

## **SECTION 913 – DOWNTOWN DISTRICT**

### **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 normal Uses and Standards of the 913 Downtown District as found in the tables 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.

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

- (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: all Industrial/ Manufacturing/ Transportation/ Wholesale Uses found in the table at Section 917 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)	There shall be no minimum lot area per dwelling unit.
(4)	The maximum building height shall be fifty (50) feet measured from the highest point on the Central Street sidewalk adjacent to the foundation.
(5)	The maximum height at the eave shall be forty (40) feet measured from the highest point on the Central Street sidewalk adjacent to the foundation.
(6)	Within buildings facing Central Street, the minimum depth of Commercial Uses at street level shall be the first twenty (20) feet.
(7)	The minimum street frontage shall be twenty (20) 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)	<u>For Marine-related uses, the maximum building height shall be fifty (50) feet, measured from the highest point of original grade adjacent to the foundation. For all other uses, the maximum height shall be thirty-four (34) feet.</u>

**917. Land Use Table**

Key: SE = Special Exception P = Permitted SB = Subdivision

NOTE: For purposes of the Land Use Table, a field left blank indicates that the use identified in that row is not permitted in the zoning district identified in that column

**Rural/Agricultural/Recreation**

	901	902	903	904	906	907	908	909	913	913*	916
Agricultural	SE	SE					P				
Camp Sites Individual								SE Note 1			
Campgrounds						P		SE Note 1			
Golf Courses							P	P			
Golf Range							P	P			
Horticultural	SE	P	P	P		P	P	P			
Private Club		SE							SE	P	
Recreational Boat Facility									SE	P	
Recreation Indoor					P	P/S E Note 2	P/SE Note 2	SE			
Recreation Outdoor					P	P		SE			
Resort								P Note 3			
Timber Harvesting							P				

**Residential**

	901	902	903	904	906	907	908	909	913	913*	916
Affordable Housing less than 5-units	P	P		P							
Affordable Housing 5-units or more				SE							
Community Living Facility	P	P	P	P	P	P	P	P	P	P	
Cluster Development Residential	SB										
Elderly/Congregate Housing	SE	SE		SE				SE			
Home Occupations	P	P	P	P	P	P	P	P	P	P	
Mobile Home Park		SE									
Residential Single Family	P	P	P	P	P	P	P	P	P	P Note 8	
Residential two-family	P	P	P	P	P	P	P	P	P	P Note 8	
Residential multi-family	SE	SE		SE	P	P	SE	SE	SE	P Note 8	
Residential Dormitories	SE	SE									
Rooming Houses	SE	SE		SE					P	P	

SE = Special Exception

P = Permitted

SB = Subdivision

**Commercial**

	901	902	903	904	906	907	908	909	913	913*	916
Animal hospital & veterinary clinic					P	P					
Animal kennel & facilities					SE	SE					
Art Galleries	SE	SE			P	P	SE			P	
Auto service/sales					P	P					
Barber Shop/Salon					P	P			SE	P	
Bed & breakfast	SE	SE		SE	P	P	SE				
Commercial greenhouse						P					

	901	902	903	904	906	907	908	909	913	913*	916
Construction & landscaping					P	P					
Grocery Store	SE				P	P			P	P	
Office/professional	SE	SE			P	P	Note #4	SE	P	P	P
Medical clinics	SE	SE			P	P			SE	P	
Motels/Inns hotels		SE			P	P		SE			
Parking Lots	SE	SE							SE	SE	
Restaurant	SE	SE			P	P		SE	SE	SE	
Retail	SE				P	P		SE Note 5	P	P	P
Tradesman shop	SE	SE		SE	P	P	SE		SE	SE	

**Government/Institutional**

	901	902	903	904	906	907	908	909	913	913*	916
Cemetery	SE	SE		SE			SE				
Churches	SE	SE		SE	P	P	SE	SE	P	P	
Community building	SE	SE		SE				SE	P	P	
Boarding Care	SE	SE		SE							
Day Care Facility	SE	SE		SE	P	P		SE	SE	SE	
Hospital						P		P Note 6			
Nursing Home	SE	SE		SE				SE			
Municipal Uses	SE	SE	SE	P	P	P		SE	P	P	SE
Places of Assembly						P				P	
Schools	SE	SE		SE	SE	SE					
Solid waste facilities											SE

SE = Special Exception

P = Permitted

SB = Subdivision

**Industrial/Manufacturing/ Transportation/Wholesale**

	901	902	903	904	906	907	908	909	913	913*	916
Agricultural product processing							SE				
Boat Storage Commercial	SE	SE		SE						SE	
Boat storage/boat/shipyard & sales					P	P				SE	
Commercial Fish Pier									SE	SE	
Light industrial/manufacturing						P				SE	
Manufacturing										SE	P
Marina/boat yard									P	P	
Outdoor Storage facility										SE	P
Research Facility									P	P	P
Storage Building						P Note 7				SE	
Wholesale facility					P	P					

**Other**

Accessory Structures	P	P	P	P	P	P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P
Municipal Pumping station	P	P	P	P	P	P	P	P	P	P	P
Public Utility Facility	SE	SE	SE	SE	P	P	SE	SE			

SE = Special Exception

P = Permitted

SB = Subdivision

**Notes:**

Note #1: Camping and tent areas in the 909 District must be on lots of at least 10 acres.

Note #2: Indoor Recreational facilities in the 907 and 908 districts which are in excess of 10,000 square feet and set back a minimum of 500 feet back from Routes 1, 17 and 90, require a Special Exception

Note #3: Resorts in the 909 District must have at least 25 contiguous acres.

- Note #4: Offices in the 908 district are only for nonprofits and limited to 1,000 square feet and a maximum of 3 employees.
- Note #5: Retail sales and services shall be within 250 feet of Route One and shall be less than 10,000 square feet in size
- Note #6: Hospitals in the 909 District must be on sites with at least 10 acres.
- Note #7: Storage buildings do not include mini storage units.
- Note #8: Residential uses are prohibited within the first 20 feet of the ground floor of any structure on Central Street, as measured from the sidewalk.

\* This new column is applicable only to parcels identified in Section 913.3 and is intended to allow additional uses which may not otherwise be permitted in the remainder of the Section 913 zoning district.

## 918. DIMENSIONAL TABLES

Last Revised – [March 31](#), 2016

The following tables show the dimensional requirements for the land use districts. In addition to these tables the following other sections of the land use ordinance contain dimensional requirements which must be followed depending upon the proposed activity.

1. The special district standards contained in this section.
2. Cluster Development requirements contained in Section 804
3. Dimensional requirements contained in the Shoreland Zoning Overlay District Section 1400
4. Requirements for nonconformance in Section 500

### 918.1 General Dimensional Requirements

	901	902	903	904	906	907 Note #1	908	909	913	913*	916
Minimum lot size w/o sewer	20000 sq. ft.	20000 sq. ft.	40000 sq. ft.	40000 sq. ft.	20000 sq. ft.	40000 sq. ft.	130000 sq. ft.	40000 sq. ft.	12000 sq. ft.	12000 sq. ft.	40000 sq. ft.
Minimum lot size with sewer	12000 sq. ft.	15000 sq. ft.	40000 sq. ft.	40000 sq. ft.	15000 sq. ft.	40000 sq. ft.	130000 sq. ft.	20000 sq. ft.	12000 sq. ft.	12000 sq. ft.	40000 sq. ft.
Max. lot coverage	33%	33%	33%	33%	50%	50%	33%	33%	70%	100%	50%
Max lot coverage municipal buildings	50%	33%	33%	33%	50%	50%	n/a	33%	100%	100%	n/a
Max building footprint non-residential structure	2500 sq. ft.	None	None	None	See Zoning Map	See Zoning Map	None	None	None	None	None
Max building height	34 ft.	34 ft.	34 ft.	34 ft.	34 ft.	<a href="#">Note #5</a>	34 ft.				
Max height at the eave											
Max building height schools	n/a	n/a	n/a	n/a	55 ft.	55 ft.	n/a	n/a	n/a		n/a
Minimum street frontage	60 ft.	75 ft.	100 ft.	100 ft.	75 ft.	200 ft.	150 ft.	100 ft.	40 ft.	20 ft.	100 ft.
Minimum street frontage on Routes 1,17,.90 & Old County	n/a	75 ft.	150 ft.	200 ft.	n/a	n/a	150 ft.	100ft	n/a	n/a	n/a
Minimum side and rear setbacks	10 ft.	15 ft.	15 ft.	15 ft.	15 ft.	25 ft.	25 ft.	15 ft.	6 ft.	None	25 ft.
Min. driveway & parking lot side & rear setback ( Note #3)	4 ft.	8 ft.	8 ft.	8 ft.	10 ft.	10 ft.	15 ft.	8 ft.	4 ft.	None	8 ft.
Min. front yard setback from internal roads serving condo Developments	10 ft.	10 ft.	10 ft.	10 ft.	n/a	n/a	n/a				

	901	902	903	904	906	907 Note #1	908	909	913	913*	916
Minimum front yard setback ( Note #4)	20 ft	20 ft.	40 ft	40 ft.	15 ft.	35 ft.	30 ft.	75 ft.	10 ft.	None	35 ft.
Min. front setback from Route1, 17 & 90		20 ft	75 ft	40 ft	25 ft. res. 35 ft. comm. Note 2	25 ft. res. 75 ft. comm. Note 2	75 ft.	75 ft	n/a	n/a	n/a

## 918.2 Dimensional Requirements for Minimum Area per Unit

### 918.2.1 Minimum Lot Area for Dwelling Units

	901	902	903	904	906	907	908	909	913	913*	916
Single family dwelling w/o sewer	20000 sq. ft	20000 sq. ft	40000 sq. ft.	40000 sq. ft.	20000 sq. ft.	40000 sq. ft.	130000 sq. ft.	40000 sq. ft.			
Single family dwelling in shoreland overlay w/o sewer	20000 sq. ft.										
Single family dwelling with sewer	12000 sq. ft.	15000 sq. ft.	40000 sq. ft.	40000 sq. ft	15000 sq. ft.	20000 sq. ft.	130000 sq. ft.	20000 sq. ft.			
Single family dwelling in shoreland overlay with sewer	15000 sq. ft.										
Two family dwelling w/o sewer	20000 sq. ft. per unit	20000 sq. ft. per unit	40000 sq. ft	20000 sq. ft. per unit	20000 sq. ft per unit	20000 sq. ft. per unit	65000 sq. ft. per unit	20000 sq. ft. per unit			



**918.2.2 Minimum Area for Other Uses**

	901	902	903	904	906	907	908	909	913	913*	916
Boarding Care elderly/congregate housing, nursing home community living, residential facility for students, employees & faculty W/o sewer	20000 sq. ft. + 3000 sq. ft. per bedroom	20000 sq. ft. + 5000 sq. ft. per bedroom		40000 sq. ft. +20000 sq. ft. per unit				20000 sq. ft. per unit			
Boarding Care elderly/congregate housing, nursing home community living, residential facility for students, employees & faculty With sewer	12000 sq. ft. + 3000 sq. ft. per bedroom	15000 sq. ft. + 5000 sq. ft. per bedroom		40000 sq. ft. +20000 sq. ft. per unit				10000 sq. ft. per unit			
Hotels, Inns, Bed & Breakfast, Community living, Boarding Care, & Dormitories W/o and With Sewer					40000 sq. ft. + 5000 sq. ft per bedroom	40000 sq. ft. + 5000 sq. ft. per bedroom					
Motels, Hotels Inns or Resorts w/o sewer								40000 sq. ft. +10000 sq. ft per unit			
Motels, Hotels, Inns or Resorts with sewer								20000 sq. ft. + 5000 sq. ft. per unit			

**Note #1** Multiple structures may be constructed on a single lot subject to the lot size, coverage and footprint restrictions. Such structures may be joined by a connector or connectors subject to the definition of a connector in Section 300.

**Note #2** In accordance with performance standards, the minimum front setback for structures occupied by commercial uses (other than a home occupation or tradesman's shop, as defined) shall be 35 feet in Section 906 and 75 feet in Section 907. The minimum front setback for all other structures shall be 25 feet in both the 906 and 907 zoning districts.

**Note #3** Setback is applicable unless shared with adjacent property

**Note #4** Front setback is measured from the edge of the pavement

\* This new column is applicable only to the properties identified in Section 913.3 and is intended to increase density and development potential, as compared to the remainder of the 913 Downtown District, by providing alternative standards.

**Note #5** See Section 913.3. A greater alternative maximum height is allowed in a small area with frontage on Central Street for all permitted uses and also in another small area with frontage on Main Street for marine-related uses.

## SECTION 1400 – SHORELAND ZONING

### 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
11.	Surveying and resource analysis	YES	YES	YES

**ORDINANCE REVIEW COMMITTEE**  
**Section 1400 – Shoreland Zoning in the Downtown District**

	LAND USES	DISTRICTS		
		Stream Protection	Resource Protection	All Other
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 (see limitations on residential uses standards in Section 913.3 if applicable)	CEO	ZBA <sup>8</sup>	CEO
	B. Multi-unit residential (see limitations on residential uses standards in Section 913.3 if applicable)	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 <sup>11</sup>	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 (see limitations on residential uses and standards in Section 913.3 if applicable)	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
28.	Parking facilities	NO	NO <sup>7</sup>	CEO/PB

**Commented [JPF1]:** Referencing the prohibition against residential uses within first 20' at locations where 913.3(e) is applicable.

**Commented [JPF2]:** Add a new footnote to show that this use is allowed in Stream Protection if located in the Section 913 Downtown District.

Approved by the voters November 5, 2013.  
 Approved by DEP December 20, 2013.

**Commented [JPF3]:** Referencing the prohibition against residential uses within first 20' at locations where 913.3(e) is applicable.



**ORDINANCE REVIEW COMMITTEE**  
**Section 1400 – Shoreland Zoning in the Downtown District**

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 shore frontage per dwelling unit:
  - a. Adjacent to Tidal Areas ..... 150 ft.
  - b. Adjacent to Non-Tidal Areas ..... 200 ft.
- 2. Governmental, Institutional, Commercial or Industrial shore frontage 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, and in all other Districts all new residential

**ORDINANCE REVIEW COMMITTEE**  
**Section 1400 – Shoreland Zoning in the Downtown District**

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

**ORDINANCE REVIEW COMMITTEE**  
**Section 1400 – Shoreland Zoning in the Downtown District**

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

Commented [JPF5]: These subsections are referenced correctly.

**ORDINANCE REVIEW COMMITTEE**  
**Section 1400 – Shoreland Zoning in the Downtown District**

- 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;

Commented [JPF6]: These Subsections are referenced correctly.

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

- i. Laundromats;

**ORDINANCE REVIEW COMMITTEE**  
**Section 1400 – Shoreland Zoning in the Downtown District**

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