PUBLIC Hearing
Rockport Planning Board
Town of Rockport, Maine
Planning Board Agenda
Thursday, June 11, 2020
5:30 p.m. @ Rockport Opera House
6 Central Street Rockport Maine

** This meeting will be held live at the Rockport Opera House – main auditorium. We will be complying with the Governor’s Orders and only 50 people will be allowed in the main auditorium. The Geoffrey C. Parker Room at the Opera House will be used as an overflow room for attendees, if necessary. All social distancing standards will be practiced. Please plan to wear an appropriate face covering. For those who are quarantining, or who may otherwise not feel comfortable appearing in person, a zoom invite to the hearing can be obtained by emailing a request to Mandy at MMEverett@rockportmaine.gov no later than 2 PM on Thursday June 11th, 2020.

Agenda:

Item #1 Public Hearing to accept Public Comment on the following Ordinance Revisions:

An Ordinance amending the Town of Rockport Land Use Ordinance in Chapter 300 to revise Definitions.

An Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards in subsection 803.1 to exclude off street parking requirements in the Downtown District 913.”

An Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards to revise the following subsections 803.1, 803.2, 803.3, and 803.4.”

An Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Subsection 801.7 Lighting to clarify that freestanding light fixtures cannot exceed a height of 25 feet, and Subsection 811 Home Occupations to allow day care centers with 12 children or fewer to be considered a home occupation.”

An Ordinance amending the Town of Rockport Land Use Ordinance in Section 900 Zoning Districts Performance Standards to revise subsection 908 B General Dimensional Requirements, to revise subsection 910 Traditional Village District, parking standards for offices and retail uses, and to revise Section 907.3 Special District Standards to revise the setback requirements for private sport facilities.

An Ordinance amending the Town of Rockport Land Use Ordinance in Section 1000 Performance Standards to revise the following subsection 1001 Applicability and Purpose and subsection 1004 Parking Lot Design and landscaping.

An Ordinance amending the Town of Rockport Land Use Ordinance in Section 1302 to revise the requirements for a site review pre-application and to allow the Planning Board to require an applicant to perform additional studies.
An Ordinance amending the Town of Rockport Land Use Ordinance in Chapter 1400 Shoreland Zoning Overlay District to conform to the current State of Maine Model Shoreland Zoning Ordinance and to repeal the existing Chapter 1400 Shoreland Zoning Overlay District.

An Ordinance to adopt a revised Town of Rockport Zoning Map dated 2020 to replace the existing 2013 Zoning Map.

An Ordinance amending the Town of Rockport Land Use Ordinance, making minor corrections and clarifications throughout.

An Ordinance amending the Town of Rockport Floodplain Management Ordinance in Section P 2.b. (3) to revise the requirements for a breakaway wall.

A citizens’ petition to place the an article before the voters in order to amend the Rockport Land Use Ordinance Section 917G to add the following “No single Inn or hotel nor any combination of such uses located on the same lot, shall have more than 20 guest rooms”.

A citizens’ petition to place the an article before the voters in order to amend the Rockport Land Use Ordinance Section 803.1(3) to require an independent traffic study be conducted in order for the Planning Board to consider an off-site, shared parking or waiver of parking requirements.

Item #2 Adjournment
NEWSPAPER
PUBLIC HEARING NOTICE

The Town of Rockport Board Planning Board will hold a Public Hearing on Thursday, June 11, 2020 beginning at 5:30 pm at the Rockport Opera House, 6 Central Street, Rockport, to consider the following proposed Ordinance Changes:

An Ordinance amending the Town of Rockport Land Use Ordinance in Chapter 300 to revise Definitions.

An Ordinance entitled, "Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards in subsection 803.1 to exclude off street parking requirements in the Downtown District 913.

An Ordinance entitled, "Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards to revise the following subsections 803.1, 803.2, 803.3, and 803.4.

An Ordinance entitled, "Ordinance amending the Town of Rockport Land Use Ordinance in Section 800 to revise the following: Subsection 801.7 Lighting to clarify that freestanding light fixtures cannot exceed a height of 25 feet, and Subsection 811 Home Occupations to allow day care centers with 12 children or fewer to be considered a home occupation.

An Ordinance amending the Town of Rockport Land Use Ordinance in Section 900 Zoning Districts Performance Standards to revise subsection 908 B General Dimensional Requirements, to revise subsection 910 Traditional Village District, parking standards for offices and retail uses, and to revise Section 907.3 Special District Standards to revise the setback requirements for private sport facilities.

An Ordinance amending the Town of Rockport Land Use Ordinance in Section 1000 Performance Standards to revise the following subsection 1001 Applicability and Purpose and subsection 1004 Parking Lot Design and landscaping.

An Ordinance amending the Town of Rockport Land Use Ordinance in Section 1302 to revise the requirements for a site review pre-application and to allow the Planning Board to require an applicant to perform additional studies.

An Ordinance amending the Town of Rockport Land Use Ordinance in Chapter 1400 Shoreland Zoning Overlay District to conform to the current State of Maine Model Shoreland Zoning Ordinance and to repeal the existing Chapter 1400 Shoreland Zoning Overlay District.

An Ordinance to adopt a revised Town of Rockport Zoning Map dated 2020 to replace the existing 2013 Zoning Map.

An Ordinance amending the Town of Rockport Land Use Ordinance, making minor corrections and clarifications throughout.

An Ordinance amending the Town of Rockport Floodplain Management Ordinance in Section P2.b. (3) to revise the requirements for a breakaway wall.

A petition to place the following article before the voters in order to amend the Rockport Land Use Ordinance Section 917G to add the following 'No single Inn or Hotel nor any combination of such uses located on the same lot, shall have more than 20 guest rooms'.

A petition to place the following article before the voters in order to amend the Rockport Land Use Ordinance Section 803.1(3) to require an independent traffic study be conducted in order for the Planning Board to consider an off-site, shared parking or waiver of parking requirements.

The public is invited to attend the public hearing and may offer testimony. Written testimony may be sent to the Town of Rockport, 101 Main Street, Rockport, Maine 04856, Attention Town Planner.

A copy of the proposed ordinance changes may be viewed at the Rockport Town Office during normal business hours and can be viewed on the Town of Rockport website.
Article

Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Section 1302 to revise the requirements for a site review pre-application, and to allow the Planning Board to require the applicant to perform additional studies” be enacted?

Chapter 1300-Site Plan Review

1302. Administration

1302.2 An applicant **shall may** request a pre-application meeting with the Planning Board prior to a formal submission of a site plan.

**The Planning Board may require the applicant to perform additional studies, perform inspections or tests, and submit additional materials pertaining to municipal sewer service, water supply, traffic, parking, stormwater and other impacts of the development. The cost of the additional studies, inspections, tests, or additional materials shall be borne by the applicant.**
Article

Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance, making minor corrections and clarifications throughout,” be enacted?

Town of Rockport Land Use Ordinance

All applicable references to a Special Exception shall be changed to the term Conditional Use.

All applicable references stating that the Board of Appeals shall issue a Special Exception shall be changed to the Planning Board shall issue a Conditional Use.
Article

Shall an Ordinance entitled", Ordinance amending the Town of Rockport Floodplain Management Ordinance at Section P 2.b. (3) to revise the requirements for a breakaway wall,” be enacted.

Town of Rockport Floodplain Management Ordinance

Section P 2.b (3)

Constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe load resistance of not less than 10 or more than 20 pounds per square feet.
Article

Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Section 800 to revise the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards in subsection 803.1 to exclude off-street parking requirements harmonize it with past practices in excluding off-street parking requirements in the Downtown District 913” be enacted?

Chapter 800 General Standards of Performance

803 Traffic Circulation, Access and Street Design Standards

803 Parking, Loading and Driveway Traffic Circulation, Access and Street Design Standards

803.1 Off-Street Parking and Loading Standards

1 The off-street parking requirements contained in this Section shall not apply to the Downtown District 913. New construction or changes of use in the Downtown District are not required to provide off-street parking for the structure or use in accordance with this Section, but instead may rely on existing on-street and off-street parking.

2 Applicability: In all new construction, alterations and changes of use, there shall be provided off-street parking and loading space adequate for their use. All new construction and changes of use outside of the Downtown District 913 shall comply with this Section.
Article
Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Section 800 to revise the following: “Ordinance amending the Town of Rockport Land use Ordinance at section 800 to improve, update and make more flexible the following: Requirements for Parking, Traffic Circulation, Access and Street Design standards to revise the following sub-sections 803.1, 803.2, 803.3, and 803.4”

Chapter 800 General Standards of Performance

803 Traffic Circulation, Access and Street Design Standards

803.1 Off-Street Parking and Loading Standards

1 The purpose of this Section is to provide for adequate off-street parking spaces to meet the needs of the use or structure. The off-street parking shall provide sufficient parking spaces to minimize the need for on-street parking.

2 Applicability: all new construction, alterations and changes of use, there shall be provided off-street parking and loading space adequate for their use. All new construction and changes of use shall comply with this Section.

3 Off-Street Parking General Standards: Driveways, parking spaces and paving shall be set back at least 8 feet from side and rear property lines. Off-street parking shall be considered as an accessory use when required or provided to serve conforming uses located in any district. The following minimum number of spaces shall be provided and maintained in case of new construction, alterations and changes in use. Parking areas shall be set back at least 8 feet from the side and rear property lines. Off-street parking shall be considered as an accessory use when required or provided to serve conforming uses. All required parking spaces shall be located on the same lot as the principal structure or use, unless subject to subsections 5, 6, 7, or 8 below.

4 Parking Space table, unless subject to subsections 5, 6, 7, or 8 below, the following table specifies the minimum number of parking spaces to be provided:

<table>
<thead>
<tr>
<th>Single Family Dwellings</th>
<th>2 parking spaces per dwelling unit</th>
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<tbody>
<tr>
<td>Multifamily Dwellings</td>
<td>2 parking spaces per dwelling unit</td>
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<tr>
<td>Motels, Hotels and Inns Bed &amp; Breakfast, Tourist Homes, Rooming Houses</td>
<td>2 parking spaces plus 1 parking space for each sleeping room offered for rent</td>
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<tr>
<td>Bed &amp; Breakfasts, Tourist Homes, Rooming Houses</td>
<td>2 parking spaces for each dwelling unit plus 1 space for each room offered for rent</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>4 parking spaces plus 1 parking space for each site available for occupancy</td>
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<tr>
<td>Nursery Schools and Day Care Centers</td>
<td>1 parking space for each 4 5 children</td>
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<tr>
<td>Schools, commercial Post-secondary</td>
<td>1 parking space for each 3 students based on the maximum number of students attending the school at any 1 period in the day</td>
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<td>Schools, elementary and secondary, public &amp; private</td>
<td>As specified by the Maine Dept. of Education, or where not specified by the State, 1 parking space per adult employee plus 1 parking space per 5 students at the time of peak enrollment to,</td>
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<td>Location</td>
<td>Minimum Requirements</td>
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<td><strong>Hospitals &amp; Nursing Homes</strong></td>
<td>1 parking space for each 3 beds plus 1 parking space per employee based on the shift with the largest number of employees</td>
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<td><strong>Offices, Professional and Public Buildings</strong></td>
<td>1 parking space for each 200-400 square feet of gross floor area</td>
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<tr>
<td><strong>Theaters, Auditoria, Churches, Arenas</strong></td>
<td>1 parking space for each 4 seats, or for every 500 square feet of assembly area of no fixed seats</td>
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<td><strong>Marinas</strong></td>
<td>1 parking space for every 3 slips</td>
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<tr>
<td><strong>Boat Building/Repair</strong></td>
<td>1 parking space per employee</td>
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<tr>
<td><strong>Retail Uses and Personal Services</strong></td>
<td>1 parking space per 200 square feet of gross floor area</td>
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<tr>
<td><strong>Bowling Alleys</strong></td>
<td>4 parking spaces for each bowling lane–2 spaces for each bowling lane</td>
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<tr>
<td><strong>Restaurants &amp; Night Clubs</strong></td>
<td>1 parking space for each 3-4 seats Plus 1 parking space for each employee per shift</td>
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<tr>
<td><strong>Food trucks and establishments serving take-out food only</strong> Drive-In-Restaurants, Snack Bars, Take-out Restaurants</td>
<td>5 parking spaces plus 1 parking space for each employee 50 square feet of floor space in excess of 2,500 square feet</td>
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<td><strong>Industrial Uses</strong></td>
<td>1 parking space for each 500 square feet of gross floor area and in no case less than 1 space for each 1.2 employees at peak shift every 1.2 employees to account for overlap during shift change</td>
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<td><strong>All uses not specifically listed or able to be placed into one of the above categories</strong></td>
<td>Sufficient number of parking spaces, as determined by the Planning Board during site plan review, or by the Code Enforcement Officer if there is no site plan review, to eliminate minimize the necessity of on-street parking</td>
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**Planning Board Discretion**

The Planning Board may, at its sole discretion, increase or decrease the above parking requirements dependent upon individual applicant circumstances. An applicant requesting a deviation from the above standards must demonstrate to the satisfaction of the Planning Board that the request is appropriate to the planned use.

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Location of Off-Street Parking: Required off-street parking in all districts shall be located on the same lot as the principal building or use, except that where off-street parking cannot be provided on the same lot, the Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along the line of public access. If serving a business or industrial use, such parking area shall be in a business or industrial district. Such parking areas shall be held under the same ownership or lease. The Board of Appeals may approve the joint use of a parking facility by 2 or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among such establishments. 5. Parking Location: Off street parking to meet
the minimum number of parking spaces set forth in the table above that cannot be provided on the same lot as the principal structure or use may be located at a separate location subject to the approval of the CEO or Planning Board. The CEO or Planning Board shall consider the following factors in making their decision: The separate parking site is a reasonable distance from the principal structure; the principal use will provide access to the separate site such as but not limited to walkways, transit bus/vehicle or valet service; and the separate site is held under the same ownership or lease as the principal use or structure.

6. Shared Parking: The joint use of a parking area by 2 or more principal structures or uses to meet the minimum number of parking spaces in the table above may be approved by the CEO or Planning Board where it is demonstrated by the applicant that shared parking would substantially meet the purpose of this subsection by reason of variation in the probable time of maximum use by patrons or employees of such establishments or other factors that the applicant demonstrates will result in adequate parking spaces provided. The applicant shall provide evidence of a lease or other agreement establishing the shared parking.

7. Parking Options: The CEO or Planning Board may consider the following options if an applicant can show that adequate and safe parking can be provided:

   A. A reduction in the minimum number of parking spaces from the table above, if the applicant can demonstrate that the structure or use requires less parking than specified in the parking space table.

   B. For designated peak overflow parking to provide space for infrequent increase in parking such as seasonal or holiday activity, the applicant shall provide evidence to show that the structure or use generates peak demand which is not typical for most times of the year.

8. CEO or Planning Board Conditions: The CEO or Planning Board may establish conditions to any of the parking space modifications allowed in subsections 5, 6, and 7 to make sure that adequate and safe parking is provided for the structure or use.

49. Off-Street Loading Standards: Retail, wholesale and industrial operations with a gross floor area of more than 2,000 square feet shall provide 1 loading bay, with a minimum dimension of 14 feet by 50 feet, for each 60,000 square feet of floor area or fraction thereof. Any required bay or bays shall be in addition to the required off-street parking, shall provide for the loading requirements of the proposed use. Loading areas and bays shall be designed to minimize the interference with parking and traffic flow within the parking area. The loading area shall be designed so that access to the loading area does not require blocking the public roadway.

510. Landscaping of Parking Areas: In addition to the off-street parking spaces and loading bays required by this Ordinance, the following minimum standards for landscaping of parking areas shall apply: The following minimum standards for landscaping of parking area shall apply:

   a. Where a parking area borders an existing residential structure, adequate landscape screening shall be provided where the commercial property abuts the residential property.

   b. Where a parking area abuts a public right-of-way, a continuous strip of landscaping of a minimum the parking area shall be set back a minimum of 6 feet from in-width along the public right-of-way, within the parking area shall be provided and properly maintained, provided, however, that the landscaping Landscaping of the parking area shall not interfere with sight distances and traffic safety.
In addition to the area required for parking spaces, loading bays and the landscaping required in Section 803.1 above, a minimum of 5% of the total area of any parking lot, including drives and entrances, accommodating 10 or more parking spaces, shall be landscaped and properly maintained. Parking areas shall be divided into small areas of no more than 50 parking spaces each by landscaping, such as shade trees, shrubs and park benches.

5 Street Design and Construction Standards: Please refer to Article 12 in the Rockport Subdivision Ordinance.

801.1 Corner Clearance

For purposes of traffic safety, no building, structure, wall, berm or fence may be erected and no vegetation other than shade trees may be maintained above the height of 3 feet above street level within 40 feet of the intersection of the centerline of intersecting streets.

803.3 Driveway Entrance Standards

These standards shall apply to all driveways except those fronting on state highways.

1. Driveway Angles: Driveways must intersect roads between sixty (60) and ninety (90) degrees.

2. Driveway Spacing: The minimum distance between driveways must be forty (40) feet measured from the centerlines of the driveways at the right-of-way line. The Public Works Director may reduce this requirement when the requirement cannot be met because of driveway location on adjacent lot(s) or because of topographic or other site conditions. Shared driveways are exempt from the driveway spacing requirement.

3. Driveway Setback from Intersections: Driveways must be located at least fifty (50) feet, centerline to centerline, from the closest intersection. The Public Works Director may reduce this requirement when the requirement cannot be met because of driveway location on adjacent lot(s) or because of topographic or other on-site conditions.

4. Driveway Slope: Driveway slope shall not exceed 4% within the first twenty feet (20) of the road/driveway interface. Driveways shall be graded in a manner to minimize runoff onto the public way.

5. Driveway Line of Sight: The Public Works Director shall determine driveway location based on line of sight standards contained in the Uniform Traffic Code and on-site considerations.

803.4 Upgrading Existing Public Ways

When the Town of Rockport is proposing to upgrade an existing public way the following process and protocol shall apply:


   a. To the fullest practical extent, the Town shall take into consideration the existing character of the neighborhood in the design process, including but not limited to width, road surface conditions, base soil conditions, drainage, and existing streetscape.

   b. The Town may waive portions of the design guidelines to preserve neighborhood character.

2. Notice: During all stages of the design and construction process, the Town will provide notice to all residents abutting the proposed project.

3. Neighborhood Workshop: During the design stage the town will host a neighborhood workshop to explain the project.
Article

Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Section 800 to revise the following: Sub-section 801.7 Lighting to clarify that freestanding light fixtures cannot exceed a height of 25 feet, and Sub-section 811 Home Occupations to allow day care centers with 12 children or fewer to be considered a home occupation” be enacted?

Chapter 800 General Standards of Performance

801.7 Lighting

4 c. No Freestanding lighting fixtures except for streetlights shall not extend beyond a height of 25 feet as measured from ground level.

Chapter 800 General Standards of Performance

811. Home Occupation

811.1. A day care center located in the home of the person(s) operating the day care center, serving 12 or fewer children, shall be considered a home occupation. An outside play area shall be permitted.
Article

Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Section 900 Zoning Districts Performance Standards to revise sub-section 908 B General Dimensional Requirements and to revise sub-section 910 Traditional Village District to revise parking standards for offices and retail uses and to revise section 907.3 Special District Standards to revise setback requirements for private sport facilities” be enacted?

**B General Dimensional Requirements**

(1) Minimum Lot **Area Density** for Dwelling Units

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<td>sewer</td>
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<tr>
<td>Multi-family in shoreland overlay w/o sewer</td>
<td>20,000 sq. ft. per unit</td>
<td>7500 sq. ft. per unit</td>
<td>7500-4,000 sq. ft. per unit</td>
<td>20,000 sq. ft. per unit</td>
<td>7500 sq. ft. per unit</td>
<td>10,000 sq. ft. per unit</td>
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<tr>
<td>Multi-family with sewer</td>
<td>7500 sq. ft. per unit</td>
<td>20,000 sq. ft. per unit</td>
<td>7500 sq. ft. per unit</td>
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<td>Multi-family in shoreland overlay with sewer</td>
<td>15,000 sq. ft. per unit</td>
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(2) Minimum Lot Area Density for Other Uses

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<th>901</th>
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<tr>
<td>Boarding Care, Nursing Home Community Living and, residential facility for students, employees &amp; faculty Dormitories without sewer</td>
<td>20,000 sq. ft. + 3,000 sq. ft. per bedroom</td>
<td>20,000 sq. ft. + 5,000 sq. ft. per bedroom</td>
<td>40,000 sq. ft.</td>
<td>+20,000 sq. ft. per unit</td>
<td>20,000 sq. ft. per unit</td>
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<tr>
<td>Boarding Care Nursing Home Community Living and residential facility for students, employees &amp; faculty Dormitories with sewer</td>
<td>12,000 sq. ft. + 3,000 sq. ft. per bedroom</td>
<td>15,000 sq. ft. + 5,000 sq. ft. per bedroom</td>
<td>40,000 sq. ft. +20,000 sq. ft. per unit</td>
<td>10,000 sq. ft. per unit</td>
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<tr>
<td>Congregate Housing with or without sewer (see Note 6)</td>
<td>12,000 sq. ft. + 3,000 sq. ft. per bedroom</td>
<td>15,000 sq. ft. + 5,000 sq. ft. per bedroom</td>
<td>40,000 sq. ft. +20,000 sq. ft. per bedroom</td>
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<td>40,000 sq. ft. + 5,000 sq. ft. per bedroom</td>
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<tr>
<td>Motels, Hotels, Inns, Bed &amp; Breakfast, Community Living, Boarding Care, &amp; Dormitories with and without sewer</td>
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<td></td>
<td>40,000 sq. ft. + 5,000 sq. ft. per bedroom</td>
<td>40,000 sq. ft. + 5,000 sq. ft. per bedroom</td>
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<tr>
<td>Motels, Hotels Inns or Resorts w/o sewer</td>
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<td>40,000 sq. ft. + 10,000 sq. ft. per unit</td>
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<tr>
<td>Motels, Hotels, Inns or Resorts with sewer</td>
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<td>20,000 sq. ft. + 5,000 sq. ft. per unit</td>
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B. NOTES

(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 Chapter 300.

(2) Consult Chapter 1400 for additional dimensional requirements in the Shoreland Overlay District.

(3) Setback is applicable unless shared with adjacent property.

(4) Front setback is measured from the edge of the pavement.
(5) See Section 913.3. A greater alternative maximum height (50') and lot coverage percentage (100%) is allowed in a small area with frontage on Central Street for all permitted uses and in a small area with frontage on Main Street for marine-related uses.

(6) Maximum occupancy of a Congregate Housing facility shall be determined by multiplying the number of bedrooms by two.

(7) The minimum lot area for Dwelling Units and other uses in the Shoreland overlay shall comply with section 1415.1 of this Ordinance.

(8) Revise the setback referenced in 907.3 Special District Standards (A) from 500' to 200'

Chapter 900 Zoning Districts

910 Traditional Village District

910.3 Permitted Uses and Standards

D Standards:(10) Special Parking Standards for Traditional Village

(ii) For Offices, Professional and Public Building Spaces, one (1) parking space shall be required for each three four hundred (300) (400) sq. ft. of gross floor space.

(iii) For Retail uses and Personal Services one (1) parking space shall be required for each three four hundred (300) (400) sq., ft. of gross floor space.
Article

Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Section 1000 Performance Standards to improve and consolidate the following sub-section 1001 Applicability and Purpose and sub-section 1004 Parking Lot Design and landscaping” be enacted?

1001. Applicability and Purpose

The purpose of this section is to provide standards and guidance for the landscaping, architectural design and parking areas for all new commercial properties in the Town of Rockport. The section’s intent is to ensure that new commercial development, and modifications to existing structures, are done in a manner that enhances the overall aesthetic appeal and visual character of Rockport’s roadways and neighborhoods.

All non-residential new commercial development proposed within Rockport shall be subject to the regulations, procedures and standards specified in the following sections, in addition to those standards pertaining to the particular district in which the development occurs.

1004 Parking Lot Design and Landscaping

General

1. Off-Street Parking Required. All development shall provide permanent off-street parking space in accordance with the minimum amount number of parking spaces specified in Section 803 of this Ordinance.

2. Individual Spaces. Required off-street parking spaces shall be so designed as to be unobstructed and have access to an aisle or driveway so that any automobile, except employee vehicles, may be moved without moving another, and so that no maneuvering incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.

3. Grading and Drainage. Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto any adjacent property.

4. Auto Sales. There shall be a maximum of 200 feet of road frontage devoted to the display of vehicles for sale and no more than 50 vehicles for sale on the premises. Employee parking and service areas shall be on the side or rear of the building.

Outdoor Boat Sales and Storage. There shall be a maximum of 200 feet of road frontage devoted to the display of boats for sale and no more than 50 boats for sale on the premises. In addition, there may be up to seventy-five (75) boats stored, but not for sale on the premises. Employee parking and service areas shall be on the side or in the back of the building.

5. Tall Shrubs, Low Branches. Plants that restrict visibility at entrances and exits, such as tall shrubs or low branching trees, shall be avoided for traffic safety reasons.
Shared Parking

1. Combined Parking Allowed. The required parking space of any number of separate uses may be combined in one facility. Generally, the required space assigned to one use may not be assigned to another use; thus, the total available spaces shall be the sum of required spaces for each of the individual uses.

2. Exceptions to Standards. Where available parking is below the strict requirements for uses set forth in this Ordinance, shared parking facilities shall be allowed when the functional nature of the uses allow for differing peak-hour demands.

3. Planning Board Determination. The number of spaces required in such a shared facility shall be determined by the Planning Board in accordance with the standards of this Ordinance.

4. Easement Required. Any such combined use will require the recording of a perpetual easement, in form and substance acceptable to the Planning Board, in the Knox County Registry of Deeds.

Landscaping

1. Landscaping Required. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area.

2. General Standards. Parking areas shall be landscaped in accordance with the following standards:

a. Total Landscaped Area. A minimum of 10% of the total area of a parking lot for 20 or more cars shall be landscaped around the perimeter or internally. In general, large and more-visible parking lots shall have more intensive landscape treatments. Driveways leading into and around parking lots are not calculated in determining this area of the lot.

b. Plant Material Variety. The use of a variety of groundcovers, perennials, flowering shrubs and ornamental grasses is encouraged in parking areas.

c. Location of Trees. Trees in parking lots may be planted in informal groups, straight rows, or irregular groupings, as space permits, or they may be concentrated in certain areas. Trees should be planted a minimum of five (5) feet from the end of parking lot islands. The use of isolated trees in parking lots is strongly discouraged.

d. Safety. Shrubs used in parking lot islands shall not exceed three (3) feet in height to avoid blocking visibility. Parking Stall Separation. Landscaped areas used for separation between banks of parking stalls shall be a minimum of nine feet in width.

e. Snow Storage. Landscape materials surrounding parking lots and in islands shall be able to tolerate large quantities of snow stored during the winter months.
3. Large Parking Lots. Large parking lots shall be designed and landscaped to fit harmoniously within the landscape and unless topographical constraints prohibit so doing, shall be broken down into sections of not more than forty (40) spaces; separated from other sections by landscaped dividing islands, strips, berms and similar elements, in accordance with the following requirements:

a. Perimeter Landscaping. The cultivated landscaping of the perimeter of all off-street parking areas is required except for access ways as necessary. The minimum width of the perimeter landscape strip shall be ten (10) feet and shall be landscaped with at least one (1) tree and five (5) shrubs for every thirty (30) feet of parking lot perimeter. Trees and shrubs in a perimeter landscape strip may be planted singly or in clusters. The remainder of the perimeter landscape strip shall be landscaped with grass, ground cover or other appropriate landscape treatment. Sand or pavement shall not be considered to be appropriate landscape treatment.

b. Interior Landscaping. Landscaping of the interior of off-street parking areas larger than forty (40) cars is required. Terminal islands between rows of parking spaces shall be provided which shall be at least five (5) feet in width and shall contain at least one (1) tree and five (5) shrubs for every five (5) parking spaces. Trees and shrubs in terminal islands or landscaped islands may be planted singly or in clusters. The remainder of any terminal islands or other interior landscape islands shall be landscaped with grass, ground cover or other appropriate landscape treatment. Not less than ten percent (10%) of the interior of off-street parking areas for more than forty (40) cars shall be landscaped and maintained with grass or other living vegetative materials. Sand or pavement shall not be considered to be appropriate landscape treatment.
Article

Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Chapter 300 to add and improve Definitions” to be enacted? 

Day Care Center: A facility licensed by the State of Maine for the care or instruction of more than 3 preschool-aged children exclusive of children who may be living in the home which is serving as the day care or nursery school facility.

Parking Lots: Areas An area where motor vehicles may be located for the purpose of temporary, daily or overnight off-street parking.

Footprint: (Applicable to the Shoreland Overlay District) The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Hazard Tree: A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornadoes; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Storm-Damaged Tree: A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.
Article

Shall an Ordinance entitled “Ordinance to adopt a revised Town of Rockport Zoning Map dated 2020 to replace the existing 2013 Zoning Map” be enacted?

The revised Zoning map contains the following revisions:

1. The property parcel base map is updated through June 2019.
2. The Name of the 907 Modified District has changed to 906 Mixed Business Residential
3. The area identified as the Downtown Core per the June 2016 amendment is shown in the map insert for the Harbor/Downtown area.
4. The property located at 314 West Street Map 19 Lot 49 which was divided into districts 904 and 907 is now placed entirely in a 907 district.
5. The property located at 33 West Wood Road Map 25 Lot 93 which was divided into Districts 904 and 908 is now placed entirely in a 904 District.
6. The property located at 330 Commercial Street Map 20 Lot 182 which was divided into Districts 903 and 906 is now placed entirely in a 906 District
7. The property located at 535 West Street Map 25 Lot 101-100 and 101 which was placed in Districts 902, 907M & (906) is now changed to District 907
Town Of Rockport Zoning Map
Update Edits 2020

Rectangular lot - same owner - moved to 904

907 lot - extended to back property line

Triangular lot - 906 Zone extended to back property line

Lots placed back into 907

Changed to green - Shoreland Overlay 1400
Article
Shall an Ordinance entitled, “Ordinance amending the Town of Rockport Land Use Ordinance at Chapter 1400 Shoreland Zoning Overlay District to conform to the current State of Maine Model Shoreland Zoning Ordinance and to repeal the existing Chapter 1400 Shoreland Zoning Overlay District,” be enacted?
1401. Purposes.
The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreline areas.

1402. Authority.
This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

1403. Applicability.
This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,
- all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.
- And, to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

1404. Effective Date of Ordinance and Ordinance Amendments.
This Ordinance, which was adopted by the municipal legislative body on June 10, 2020, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

1405. Availability.
A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

1406. Severability.
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

1407. Conflicts with Other Ordinances.
Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

1408. Amendments.
This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her
receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

1409. Districts and Zoning Map.

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
   1. Resource Protection
   2. Stream Protection
   3. Other Shoreland Areas

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 1408, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

1410. Interpretation of District Boundaries.
Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

1411. Land Use Requirements.
Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

1412. Non-Conformance.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 1412. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General.
   a. Transfer of Ownership. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
b. Repair and Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-Conforming Structures.

1. Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 1400. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

(b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 1400.

(i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

(c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 1412(C)(1) or Section 1412(C)(1)(a), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland
must meet the footprint and height limits in Section 1412(C)(1)(b)(i) and Section 1412(C)(1)(c)(i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 50% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 1412(C)(1)(b)(i) and Section 1412(C)(1)(c)(i), above.

(d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

2. Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 1412(C)(3) Relocation, below.

3. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 1415(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within
the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 1412(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 1412(C)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 1412(C)(3) above, the physical condition and type of foundation present, if any.

5. Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-Conforming Uses.

(1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 1412(C)(1) above.

(2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not
again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

(3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 1412(C)(5) above.

E. Non-conforming Lots

(1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

(3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(b) Any lots that do not meet the frontage and lot size requirements of Section 1412(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

1413. Establishment of Districts.
A. **Resource Protection District.** The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

(1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

F. **All other**

All other includes all other shoreland areas not otherwise included in the Resource Protection District or Stream Protection Districts.

G. **Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.
1414. Table of Land Uses.
All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 1415. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

### 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 standards)
- **NO** = Use is prohibited
- **CEO** = Allowed with permit from Code Enforcement
- **PB** = Allowed if approved by Planning Board
- **LPI** = Allowed with permit issued by Local Plumbing Inspector

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>Stream Protection</th>
<th>Resource Protection</th>
<th>All Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>3. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>CEO(^1)</td>
<td>YES/CEO</td>
</tr>
<tr>
<td>4. Fire prevention activities</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>5. Wildlife management practices</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>6. Soil and water conservation practices</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>7. Mineral exploration</td>
<td>NO</td>
<td>YES(^2)</td>
<td>YES(^2)</td>
</tr>
<tr>
<td>8. Mineral extraction, including sand and gravel extraction</td>
<td>NO</td>
<td>PB(^3)</td>
<td>PB</td>
</tr>
<tr>
<td>9. Surveying and resource analysis</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>10. Emergency operations</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>11. Agriculture</td>
<td>YES</td>
<td>CEO</td>
<td>YES</td>
</tr>
<tr>
<td>12. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>13. Principal structures and uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>CEO</td>
<td>PB(^8)</td>
<td>CEO</td>
</tr>
<tr>
<td>B. Multi-unit residential (see limitations on residential uses standards in Section 913.3 if applicable)</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>NO</td>
<td>NO^9</td>
<td>PB</td>
</tr>
<tr>
<td>---------------</td>
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<td>------</td>
<td>----</td>
</tr>
<tr>
<td>LAND USES</td>
<td>STREAM PROTECTION</td>
<td>RESOURCE PROTECTION</td>
<td>All Other</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>-------------------</td>
<td>---------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>NO*</td>
<td>NO</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small, non-residential facilities for educational,</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>scientific or nature interpretation purposes</td>
<td></td>
<td></td>
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<tr>
<td>14. Structures accessory to allowed uses</td>
<td>PB*</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>15. Piers, wharves, bulkheads and other structures extending beyond the</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>high water line or within a wetland</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Temporary</td>
<td>CEO**</td>
<td>CEO**</td>
<td>CEO**</td>
</tr>
<tr>
<td>B. Permanent</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>16. Conversion of seasonal residence to year-round residence</td>
<td>NO</td>
<td>NO</td>
<td>LPI/CEO</td>
</tr>
<tr>
<td>17. Home occupations (see limitations on residential uses and standards</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>in Section 913.3 if applicable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>19. Essential services</td>
<td>CEO*</td>
<td>CEO*</td>
<td>YES</td>
</tr>
<tr>
<td>A. Road side Distribution lines (34.5kV and lower)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>or less in the shoreland zone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>or more poles in the shoreland zone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D. Other Essential Services</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>20. Service drops to allowed uses</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>21. Public and private recreational uses involving minimal structural</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Individual private campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO/LPI</td>
</tr>
<tr>
<td>23. Campgrounds</td>
<td>NO</td>
<td>NO</td>
<td>PB</td>
</tr>
<tr>
<td>24. Road construction</td>
<td>CEO</td>
<td>NO/PB</td>
<td>CEO</td>
</tr>
<tr>
<td>25. Parking facilities</td>
<td>NO</td>
<td>NO*</td>
<td>CEO/PB</td>
</tr>
<tr>
<td>26. Marinas</td>
<td>PB</td>
<td>NO</td>
<td>PB</td>
</tr>
<tr>
<td>27. Filling and earth moving of less than ten (10) cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>YES</td>
</tr>
<tr>
<td>28. Filling and earth moving of more than ten (10) cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>29. Signs</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>30.</td>
<td>Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>31.</td>
<td>Uses similar to uses requiring PB approval</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>
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.

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 1415.1.
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.
11. Governmental and institutional uses are permitted in RP if located in the Section 913 Downtown District.
1415. Land Use Standards.

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.

A 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 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 waterbodies and wetlands shall be no less than the shore frontage standard.

5. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

6. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

7. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

8. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

(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 board of appeals.

(d) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Other Shoreland, and Stream Protection Districts, shall not exceed thirty-four (34) feet in height. 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, 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 floodplain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) Non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) 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 retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) 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 when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;
(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 1415(2)(a), may traverse the buffer;

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

B. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization

(1) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 1415(A), a second structure may be allowed and may remain as long as the lot is not further divided.

(2) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(3) The location shall not interfere with existing developed or natural beach areas.

(4) The facility shall be located so as to minimize adverse effects on fisheries.

(5) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

(6) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(7) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(8) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(9) Access from the shore shall be subject to approval of the Planning Board under Site Plan review. Soils shall be deemed appropriate for such use and constructed to control erosion.
(10) Vegetation may be removed in excess of the standards in Section 1415(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

(a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

(b) Revegetation must occur in accordance with Section 1415(S).

(11) A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:

(a) The total deck area attached to the structure does not exceed 700 square feet;

(b) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;

(c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;

(d) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in section 1415(B); and

(e) The construction of the deck complies with all other state and federal laws.

D. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
(2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

(3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(5) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

(6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(7) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. **Commercial and Industrial Uses.** The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing
(10) 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

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 1415 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 1415(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.
(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 1415(T).

(6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
</tbody>
</table>

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(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

J. Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, and all other shoreland districts:

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal
(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 1415 (M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

(4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

(c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the planning board.
O. Timber Harvesting:

Title 38 M.R.S.A. section 438-A provides that, notwithstanding other provisions of the Mandatory Shoreland Zoning Act, the regulation of timber harvesting and timber harvesting activities in shoreland areas must be in accordance with section 438-B and rules adopted by the Maine Forest Bureau pursuant to Title 12, section 8867-B. Section 438-B establishes three options from which each municipality may choose as the State implements a set of statewide timber harvesting standards in shoreland areas.

The Town of Rockport has selected Option 1 which is the complete repeal of timber harvesting provisions from the shoreland zoning ordinance. The Bureau of Forestry will administer the regulation of all forestry activities within the municipality. The effective date of repeal shall be June 10, 2020.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in Section 1415(Q).

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section 1415(P)(1), above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 1415(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 - &lt; 8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8 - &lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>
Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36\text{ points}\]

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;

(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 1415(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section 1415(Q), below, unless existing new tree growth is present.

(f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 1415(P)(2).

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 1415(P).

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

(1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

(b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland
zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

(c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

(d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

(2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

(b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

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R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 1415(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

(1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 1415(P) apply;

(2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 1415(B) are not applicable;

(3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

(4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 1415(N) are complied with;

(5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

(a) A coastal wetland; or

(b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

(6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

(a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

(b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

(c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
(7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 1415(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

(1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:

   (a) All trees and saplings removed must be replaced with native noninvasive species;

   (b) Replacement vegetation must at a minimum consist of saplings;

   (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

   (d) No one species shall make up 50% or more of the number of trees and saplings planted;

   (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

   (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
(a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

(b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

(d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

(e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:

(a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

T. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or rip-rap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

U. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

V. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

W. Archeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

1416. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.
(3) **Planning Board.** A Planning Board shall be created in accordance with the provisions of State law.

B. **Permits Required.** After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

   (a) The replacement culvert is not more than 25% longer than the culvert being replaced;

   (b) The replacement culvert is not longer than 75 feet; and

   (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. **Permit Application**

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

(5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion
and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

(8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the provisions of Section 1415, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the
structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. **Special Exceptions.** In addition to the criteria specified in Section 1416(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

   (a) Located on natural ground slopes of less than 20%; and

   (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

   If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

(4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. **Expiration of Permit.** Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. **Installation of Public Utility Service.** A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under
H. Appeals

(1) Powers and Duties of the Zoning Board of Appeals: The Zoning Board of Appeals shall have the powers and duties set forth in Section 700 of this Ordinance.

(2) Process and Procedure: The Zoning Board of Appeals shall follow the process and procedures set forth in Section 700 of this Ordinance.

(3) Variances: In addition to the variance requirements of Section 700, a copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the Planning Office to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

(b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal
structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.
TOWN OF ROCKPORT
PETITION FOR TOWN MEETING VOTE
30-A M.R.S.A. § 2528(5)

This petition must be signed by ___ registered voters of the Town of Rockport.

To the Municipal Officers of the Town of Rockport, Maine:

We, the undersigned voters of the Town of Rockport, Maine, qualified to vote in all town affairs, hereby request that you place the following article before the voters for the consideration at a secret ballot election held pursuant to 30-A M.R.S. § 2528:

"Shall the following amendment to the Town of Rockport Land Use Ordinance, Section 803.1(3) be enacted:

Location of Off-Street Parking: Required off-street parking in all districts shall be located on the same lot as the principal building or use, except that where off-street parking cannot be provided on the same lot, the Planning Board Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along the line of public access. If serving a business or industrial use, such parking area shall be in a business or industrial district. Such parking areas shall be held under the same ownership or lease. The Planning Board Board of Appeals may approve the joint use of a parking facility by 2 or more principal buildings or uses where it is clearly demonstrated that the parking facility will substantially meet the intent of the requirements by reasons of variation in the time of use by patrons or employees among such establishments. No off-site or shared parking, or waiver of parking requirements, shall be approved unless it is supported by an independent traffic study prepared by a qualified professional, hired by the reviewing authority and paid for by the applicant, which establishes that the parking facility is adequate for the proposed use and any shared use(s), will not cause undue burdens on traffic or parking in the vicinity, and will not cause safety concerns.

Notwithstanding 1 M.R.S. § 302, this amendment shall apply to all land uses and all off-site parking facilities that have not received final approval as of 45 days prior to enactment of this amendment."

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TOWN OF ROCKPORT
PETITION FOR TOWN MEETING VOTE

30-A M.R.S.A. § 2522

This petition must be signed by ___ registered voters of the Town of Rockport.

To the Municipal Officers of the Town of Rockport, Maine:

We, the undersigned voters of the Town of Rockport, Maine, qualified to vote in all town affairs, hereby request that you place the following article before the voters for the consideration at a secret ballot election held pursuant to 30-A M.R.S. § 2528:

"Shall the following amendment to the Town of Rockport Land Use Ordinance, Section 917(G) be enacted:

9. No more than 40 (forty) rooms, in the aggregate, shall be permitted at Inns/Hotels in the 913 zoning district. No single inn or hotel, nor any combination of such uses located on the same lot, shall have more than 20 guest rooms.

Notwithstanding 1 M.R.S. § 302, this amendment shall apply to all hotels and inns that have not received Planning Board approval and all required building permits as of March 1, 2020."

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