

## SECTION 913 – DOWNTOWN DISTRICT

Proposed revisions are **highlighted**; proposed reformatting and clarifications are provided throughout text in Section 913.

Revisions to Section 1400 – Shoreland Zoning are also proposed for consistency with the Downtown District standards as shown below.

### 913.1 Purpose

To preserve and enhance the mixture of small businesses, civic, educational, residential, and water-dependent development in the core of the Downtown District and to provide additional uses and alternative standards for increased development potential on specific lots with street frontage on Central Street and Main Street consistent with historical patterns of development.

### 913.2 Permitted Uses and Standards

- (a) Permitted Uses and Special Exceptions for this zoning district are referenced in the table at Section 917 of the Land Use Ordinance.
- (b) Dimensional standards for this zoning district are referenced in the table at Section 918 of the Land Use Ordinance.
- (c) Administrative, Performance and other standards referenced in this Ordinance are also applicable in this zoning district.

### 913.3 Additional Uses and Alternative Standards

To encourage patterns of development that are consistent with the historical development on the harbor side of Central Street, the following additional Uses and alternative Standards shall apply to parcels with Map-Lot numbers 29-303, 29-297, 29-295, 29-293, 29-291, 29-291-001, 29-289 and 29-287 and on parcels subsequently divided within these bounds. In all other respects, the Uses and Standards of the 913 Downtown District found at Sections 917-918 shall apply within these bounds.

- (a) At street level, within the first twenty (20) feet of buildings facing Central Street within these bounds, only Commercial Uses are permitted.
- (b) In addition to Uses otherwise permitted in the Downtown District, the Residential Multi-family Use, as defined, shall be permitted within these bounds.
- (c) In addition to Uses otherwise permitted in the Downtown District, the following non-Residential Uses, as defined, shall be permitted within these bounds: Art Galleries; Barber Shop/Salon; Medical Clinics; and Places of Assembly.
- (d) In addition to Uses otherwise permitted in the Downtown District, the following Uses, as defined, shall be permitted by Special Exception within these bounds: Day Care Facility; Tradesman shop; and all Industrial/ Manufacturing/Transportation/Wholesale Uses except Agricultural product processing and Wholesale facility.
- (e) The following alternative Standards shall apply to parcels with street frontage on Central Street within these bounds.

(1)	there shall be no minimum setbacks.
(2)	there shall be no maximum lot coverage.
(3)	the maximum building height shall be fifty (50) feet.
(4)	Within buildings facing Central Street, the minimum depth of Commercial Uses at street level shall be the first twenty (20) feet.
(5)	the minimum street frontage shall be twenty (20) feet.
(6)	the maximum building height shall be fifty (50) feet.
(7)	the maximum height at the eave shall be forty (40) feet.

- (f) The following alternative Standards shall apply to parcels with street frontage on Main Street within these bounds.

(1)	there shall be no minimum setbacks.
(2)	there shall be no maximum lot coverage.
(3)	the maximum building height shall be fifty (50) feet.

## SECTION 1400 – SHORELAND ZONING

**Proposed revisions are shown in red underlined text.**

### 1414. Table of Land Uses

All land use activities in the Shoreland Zoning Overlay District shall conform to all of the applicable land use standards in Section 1415 as well as any applicable Additional Uses and Alternative Standards per Section 913.3. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table of Land Uses:

YES = Allowed (no permit required but the use shall comply with applicable land use standards)

NO = Use is prohibited

CEO = Allowed with permit from the Code Enforcement Officer

PB = Allowed if approved by Planning Board

ZBA = Allowed if approved by Zoning Board of Appeals

LPI = Allowed with permit issued by Local Plumbing Inspector

**NOTE:** This Table is for General Guidance Only. Applicants for any activity should consult specific requirements for that activity within this Ordinance as they affect any site.

	LAND USES	DISTRICTS		
		Stream Protection	Resource Protection	All Other
1.	Non-intensive recreational uses not requiring structures	YES	YES	YES
2.	Motorized vehicular traffic on existing roads and trails	YES	YES	YES
3.	Forest management activities except for timber harvesting and land management roads	YES	YES	YES
4.	Timber harvesting	YES	CEO	CEO
5.	Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO <sup>1</sup>	YES/CEO
6.	Fire prevention activities	YES	YES	YES
7.	Wildlife management practices	YES	YES	YES
8.	Soil and water conservation practices	YES	YES	YES
9.	Mineral exploration	NO	YES <sup>2</sup>	YES <sup>2</sup>
10.	Mineral extraction, including sand and gravel extraction	NO	PB <sup>3</sup>	PB

**ORDINANCE REVIEW COMMITTEE**  
**Section 913 – Downtown District**

**RECOMMENDED**  
**March 17, 2015**

	LAND USES	DISTRICTS		
		Stream Protection	Resource Protection	All Other
11.	Surveying and resource analysis	YES	YES	YES
12.	Emergency operations	YES	YES	YES
13.	Agriculture	YES	CEO	YES
14.	Aquaculture	PB	PB	PB
15.	Principal structures and uses			
	A. One and two family residential, including driveways <a href="#">(see limitations on residential uses standards in Section 913.3 if applicable)</a>	CEO	ZBA <sup>8</sup>	CEO
	B. Multi-unit residential <a href="#">(see limitations on residential uses standards in Section 913.3 if applicable)</a>	NO	NO	CEO/PB/ZBA
	C. Commercial	NO	NO <sup>9</sup>	CEO/ZBA/
	D. Industrial	NO	NO	CEO/ZBA
	E. Governmental and institutional	NO	NO	CEO/ZBA
	F. Small, non-residential facilities for educational, scientific or nature interpretation purposes	PB <sup>4</sup>	PB	CEO/ZBA
16.	Structures accessory to allowed uses	PB <sup>4</sup>	PB	CEO
17.	Piers, wharves, bulkheads and other structures extending beyond the high water line or within a wetland A. Temporary B. Permanent	CEO <sup>10</sup> PB	CEO <sup>10</sup> PB	CEO <sup>10</sup> PB
18.	Conversion of seasonal residence to year-round residence	NO	NO	LPI/CEO
19.	Home occupations <a href="#">(see limitations on residential uses standards in Section 913.3 if applicable)</a>	CEO	CEO	CEO
20.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI
21.	Essential services	CEO <sup>5</sup>	CEO <sup>5</sup>	YES
	A. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	CEO	CEO	CEO
	B. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	ZBA	ZBA	CEO
22.	Service drops to allowed uses	YES	YES	YES
23.	Public and private recreational uses involving minimal structural development	ZBA	ZBA	CEO
24.	Individual private campsites	CEO	CEO	CEO/LPI
25.	Campgrounds	NO	NO <sup>6</sup>	PB
26.	Road construction	CEO	NO ZBA <sup>8</sup>	YES
27.	Land management roads	CEO	CEO	CEO

	LAND USES	DISTRICTS		
		Stream Protection	Resource Protection	All Other
28.	Parking facilities	NO	NO <sup>7</sup>	CEO/PB
29.	Marinas	PB	NO	PB
30.	Filling and earth moving of less than ten (10) cubic yards	CEO	CEO	YES
31.	Filling and earth moving of more than ten (10) cubic yards	CEO	CEO	CEO
32.	Signs	CEO	CEO	CEO
33.	Uses similar to allowed uses	CEO	CEO	CEO
34.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
35.	Uses similar to uses requiring PB or ZBA approval	PB/ZBA	PB/ZBA	PB/ZBA

Table 14-14 has been approved by the State of Maine as guidance for the Town of Rockport in Shoreland Zoning matters. In any conflict between Table 14-14 and the requirements of Section 1400 of the Rockport Land Use Ordinance, the text of the Shoreland Zoning Overlay District is controlling.

1. In RP not allowed within 75 feet horizontal distance of the normal high water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. See further restrictions in Section 1415.12
6. Except when area is zoned for resource protection due to flood plain criteria in which case approval is required from the PB.
7. Except as provided in Section 1415.9.B
8. Single family residential structures may be allowed by special exception only according to the provisions of Section 1416.5.
9. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
10. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

**NOTE:** Where more than one authority controls a land use, that use may require approval from more than one authority depending on the site, the size of the projected structure(s), or other factors.

The following activities shall require a permit from the Maine Department of Environmental Protection pursuant to 38 M.R.S.A., § 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

**1415. Land Use Standards**

**1415.1. Conformance**

All land use activities within the Shoreland Overlay Area, which includes “Stream and Resource Protection District”, shall conform to the standards of the underlying District where the land is located.

**1415.2. Minimum Shore Frontage and Lot Size Standards**

- 1. Residential per dwelling unit:
  - a. Adjacent to Tidal Areas ..... 150 ft.
  - b. Adjacent to Non-Tidal Areas ..... 200 ft.
- 2. Governmental, Institutional, Commercial or Industrial per principal structure:
  - a. Adjacent to Tidal Areas, exclusive of those areas within District 913 ..... 200 ft.
  - b. Adjacent to Tidal Areas **within** Rockport Downtown District 913 NONE
  - c. Adjacent to Non-Tidal Areas ..... 300 ft.
- 3. Public and Private Recreational Facilities:
  - a. Adjacent to Tidal and Non-Tidal Areas ..... 200 ft.
- 4. Minimum Shore Frontage Lot Size Standards: At a minimum, the lot size in the Rockport Village District 901 shall be 15,000 square feet, in the Rockport Downtown District 913 shall be 12,000 square feet, except for areas where alternative standards are applicable per Section 913.3 (e) and (f), and in all other Districts all new residential lots shall have a minimum lot size per dwelling unit of 30,000 square feet adjacent to tidal waters and coastal wetlands, and 40,000 square feet adjacent to great ponds, freshwater wetlands, and streams. Commercial lots shall have a minimum lot area of 40,000 square feet on inland waters and 60,000 square feet on tidal waters. In all districts, the minimum lot width within 100 feet of water bodies and wetlands shall be no less than the shore frontage standard.

### **1415.3. Principal and Accessory Structures**

1. All new principal and accessory structures, and sidewalks and patios, shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, seventy-five (75) feet, horizontal distance, from the normal high-water line of streams, tributary streams and tidal waters, and seventy-five (75) feet, horizontal distance, from the upland edge of freshwater and coastal wetlands, except in the Rockport Downtown District 913, where the stream setback shall be fifteen (15) feet, horizontal distance, and no setback shall be required from tidal waters. No permanent piers and docks are permitted in a great pond. In addition:
  - a. The water body, tributary stream or wetland setback provision shall not apply to structures that require direct access to the water body or wetland as an operational necessity, such as piers or docks, nor to other functionally water-dependent uses.
  - b. All new principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the normal high-water line of great ponds, 75 feet, horizontal distance, from all other water bodies, except structures that require direct access to water as an operational necessity, such as piers, ways, docks, and retaining walls. Wood sheds, recreational structures, recreational vehicles, storage sheds, and commercial and public boat storage sheds shall all meet required setbacks.
  - c. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may, at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Zoning Board of Appeals.
2. Principal or accessory structures and expansions of existing structures shall not exceed thirty-four (34) feet in height, except for areas where alternative standards are applicable per Section 913.3 (e) and (f). This provision shall not apply to structures such as

transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures, including basements, except structures that require direct access to the water as an operational necessity, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils, whichever is lower.
4. The total footprint area of all structures, parking lots and other non-vegetated surfaces shall not exceed twenty percent (20%) of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except for the Rockport Downtown District 913, where lot coverage shall not exceed seventy percent (70%) and except for areas where alternative standards are applicable per Section 913.3 (e) and (f), and Rockport Harbor Village District 901, where lots of 15,000 square feet or less shall not exceed thirty percent (30%).
5. Retaining walls that are not necessary for erosion control shall meet the structural setback requirement. Low retaining walls may be built provided they meet the following conditions.
  - a. The total height of the wall is no more than 24 inches.
  - b. The wall is at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.
  - c. The site where the wall will be constructed is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - d. The wall is located outside of the 100-year floodplain on the FEMA Flood Insurance Rate Maps
  - e. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof,
  - f. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland. The buffer must include native species of shrubs and other woody and herbaceous vegetation in sufficient quantities to retard erosion and provide for effective infiltration in stormwater runoff.

**NOTE:** If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

6. **Commercial Use Prohibitions:** Within two hundred fifty (250) feet, horizontal distance, from the normal high-water line of tidal waters, adjacent to great ponds and tributary streams no commercial use is permitted other than marine-related activities, except for areas where additional Uses are permitted per Section 913.3 (c) and (d). "Commercial use" includes but is not limited to the following:

- a. Auto washing facilities;
- b. Auto or other vehicle service and/or repair operations, including body shops;
- c. Storage of chemicals, including herbicides or fertilizers other than amounts normally associated with individual households or farms or water utility purification chemicals;
- d. Commercial painting, wood preserving, and furniture stripping;
- e. Dry cleaning establishments;
- f. Electronic circuit assembly;
- g. Metal plating, finishing, or polishing;
- h. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;

The following uses, if allowed in the underlying District, shall be permitted if connected to a sanitary sewer:

- i. Laundromats;
- j. Photographic processing;
- k. Printing;
- l. Hotels and Motels;
- m. Bed & Breakfasts;
- n. Rooming houses;
- o. Retail establishments.