Office of Planning and Community Development

Proposed Ordinance Revisions

Attached are copies of proposed revisions to the Rockport Land Use Ordinance and Zoning Map. Each proposed change has a heading to identify the ordinance section and a brief introduction to provide background information. Proposed changes include:

**Rockport Land Use Ordinance**

- Section 300 Definitions
- Section 600 Administration
- Section 812 Wind Energy Systems
- Section 900 District 907 - Mixed Business / Residential, District 907M - Modified Mixed Business / Residential, District 908 - Rural District, 913 - Rockport Downtown
- Section 1100 Signs

**Rockport Zoning Map**

- Map 20, Lots 139 and 141 proposed change from District 904 to District 907 Modified
- Map 20, Lot 133 proposed change from District 904 to District 907

A series of informational meetings and public hearings will be held in the next few weeks to inform and educate residents on ordinance revisions.

**ORC Public Informational Meeting**

*Thursday March 17, 2011 at 5:30 p.m. at the Town Office*

**Planning Board Public Hearing**

*Wednesday April 6, 2011 at 7:00 p.m. at the Opera House*

**Select Board Public Hearing**

*Tuesday April 19, 2011 at 7:00 p.m. at the Opera House*

*Additional information and copies of the proposed revisions can be obtained at the Office of Planning and Community Development*
Synopsis of Proposed Land Use Ordinance and Zoning Map Changes for 2011

Land Use Ordinance- Proposed Changes

Section 300 – Definitions: This Section is reviewed on a yearly basis to improve the clarity and meaning of definitions. Proposed changes include a definition of a commercial storage building, redrafting the definition of a structure, adding wastewater to the subsurface sewage disposal definition and expanding the definition of undeveloped land to allow wind energy systems.

Section 600 – Administration: This section had not been updated in over 15 years. Proposed revisions coordinate this section with current state law, eliminate redundant and inaccurate references to state law and provide a more efficient process for the Code Officer to execute his responsibilities.

Section 812 – Wind Energy Systems: This section proposes revisions to further quantify the size and placement of wind energy systems. The net effect of this proposal, read in concert with its complimentary definition in Section 300, is to limit the size and scope of wind energy systems in the town of Rockport.

Section 900 – Districts: District standards are adjusted each year. Proposed revisions for this year include the following:

District 907 – Mixed Business / Residential District: Proposed revisions include adding storage units as a commercial use, eliminating a convoluted formula for determining rear yard screening and replacing it with a standardized setback.

District 907 Modified – Mixed Business Residential District: Proposed revisions include standardizing front yard setback from edge of pavement.

District 908 – Rural: Proposed revisions include adding ‘other structures’ to buildings in the high elevation standards.

District 913 – Rockport Downtown: Proposed revisions include increasing the allowable lot coverage for commercial parcels in this district.

Section 1100 – Signs: Proposed revisions to this section include expanding the category of exempt signs and the creation of an expedited permitting process for temporary signs for civic and charitable organizations.

Zoning Map – Proposed Changes

Map 20, Lot 133 – located on Commercial St. adjacent to Rockport Public Works Garage: This proposed change would take the rear portion of this lot which is currently in District 904 – Residential and change it to District 907 – Mixed Business / Residential. The proximity of this parcel adjacent to the commercial activities at the public works garage make it more suitable for District 907 designation.

Map 20 Lots 141 and 139 – 412 and 414 Commercial St. – across from the former Cody’s Restaurant: This proposed change would take two small developed lots from District 903 – Coastal Residential back to District 907 Modified Mixed Business / Residential which was the original zoning designation for these parcels.
Introduction: Section 300 – Definitions: This Section is reviewed on a yearly basis to improve the clarity and meaning of definitions. Proposed changes include a definition of a commercial storage building, redrafting the definition of a structure, adding wastewater to the subsurface sewage disposal definition and expanding the definition of undeveloped land to allow wind energy systems.

Note to Reader: Proposed additions are underlined and deletions strike through.

301. Meaning of Words

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

302. Definitions

Commercial Storage Building: A structure built for the rental of enclosed spaces for the storage of boats, automobiles, motor homes, motor cycles, snowmobiles, and similar vehicles. The minimum size of rental spaces, accessed from the exterior, shall be 250 sq. ft.

Structure: Any constructed or erected material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, radio towers, satellite dishes, sheds, signs, decks and storage bins, but excluding certain structures used by a utility for the purposes of implementing its statutory duty to provide services to its users, motor vehicles, boats, fences, sidewalks, and paving in the following items: streets, driveways or patios.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, foundation drains, poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, wind turbines and satellite dishes.

Subsurface Sewage Wastewater Disposal System: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 MRSA § 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Undeveloped Land: Land, without structures or roads, excepting tote roads. Activities of agriculture and forestry may be conducted on undeveloped land. Fields are considered to be undeveloped land and may be mowed as appropriate. Undeveloped land may include land with slopes of 20% or greater, wetlands, and State and Federally recognized wildlife
protection and habitat areas. The vegetated areas of those portions of golf courses existing prior to June 2005 shall be considered undeveloped land. Undeveloped land may be owned in common by a home owners' association, deeded to a third party conservation organization or land trust, be retained by the owner of a proposed subdivision, or owned outright by individual owners so long as it is deed restricted to remain undeveloped or protected by appropriate conservation easements.

1. Setbacks between building envelopes, in a clustered development, and other similar buffers within developed areas shall not be considered undeveloped land.

2. To the greatest practical extent, undeveloped land shall be created in large areas.

3. Small strips of land scattered throughout a subdivision shall not be considered undeveloped land.

4. To the greatest possible extent undeveloped land in one parcel shall abut undeveloped land in adjacent parcels.

5. Undeveloped land shall be clearly monumented.

6. Small wind energy systems shall be allowed on undeveloped land of the owners parcel within approved subdivisions.

**Small Wind Energy System:** A wind energy conversion system consisting of a tower, wind turbine, and associated control conversion electronics which will be used primarily to produce electrical power exclusively for the parcel on which it is located. All wind energy systems in Rockport must meet the standards of Section 812.
Introduction: Section 600 not been updated in over 15 years. This revision coordinates this Section with current state law, eliminates redundant and inaccurate references to state law and provides a more efficient process for the Code Officer to execute his responsibilities.

Note to Reader: Proposed additions are underlined and deletions strikethrough.

SECTION 600 – ADMINISTRATION

601. Building Permits

601.1. No building or other structure shall be erected, moved, added to, or substantially altered or renovated, other than maintenance or minor repairs, without a permit issued by the Code Enforcement Officer. No new use, change of use, or resumption of nonconforming use may occur without a permit issued by the Code Enforcement Officer. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals. A fee schedule for building and use permits shall be established by the Select Board.

601.2. If no substantial start has been made within twelve (12) months of the issuance of the building permit, the applicant may renew the permit without paying the full permit fee, but must comply with the ordinances applicable at the time of the renewal; and if, after twenty-four (24) months from the issuance of the original building permit, a substantial start has not been completed, the permit expires and the applicant must reapply, paying the then-applicable fee.

601.3. The Code Enforcement Officer shall not issue any permit involving the enlargement, construction or renovation of places of public accommodations and commercial facilities that require a permit from the Maine Department of Public Safety, unless the Maine Department of Public Safety approves the plan and issues a construction permit.

601.4. The Code Enforcement Officer shall not issue a permit for any building or structure or facility constructed specifically as a place of public accommodation on or after January 1, 1991, or when the estimated total cost of remodeling, enlarging, or renovating the existing building exceeds $100,000, and the remodeling, enlarging, or renovating is begun after 1991 until the builder of the facility or owner, shall obtain a certification from a design professional that the plans meet the standards of construction required by 5 M.R.S.A. § 4594-D; certification must be performed by a design professional, which means an architect or professional engineer registered to practice under 32 M.R.S.A., and its standards of construction means the 1986 standards set forth by the American National Standards Institute in the publication of Specifications for Making Buildings and Facilities Accessible To and Useable by Handicapped People" (ANSI A 117.1-1986). The builder/owner shall also provide the Planning Office certification from the Department of Public Safety that does not comply with the current Maine Uniform Building and Energy Code (MUBEC), as amended, 10 M.R.S.A. § 9721 et seq.¹

¹ As of June 2011, MUBEC included the following codes and standards:
602. Applications

602.1. All applications for building permits shall include the location and dimensions of the proposed building or alteration and, if applicable, the proposed sewage subsurface wastewater disposal system as certified designed by a registered licensed civil professional engineer or site evaluator or plumbing inspector appointed by the Town. The application shall include such other information as may lawfully be required by the Code Enforcement Officer to determine conformance with, and provide for, the enforcement of this Ordinance.

602.2. In all districts, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage subsurface wastewater disposal.

602.3. Approval of building permit applications shall be subject to all applicable State laws and local codes municipal ordinances, for health, plumbing, sanitation, conservation and pollution abatement.

602.4 Any commercial construction or renovations including multi-family dwellings and quasi-public and public buildings of less than 3,000 square feet shall require proof of full compliance with the Maine State Fire Marshall Fire Permit Standards prior to obtaining a building permit from the Rockport Code Enforcement Officer.

1. International Residential Code "IRC" 2009


5. The American Society of Heating, Refrigerating and Air Conditioning, Engineers, Standards (ASHRAE)

a.) Section 62.1-2007 Ventilation for Acceptable Indoor Air Quality

b.) Section 62.2-2007 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings

c.) Section 90.1-2007 Energy Standards for Buildings (except Low-Rise Residential Buildings) editions without addenda

6.) E1465-2006, Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings. The inspection process shall conform to 25 M.R.S.A. § 2351-2361 as applicable. Third party inspections may be done at the applicant's expense or by a certified municipal employee at a fee to be determined by the Select Board.

This listing is for information purposes only. The codes and standards included in the in MUBEC and in effect at the time a building permit is issued will be controlling.
Any commercial construction or renovations, including multi-family dwellings quasi-public and public buildings with an area of 3,000 square feet or greater, shall require proof of full compliance with the Maine State Fire Marshal Fire Permit Standards prior to obtaining a building permit from the Rockport Code Enforcement Officer and, where applicable, shall require an architect's stamp or an engineer's stamp certifying the structural integrity of the building for the intended purpose.

603. Certificates of Occupancy and Compliance

603.1. Certificate of Occupancy for Non-Residential and Multi-Family Residential Construction

All non-residential and multi-family and non-residential structures that require a building permit site-plan review shall require a Certificate of Occupancy. The Certificate of Occupancy shall be based on inspections by the Code Officer or Third Party Inspector, Plumbing Inspector, and Fire Chief, to ensure that the structure conforms with the Maine Uniform Building and Energy Code, Plumbing Code, National Fire Protection Life Safety Code, Site-Plan Review, and the Rockport Land Use Ordinance. It shall be a violation of this Ordinance to use or occupy any non-residential or multi-family structure until the Planning Office and Codes Office has issued a Certificate of Occupancy.

603.2. Certificate of Compliance for One and Two Family Residential Construction

All new or structurally altered residential structures shall require a Certificate of Compliance that the structure meets the provisions of the Maine Plumbing Code, Rockport Land Use Ordinance and Building Permit conditions. It shall be a violation of this Ordinance to utilize a one or two family residential structure until the Planning and Codes Office has issued a Certificate of Compliance.

604. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the Town of Rockport to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and specifying the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, structures, additions or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

Upon appointment by the Select Board Board of Selectmen, the Alternate Code Enforcement Officer shall have all the duties, responsibilities and authority of the Code Enforcement Officer.

605. Legal Actions and Violations

When any violation of any provision of this Ordinance shall be found to exist, the Select Board, on their own initiative, or the Code Enforcement Officer, with the approval of the Select Board, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable including seeking injunctions of violations and impositions of penalties, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Rockport. The Code Enforcement Officer may:

605.1. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with
the laws or ordinances specified in Section 302, Code Enforcement Officer. A municipal official’s entry onto property under this paragraph is not a trespass;

605.2. Issue a summons to any person who violates a law or ordinance, which the official is authorized to enforce; and

605.3. When specifically authorized by the Select Board municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws, which the Code Enforcement Officer official is authorized to enforce.

606. Liability for Violations

Any person, including, but not limited to, a landowner, the landowner’s agent or a contractor, who violates this Ordinance is liable for the penalties set forth below.

607. Civil Penalties

1. The following penalty provisions of 30-A M.R.S.A. § 4452, as amended, apply to violations of this Ordinance. Except for subsection 607.8, monetary penalties may be assessed on a per-day basis and are civil penalties.

607.1. The minimum penalty for starting construction or undertaking a land-use activity without the required permit is $100 and the maximum penalty is $2,500.

607.2. The minimum penalty for a specific violation is $100, and the maximum penalty is $2,500.

607.3. [Reserved]

607.4. For violations of this Ordinance, the violator shall be ordered to correct or mitigate the violation unless the correction or mitigation results in:

1. A threat or hazard to public health or safety;

2. Substantial environmental damage; or

3. A substantial injustice.

607.5. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the Court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by the Court rule.

607.6. In setting a penalty, the Court shall consider, but is not limited to, the following:

1. Prior violations by the same party;

2. The degree of environmental damage that cannot be abated or corrected;

3. The extent to which the violation continued following a municipal order to stop; and

4. The extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.

607.7. The maximum penalty may exceed $2,500, but may not exceed $25,000, when it is shown that there has been a previous conviction of the same party within the past two years for a violation of this Ordinance.

607.8. The penalties for violations of waste discharge licenses issued by the municipality pursuant to 38 M.R.S.A. § 413(8), or violation of a septage land disposal or storage site...
permit issued by the Department of Environmental Protection under 38 M.R.S.A. Chapter 13(1), are as prescribed in 38 M.R.S.A. § 349.

607.9. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum civil penalties may be increased. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

607.10. Proceedings brought for benefit of municipality

1. All proceedings arising shall be brought in the name of the Town of Rockport. All fines resulting from those proceedings shall be paid to the Town of Rockport.

2. Assessment of penalties shall commence on the date of issuance of a Notice of Violation signed by the Code Enforcement Officer and/or Select Board to the person or party in violation of this Ordinance. Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person or party shall not in any respect invalidate enforcement of this Ordinance or any penalties for violation thereof. In addition to the penalties provided herein, the Town may bring action in Superior Court to enjoin violation of the Ordinance and for such other relief as the law may provide.

3. The action of the Code Enforcement Officer in issuing a "stop work" order, notices of violations or similar notices, and the action of the Code Enforcement Officer in revoking building permits, shall be appealable to the Zoning Board of Appeals by an aggrieved person or party within thirty days (30) days after the date of receipt of notice of such action by the aggrieved person or party.
ROCKPORT LAND USE ORDINANCE  Section 812 – Wind Energy Systems

Introduction: The proposed changes to this section further quantify the size and placement of wind energy systems. The net effect of the proposed revisions, read in concert with its complimentary definition in Section 300, is to limit the size and scope of wind energy systems in the town of Rockport.

Note to Reader: Proposed additions are underlined and deletions strikethrough.

812. Small Wind Energy Systems

812.1 Purpose:
The intent of the Section is to regulate the size, placement, construction, and modification of small wind energy systems while allowing the safe, effective, and efficient use of this technology.

812.2 Siting Requirements for Small-Wind Energy Systems
1. Small Wind energy systems shall be a permitted use in all Districts.
2. Each parcel shall be limited to one small wind energy system.
3. Small Wind energy system towers shall not exceed a maximum height of 100 ft. except school parcels which shall not exceed a maximum height of 140 ft. above existing grade.
4. Small Wind energy system towers shall not be lighted unless required by the Federal Aviation Administration (FAA).

812.3 Setback Requirements
Small Wind energy systems shall be set back a distance equal to one hundred and ten (110) percent of the height of the tower and blade length from adjoining property lines.

812.4 Sound Requirements
1. An automatic braking, governing, or feathering system shall be required to prevent uncontrolled rotation.
2. Prior to approval, the applicant shall provide documentation from the manufacturer that the wind energy system will not produce noise levels in excess of the following standards, as measured at the closest property line.
3. After approval and installation of the wind energy system, the Planning Office shall perform sound measurements at the closest property line to determine ambient and operating decibel levels.

<table>
<thead>
<tr>
<th>Ambient Reading Without Wind Tower</th>
<th>Maximum Permitted Reading With Wind Tower</th>
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<tbody>
<tr>
<td>45</td>
<td>55</td>
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<tr>
<td>50</td>
<td>56</td>
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<td>55</td>
<td>61</td>
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<td>60</td>
<td>62</td>
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<td>65</td>
<td>66</td>
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</tbody>
</table>

4. Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent designated by the Planning Office. The report shall be submitted to the Planning Office for review. The fee for this
service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded in which case the owner of the system shall pay the fee.

5. If the maximum decibel readings are exceeded, the installation shall be considered a nuisance under the provisions of Section 801.6 of this Ordinance.

6. The nuisance violation must be corrected within 90 days from notification of the violation and if the violation cannot be corrected, the wind energy system shall be removed or relocated.

812.5 Permitting Requirements

1. In addition to the application and supporting documentation required by Section 602, the applicant for a small wind energy system shall provide the following information to the Code-Officer Planning Office.

   a. A site plan of the property showing the location of the proposed system, existing and proposed structures, and any other significant features on the property,

   b. Structural drawings of the wind tower, base pad, footings, and guy wire prepared by the manufacturer or a professional engineer,

   c. Drawings and specifications of the generator, hub, and blade, prepared by the manufacturer or a professional engineer,

   d. Photographs of the proposed site and the specific small wind energy system to be installed.

812.6 Prohibitions

Any wind energy system larger than the standards outlined in this Section is prohibited in all districts.
Introduction: District standards are adjusted each year. Proposed changes for this year include the following: District 907 – adding storage units as a commercial use, eliminating a convoluted formula for determining rear yard screening and replacing it with a standardized setback, District 907 Modified – standardizing front yard setback, District 908 – including other structures with buildings in the high elevation standards, and District 913 – increasing the lot coverage for commercial lots.

Note to Reader: Proposed additions are underlined and deletions strikethrough.

907. ROCKPORT MIXED BUSINESS / RESIDENTIAL ZONE

907.1. Purpose
The objective of the Mixed Business/Residential Zone is to encourage commercial growth and residential uses along Routes 1, 17 and 90 and to preserve the scale, size and character of existing architecture, without the design and traffic problems of strip development.

907.2. Permitted Uses

Residential Uses
1. Accessory residential uses including home occupations as defined in this Ordinance
2. Cluster residential development with Planning Board approval in accordance with the cluster provisions of this Ordinance;
3. Multi-family dwellings, three or more units;
4. Single family dwelling;
5. Two-family dwellings;

Commercial Uses
6. Art Galleries;
7. Auto sales and/or auto services;
8. Banks and financial institutions;
9. Barber shops and beauty parlors;
10. Camp grounds;
11. Churches;
12. Commercial greenhouses;
13. Computer sales and services;
14. Construction and landscaping, including storage of related materials;
15. Day care centers;
16. Fully enclosed places of assembly;
17. Grocery stores;
18. Hotels, inns, and bed and breakfasts;
20. Medical clinic;
21. Boat sales, repair and storage;
22. Professional offices and office buildings;
23. Recreational facilities;
24. Restaurants, provided no drive through;
25. Retail uses;
26. Tradesmen’s shops;
27. Wholesale businesses;
28. Storage Buildings (not including mini storage units)

Industrial Uses
29. Light industrial uses;
30. Light Manufacturing;

Public, Quasi Public, Institutional Uses
31. Hospitals;
32. Municipal uses and buildings;
33. Municipal wastewater pumping stations (municipal pumping stations are exempt from all setback requirements in this District);
34. Public utility installations and municipal utility installations including structures, substations, pumping stations and waste treatment facilities (setback requirements do not apply nor does the minimum lot size requirement);

907.3. Special Exceptions
1. All fully-enclosed, private sport facilities (for example, hockey rinks and tennis or basketball courts) in excess of 10,000 sq. ft that are more than 500 feet back from Routes 1, 17 and 90;
2. Residential and non-residential schools;

907.4 Building Footprint
1. Building footprints are limited to the maximum square feet per building footprint as described on the “Town of Rockport Zoning Map;”
2. Exceptions to the building footprint requirement are public buildings, public schools and public athletic recreational facilities.

907.5. Standards
1. The general standards of performance found in the Ordinance apply to all uses. All non-residential use must, in addition to the general standards of performance and the site plan review standards, meet the requirements of Section 1000, Standards of Performance for Commercial Use, for all non-residential uses in this Zone.
2. The following standards shall apply:

<table>
<thead>
<tr>
<th>MIXED BUSINESS/RESIDENTIAL ZONE</th>
<th>SEWERED</th>
<th>UNSEWERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>40,000 Square Feet</td>
<td>40,000 Square Feet</td>
</tr>
<tr>
<td>Per Dwelling Unit Multi-family Dwelling</td>
<td>20,000 Square Feet</td>
<td>40,000 Square Feet</td>
</tr>
<tr>
<td>Three or More Per Unit</td>
<td>10,000 Square Feet</td>
<td>20,000 Square Feet</td>
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</table>
### ROCKPORT LAND USE ORDINANCE

**Section 900 – Districts 907, 907M, 908 and 913**

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>40,000 Square Feet</th>
<th>40,000 Square Feet</th>
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<tbody>
<tr>
<td>Hotels, Inns, Bed and Breakfasts, Community Living Boarding Care Facilities, Dormitories</td>
<td>Plus 5,000 Square Feet Per Bedroom Unit</td>
<td>Plus 20,000 Square Feet Per Bedroom Unit</td>
</tr>
</tbody>
</table>

| Minimum Building Setback from the Edge of Pavement for All Uses Except Single and Two-Family Dwellings Fronting on Streets Other than Routes One, 17, 90 and Old County Road | 35 Feet Buffering in Accordance with the Performance Standards for Non-Residential Use | 35 Feet Buffering in Accordance with the Performance Standards for Non-Residential Use |

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<thead>
<tr>
<th>MIXED BUSINESS/RESIDENTIAL ZONE</th>
<th>SEWERED</th>
<th>UNSEWERED</th>
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</thead>
<tbody>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement from internal roads serving condominium developments</td>
<td>10 Feet</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>200 Feet</td>
<td>200 Feet</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>34 Feet</td>
<td>34 Feet</td>
</tr>
<tr>
<td>Public and Private Schools</td>
<td>55 Feet</td>
<td>55 Feet</td>
</tr>
<tr>
<td>Minimum Side Setback for all Uses</td>
<td>25 Feet</td>
<td>25 Feet</td>
</tr>
<tr>
<td>Minimum Rear Setback for all Uses</td>
<td>25 Feet</td>
<td>25 Feet</td>
</tr>
<tr>
<td>Minimum Building Setback from the Edge of the Pavement of the Road, for all Uses on Routes 1, 17, and 90</td>
<td>75 Feet Buffering in Accordance with the Standards of Performance for Non-Residential Uses</td>
<td>75 Feet Buffering in Accordance with the Standards of Performance for Non-Residential Uses</td>
</tr>
<tr>
<td>Minimum Building Setback from the Edge of the Pavement on all other roads for Single- and Two-family Dwellings</td>
<td>35 Feet No Screening Required</td>
<td>35 Feet No Screening Required</td>
</tr>
<tr>
<td>Minimum Building Setback from the Edge of the Pavement from internal roads serving condominium developments</td>
<td>10 Feet</td>
<td>10 Feet</td>
</tr>
</tbody>
</table>

| Minimum Setback for Driveways, Parking Spaces or Pavement Setback from Side Property Lines, Unless Shared with Adjacent Property | 10 Feet | 10 Feet |
| - Residential and Commercial Uses Other than those below | 10 Feet | 10 Feet |
| - High Traffic uses such as Hotels, Inns, Restaurants Community Living Boarding Care Facilities, Dormitories Abutting a Residential Use | 20 Feet | 20 Feet |

| Minimum Dwelling Size and Size of Non-Residential Structure | 600 Square Feet | 600 Square Feet |

3. Multiple structures may be constructed on a single lot subject to lot size and coverage restrictions. Such structures may be joined by a connector or connectors, subject to the requirements of the definition of “connector” in section 300.

4. The rear setback area for all uses except for single-family dwellings and two-family dwellings shall be screened in accordance with the standards set forth below. The rear...
setback screening distance is determined by taking the total average depth of the lot as measured from the edge of the pavement on the road and multiplying that by 15% (.15) to determine the minimum rear setback area. In no case shall the rear screened setback area be less than twenty-five feet (25') nor greater than seventy-five feet (75'). This rear screened buffer zone shall be used to create a visual screen between uses and shall comply with the following standards contained in Section 1000 of this Ordinance, Performance Standards for Commercial Use:

a. Section 1002.2., General Requirements, paragraphs 1, 2, 4, 6, 7, 8a and 8b and 9.
b. Section 1002.3., Front Yard Landscaping Requirements, paragraph 5c (definition of canopy tree).

5. The front setback area shall be screened in accordance with the Standards of Performance for Routes 1, 17 and 90 and Old County Road, found in this Ordinance.

<table>
<thead>
<tr>
<th>MIXED BUSINESS/RESIDENTIAL ZONE</th>
<th>SEWERED</th>
<th>UNSEWERED</th>
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<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>See Minimum Lot Area Per Dwelling Unit Below</td>
<td>See Minimum Lot Area Per Dwelling Unit Below</td>
</tr>
<tr>
<td>Minimum Lot Area Per Dwelling Unit*</td>
<td>15,000 Square Feet</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td>See Below and in Definitions</td>
<td>33%</td>
<td>33%</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>34 Feet</td>
<td>34 Feet</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>100 Feet</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>8 Feet</td>
<td>8 Feet</td>
</tr>
<tr>
<td>Driveways, Parking Spaces or Pavement Setback from Side and Rear Property Lines Unless Shared with Adjacent Property</td>
<td>15 Feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement</td>
<td>40 Feet</td>
<td>40 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement from internal roads serving condominium developments</td>
<td>10 Feet</td>
<td>10 Feet</td>
</tr>
</tbody>
</table>

*Undeveloped Land Requirement: 50% of any parcel to be subdivided into a clustered subdivision must be set aside as permanently undeveloped.
*To Calculate the number of dwelling units permitted on that portion of a parcel to be developed, see Section 300, Definitions

Minimum Buffer Zone between a Clustered Subdivision and abutting lots

50 Feet | 50 Feet

**907 MODIFIED – MIXED BUSINESS / RESIDENTIAL DISTRICT**

**907M.1. Purpose**

The objective of the Modified Mixed Business/Residential District is to encourage commercial growth and residential uses in a setting that creates a village atmosphere.
The village setting should encourage pedestrian traffic while slowing vehicular traffic. These objectives are in addition to those of the Rockport Mixed Business/Residential Zone.

907M.2. Permitted Uses

Residential Uses
1. Accessory residential uses including home occupations as defined in this Ordinance;
2. Cluster residential development with Planning Board approval in accordance with the cluster provisions of this Ordinance;
3. Multi-family dwellings, three or more units;
4. Single family dwelling;
5. Two-family dwellings;
6. Reserved;

Commercial Uses
7. Auto sales;
8. Art Galleries;
9. Banks and financial institutions;
10. Barber shops and beauty parlors;
11. Boat sales, repair and storage;
12. Churches;
13. Computer sales and services;
14. Construction and landscaping, including storage of related materials;
15. Day care centers;
16. Fully enclosed places of assembly;
17. Grocery stores;
18. Hotels, inns, and bed and breakfasts;
19. Medical clinic;
20. Professional offices and office buildings;
21. Recreational facilities;
22. Restaurants, provided no drive through;
23. Retail uses;
24. Tradesmen’s shops;
25. Wholesale businesses;

Public, Quasi Public, Institutional Uses
26. Municipal uses and buildings;
27. Municipal wastewater pumping stations (Municipal pumping stations are exempt from all setback requirements in this District);
28. Public utility installations and municipal utility installations including structures, substations, pumping stations and waste treatment facilities (setback requirements do not apply nor does the minimum lot size requirement);

**907M.3. Special Exceptions**

1. Residential and non-residential schools.

**907M.4 Building Footprint**

1. Building footprints are limited to the maximum square feet per building footprint as described on the “Town of Rockport Zoning Map”;

2. Exceptions to the building footprint requirement are public buildings, public schools and public athletic recreational facilities.

**907M.5. Standards**

1. The general standards of performance found in the Ordinance apply to all uses. All non-residential use must, in addition to the general standards of performance and the site plan review standards, meet the requirements of Section 1000, *Standards of Performance for Commercial Use*, for all non-residential uses in this Zone.

2. The following standards shall apply:

<table>
<thead>
<tr>
<th>MIXED BUSINESS/RESIDENTIAL ZONE</th>
<th>SEWERED</th>
<th>UNSEWERED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Size</strong></td>
<td>15,000 Square Feet</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td><strong>Minimum Area Per Dwelling Unit</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>15,000 Square Feet</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>15,000 Square Feet</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td>Multi-family Dwelling</td>
<td>15,000 Square Feet Plus 5,000 Square Feet Per Dwelling Unit</td>
<td>20,000 Square Feet Plus 20,000 Square Feet Per Dwelling Unit</td>
</tr>
<tr>
<td><strong>Minimum Lot Size Per Unit for the following uses:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels, Inns, Bed and Breakfasts, Community Living Boarding Care Facilities, Dormitories</td>
<td>40,000 Square Feet Plus 5,000 Square Feet Per Bedroom Unit</td>
<td>40,000 Square Feet Plus 20,000 Square Feet Per Bedroom Unit</td>
</tr>
<tr>
<td>Minimum front yard set back from Edge of Pavement for All Uses Including Single and Two-Family Dwellings.</td>
<td>25 Feet to 35 Feet in Accordance with the Performance Standards</td>
<td>25 Feet to 35 Feet in Accordance with the Performance Standards</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td><strong>Minimum Street Frontage</strong></td>
<td>75 Feet</td>
<td>75 Feet</td>
</tr>
<tr>
<td><strong>Minimum Side and Rear Yard Setback</strong></td>
<td>15 Feet</td>
<td>15 Feet</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td>34 Feet</td>
<td>34 Feet</td>
</tr>
<tr>
<td><strong>Maximum Building Height</strong></td>
<td>55 Feet</td>
<td>55 Feet</td>
</tr>
<tr>
<td><strong>Public and Private Schools</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Side Setback for all Uses</strong></td>
<td>15 Feet</td>
<td>15 Feet</td>
</tr>
<tr>
<td><strong>Minimum front yard set back from Edge of the Pavement of the Road, for all Uses.</strong></td>
<td>25 to 35 Feet in Accordance with the Performance Standards</td>
<td>25 to 35 Feet in Accordance with the Performance Standards</td>
</tr>
<tr>
<td><strong>Minimum Front Yard Setback from Edge of Pavement from internal roads serving condominium developments</strong></td>
<td>10 Feet</td>
<td>10 Feet</td>
</tr>
<tr>
<td><strong>Minimum Setback for Driveways, Parking Spaces or Pavement Setback from Side Property Lines, Unless Shared with Adjacent Property</strong></td>
<td>10 Feet</td>
<td>10 Feet</td>
</tr>
</tbody>
</table>
3. Multiple structures may be constructed on a single lot subject to lot size and coverage restrictions. Such structures may be joined by a connector or connectors, subject to the requirements of the definition of “connector” in section 300.

908. RURAL DISTRICT

908.1. Purpose
To preserve natural resources while allowing for development that is sensitive to lake water quality, wildlife habitat, scenic vistas, steep slopes and ridge lines. To encourage the continuation of resource based opportunities including blueberry production, farming and woodland management. To, as much as is practical, encourage structures built at high elevations to blend in with the surrounding landscape.

908.2. Permitted Uses
1. Agricultural production;
2. Commercial storage within barns or similar accessory structures existing as of the date of the adoption of this Ordinance (June 11, 1974);
3. Golf course;
4. Home occupations;
5. Municipal wastewater pumping stations (municipal pumping stations are exempt from all setback requirements in this District);
6. Single-family dwellings;
7. Accessory uses, including home occupations as defined in this Ordinance;
8. Two-family dwellings;

908.3. Special Exceptions
1. Agricultural products processing plants;
2. Cemeteries;
3. Churches;
4. Public utility installations, including power substations and waste treatment plants;
5. Tradesmen’s shops;
6. Art galleries;
7. Bed and breakfasts;
8. Office for nonprofits limited to 1,000 sq. ft. and three employees.

908.4. Standards
908.4.1
Separate standards are established in the rural zone for single family homes on individual lots, in traditional subdivisions, and for clustered residential subdivisions. In the rural zone, the clustering of residences in residential subdivisions is encouraged with incentives offered to cluster. In addition,
standards for subdivisions unique to the Rural Zone are established to minimize
the impact of such development on this area of Rockport.

908.4.2. Standards

<table>
<thead>
<tr>
<th>RURAL DISTRICT</th>
<th>UNSEWERED/SEWERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>130,000 Square Feet</td>
</tr>
<tr>
<td>Minimum Area Per Dwelling Unit</td>
<td>130,000 Square Feet</td>
</tr>
<tr>
<td>Minimum Area for Two Dwelling Units</td>
<td>130,000 Square Feet</td>
</tr>
<tr>
<td>where the second Dwelling Unit is part of the same</td>
<td></td>
</tr>
<tr>
<td>structure as the first and both units are under common</td>
<td></td>
</tr>
<tr>
<td>ownership</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>33%</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>34 Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage Requirement</td>
<td>150 Feet</td>
</tr>
<tr>
<td>Driveways, Parking Space or Pavement setback from side and</td>
<td></td>
</tr>
<tr>
<td>rear yard property lines unless shared with adjacent</td>
<td></td>
</tr>
<tr>
<td>property</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement on Routes</td>
<td></td>
</tr>
<tr>
<td>1, 17, 90 and Old County Road</td>
<td>75 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement on all</td>
<td></td>
</tr>
<tr>
<td>other roads and streets</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement from</td>
<td></td>
</tr>
<tr>
<td>internal roads serving condominium developments</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10 Feet</td>
</tr>
<tr>
<td>Minimum Side and Rear Yard Setback</td>
<td>25 Feet</td>
</tr>
</tbody>
</table>

908.4.3. Standards for Residential Subdivisions

<table>
<thead>
<tr>
<th>RURAL DISTRICT</th>
<th>UNSEWERED/SEWERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size (provided that density requirements must be adhered to)</td>
<td>20,000 Square Feet (per State Standards)</td>
</tr>
<tr>
<td>Minimum Lot Area Per Dwelling Unit</td>
<td>72,500 Square Feet</td>
</tr>
<tr>
<td>Undeveloped Land in a Residential Subdivision (50% of land must be permanently undeveloped)</td>
<td>50%</td>
</tr>
<tr>
<td>To calculate the number of dwelling units permitted: 1.) Determine the number of square feet in the portion of the parcel to be subdivided; 2.) Divide half the area to be subdivided by the minimum lot area per dwelling unit; 3.) Round the result to the nearest whole number.</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>33%</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>34 Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage Requirement</td>
<td>100 Feet</td>
</tr>
<tr>
<td>Driveways, Parking Spaces or Pavement Setback from Side and Rear Yard Property Lines unless shared with adjacent property</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement on Routes 1, 17, 90 and Old County Road</td>
<td>75 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement on all other roads and streets</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from Edge of Pavement from internal roads serving condominium developments</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Minimum Side and Rear Yard Setback</td>
<td>15 Feet</td>
</tr>
</tbody>
</table>

908.4.4. Standards for Clustered Residential Subdivisions

<table>
<thead>
<tr>
<th>RURAL DISTRICT</th>
<th>UNSEWERED/SEWERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size Requirement (except that Lots must conform to State minimum standards)</td>
<td>None</td>
</tr>
</tbody>
</table>
ROCKPORT LAND USE ORDINANCE  Section 900 – Districts 907, 907M, 908 and 913

<table>
<thead>
<tr>
<th>Minimum Lot Area Per Dwelling Unit</th>
<th>72,500 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undeveloped Land in a Residential Subdivision (50% of land must be permanently undeveloped)</td>
<td>50%</td>
</tr>
<tr>
<td>To calculate the number of dwelling units permitted: 1.) Determine the number of square feet in the portion of the parcel to be subdivided; 2.) Divide half the area to be subdivided by the minimum lot area per dwelling unit; 3.) Round the result to the nearest whole number.</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>33%</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>34 Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage Requirement</td>
<td>None</td>
</tr>
<tr>
<td>Driveways, Parking Space or Pavement Setback from side and rear yard property lines unless shared with adjacent property</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from edge of pavement Routes 1, 17,90 and Old County Road</td>
<td>60 Feet</td>
</tr>
<tr>
<td>All other Roads/Streets</td>
<td>30 Feet</td>
</tr>
<tr>
<td>Minimum Front Yard Setback from edge of pavement from internal roads serving condominium developments</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Minimum Side and Rear yard setback</td>
<td>15 Feet</td>
</tr>
<tr>
<td>Density bonus when at least 70% of the total land in the clustered residential subdivision is permanently set aside as undeveloped (multiply dwelling unit calculation by 1.3)</td>
<td>1.3</td>
</tr>
</tbody>
</table>

908.5 Rural Zone Design and Development Standards

908.5.1. Roads

a. The use of private ways shall be encouraged in the rural zone.

b. See Section 805.3 of this ordinance or Section 12.2-3, Street Design Guidelines of the Rockport Subdivision Ordinance for Street Design Standards, as appropriate.

908.5.2. Undeveloped Land

Undeveloped land in rural subdivisions may be owned in common by a homeowners association, deeded to a third party conservation organization or land trust, be retained by the owner of a proposed subdivision, or owned outright by individual owners so long as it is deed restricted to remain undeveloped or protected by appropriate conservation easements. No matter how title is held, the undeveloped land must remain undeveloped after the parcel is subdivided.

908.5.3. High Elevation Performance Standards

1. Buildings and other structures constructed at high elevations should blend with the landscape to minimize their visibility. Siting of all structures, building colors, materials and surrounding vegetation should all be taken into account in determining whether or not this standard has been met.

2. Buildings and other structures constructed at high elevations shall be built with their highest point 100 vertical feet or more below the relevant summit height. Dodge’s Ridge is exempted from this standard.

3. High Elevation Areas in Rockport: The above performance standards apply to the following mountains and ridges in Rockport at the elevations listed:

<table>
<thead>
<tr>
<th>Mountain, Ridge, Hill</th>
<th>Performance Standard Elevation</th>
<th>Summit Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pleasant Mt.</td>
<td>750 Feet</td>
<td>1,060 Feet</td>
</tr>
<tr>
<td>Spruce West Peak</td>
<td>600 Feet</td>
<td>970 Feet</td>
</tr>
</tbody>
</table>

913. ROCKPORT DOWNTOWN DISTRICT

913.1. Purpose

To preserve and enhance the mixture of small businesses, civic, educational, residential, and water-dependent development in the core of the Rockport Harbor Village.

913.2. Permitted Uses

1. Churches,
2. Community and quasi-public buildings except those operated for profit,
3. Marinas and boat yards,
4. Marine research facilities,
5. Municipal uses and buildings,
6. Municipal wastewater pumping stations (municipal pump stations are exempt) from all setback requirements in this District,
7. Professional offices,
8. Retail uses,
9. Rooming houses.
10. Single-family detached dwellings,
11. Accessory uses, including home occupations as defined in this Ordinance,
12. Two-family dwellings.

913.3. Special Exceptions

1. Barber shop or beauty parlor,
2. Charitable, educational or scientific institution,
3. Commercial fish pier,
4. Day care center,
5. Grocery store, including a grocery store with the sale of liquor (the sale of gasoline is not allowed),
6. Medical clinic,
7. Multi-family dwellings,
8. Municipal uses,
9. Parking lot with four (4) or less parking spaces accessory to a permitted use if on a different lot from the permitted use,
10. Private club,
11. Recreational boating facility,
12. Research facility,
13. Restaurant, no drive-thru (roadside stands not allowed),
14. Ship chandlery,
15. Tradesman shop,

913.4 Standards
1. The general standards of performance of this ordinance shall be observed;
2. The following standards shall apply:

<table>
<thead>
<tr>
<th>ROCKPORT DOWNTOWN DISTRICT</th>
<th>SEWERED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>12,000 Square Feet</td>
</tr>
<tr>
<td>Single-family Dwelling</td>
<td>12,000 Square Feet</td>
</tr>
<tr>
<td>Two-family Dwelling</td>
<td>12,000 Square Feet</td>
</tr>
<tr>
<td>Multi-family Dwelling</td>
<td>12,000 Square Feet</td>
</tr>
<tr>
<td>Plus 6,000 Square Feet per Dwelling Unit</td>
<td></td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>40 Feet</td>
</tr>
<tr>
<td>Minimum Side and Rear Setback</td>
<td>6 Feet</td>
</tr>
<tr>
<td>Minimum Front Setback from Edge of Pavement</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Driveway, Parking Space, Pavement Setback from</td>
<td>4 Feet</td>
</tr>
<tr>
<td>Rear Property Lines Unless Shared with Adjacent</td>
<td></td>
</tr>
<tr>
<td>Property</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>70%</td>
</tr>
<tr>
<td>Maximum Lot Coverage - Commercial Lots</td>
<td>100%</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>34 Feet</td>
</tr>
</tbody>
</table>

3. Parking: See Section 803.1.2 Off-Street Parking Standards, of this Ordinance, with regard to parking standards for non-residential uses in this District.
4. To encourage patterns of development that are consistent with the historical development of structures on the harbor side of Central Street, the following standards will apply to parcels 29-297, 29-295, 29-293, 29-291, 29-303, 29-287 and 29-289.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side and Rear Setback</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Minimum Front Setback from Edge of Pavement</td>
<td>0 ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>100%</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

5. For buildings on Central Street, the maximum height to the eave shall not exceed forty (40) feet from the Central Street sidewalk. For buildings on Central Street with pitched roofs, the maximum height to the roof ridge shall not exceed fifty (50) feet from the Central Street sidewalk.
Introduction: Proposed changes to this Section include expanding the category of exempt signs and the creation of an expedited permitting process for temporary signs for civic and charitable organizations.

Note to Reader: Proposed additions are underlined and deletions strikethrough.

1101.7. Signs Exempt from the Permitting Process

The following signs are exempt from the permitting requirements of this Ordinance.

1. House address signs, family name signs, no trespassing signs, no hunting signs, and danger signs. With the exception of a temporary hazardous warning sign, no sign can be internally lit, nor can it contain any moving parts. They cannot exceed twelve (12) square feet in area.

2. Traffic control signs, including handicap access signs.

3. Political message signs relating to an election. These signs may not be placed within the Town prior to six (6) weeks before the election and must be removed by the candidate or political committee not more than one (1) week thereafter. They cannot exceed six (6) square feet in area.

4. Signs showing the time and place of services and meetings of religious and civic organizations.

5. Signs for rent, sale or lease.


7. Signs off premise for the seasonal sale of agricultural products. They cannot exceed eight (8) sq. ft. in area.

8. Signs announcing lawn or garage sales. These signs cannot exceed eight (8) sq. ft. in area and shall be removed two days after the event.

1101.8. Signs Requiring Permits but Exempted from Fees

Signs, including flags, banners, or pennants, erected by public, civic, philanthropic, charitable or religious organizations announcing an event, an auction, public supper, lawn sale, campaign, or other similar events shall be exempt from fees. These signs cannot exceed twenty-five (25) sq. ft. in area and can be displayed no longer than thirty (30) days. Applications to the Planning Office and permit issuance may be delivered electronically.