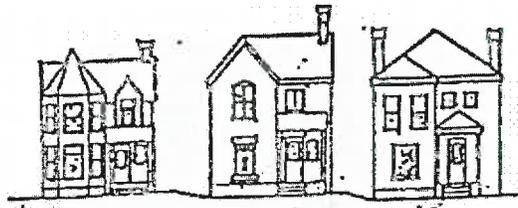


Avoid single, monolithic forms that are not relieved by variations in massing. Box-like facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and facade articulation.



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.

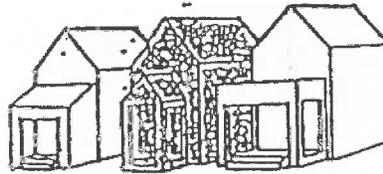
In reviewing a proposed new building or structure or addition to an existing building, respect the recurrent alternation of wall areas with door and window elements in the facade. Also consider the width-to-height ratio of bays in the facade. The placement of openings with respect to the facade's overall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



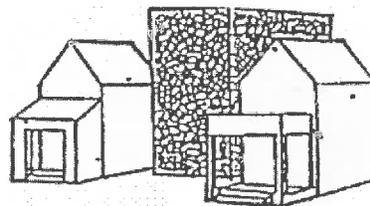
D. Spacing of Buildings on Streets. The relationship of the building to the open space between it and adjoining buildings should be visually compatible with those of buildings to which it is visually related when zoning regulations permit.

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.



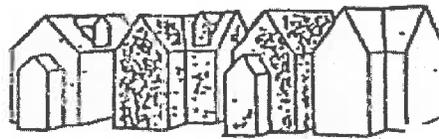
Avoid violating the existing setback pattern by placing new buildings in front of or behind the historic facade. Avoid placing buildings at odd angles to the street, unless in an area where diverse siting exists, even if proper setback is maintained.



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.

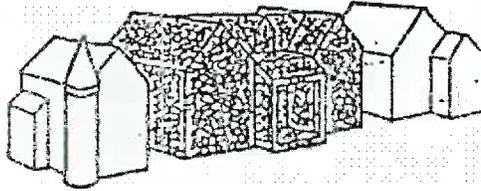


Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.

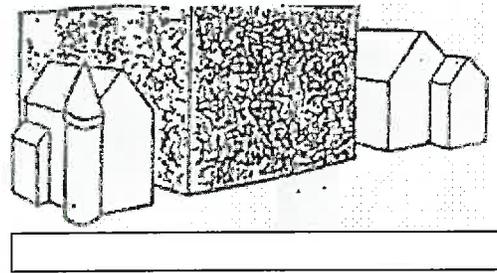


H. Scale of Buildings. The size of the building, the mass of the building in relation to open spaces, the window, door openings, porches, and balconies should be visually compatible with those characteristics of buildings and spaces to which it is visually related.

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.



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.



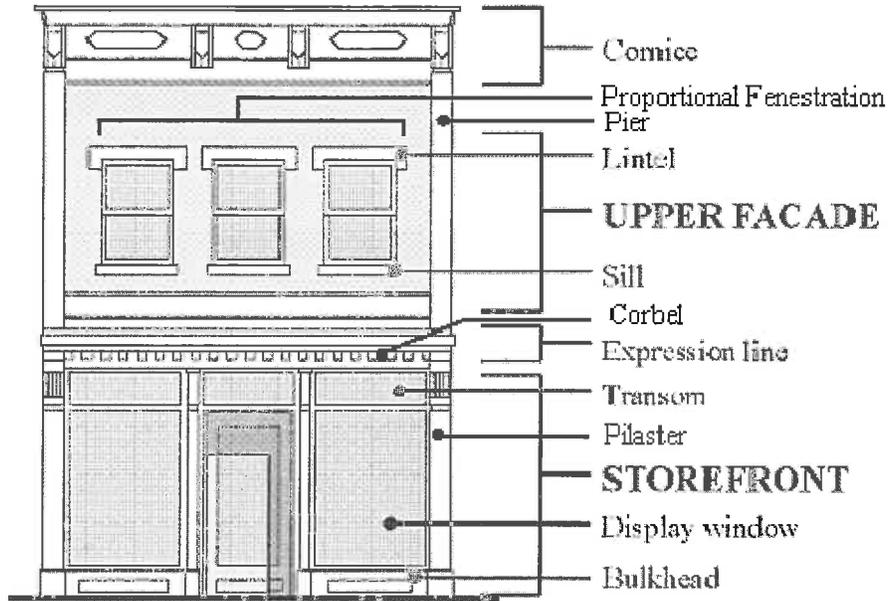
3. Applicability; Alternate Proposals: The above Design Standards shall be adhered to within all zones within the City except in the Industrial Zone, Downtown Zone, or Tillson Avenue Area Overlay Zone, however, that alternative proposals of exceptional design merit that meet the spirit and intent of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

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

1. Policy and Purpose. The 2005 Tillson District & Waterfront Redevelopment Plan called for public infrastructure improvements and zoning changes to foster the expansion of the downtown into the Tillson and Waterfront area, including the establishment of urban design standards to ensure both the preservation of the working waterfront on Crockett's Point, and the "New England character" of an extended Downtown. The City finds that requiring consistently high quality design and adherence to the following design standards will best ensure these goals, economic development and the protection and enhancement of the value and redevelopment potential of property subject

design standards are intended to achieve, in an extended Downtown and redeveloped waterfront, a balance between historic architecture and a differentiated, modern built environment.

2. Terminology.



[Diagram And Examples Are For Illustrative Purposes Only.]

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

For the purposes of this subsection, “substantially renovated” shall mean additions to or the reconstruction or repair of a structure at a cost, over a 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 that the building or structure would, if erected or substantially renovated, result in a marked absence of architectural elements

characteristic of the predominant architecture of structures on Main Street between Park and Lindsey Street constructed prior to 1941, including but not limited to street and sidewalk orientation of the structure; functional pedestrian entrances from adjacent public ways; horizontal expression lines such as cornices, window and door sills and lintels, story expression lines, transom windows, and bulkheads; vertical expression lines such as pilasters, piers, and corbels; and the size and proportional arrangement of doorways and fenestration. These design standards are intended to require the use of traditional architectural elements, but not to impose any particular architectural style or to foreclose modern design that invokes, but does not mimic, the historic Downtown architecture in Rockland. Eff: 04/13/11