

Planned Unit Development (PUD) ordinance – Recommended by the Planning Board 7-0-0

Purpose

The proposed ordinance of a Planned Unit Development (PUD) is aimed at creating another tool the Town can use to increase the housing stock. Currently, Rockport's Land Use Ordinance is a black and white setup with little flexibility for a developer to create housing that is sorely needed. If Rockport is to increase housing supply, then additional tools such as this PUD are needed. This PUD ordinance will allow for density bonuses in exchange for types of housing and other amenities for the community at large.

To add:

Definition:

Historic or Archaeological Resources are areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as historic or archaeological resources and any areas identified by the Town of Rockport's Comprehensive Plan.

Open Space is the portion of a lot or site which is maintained in its natural state to preserve scenic resource, farm and forest land, wetlands, groundwater recharge areas, wildlife habitat, public access to water bodies, and other important or environmentally sensitive areas or to be used for outdoor recreation purposes.

Planned Unit Development (PUD) is a housing development consisting of either single family homes, multifamily homes, condos or townhomes, or combinations thereof, and in which every homeowner belongs to a homeowners association or equivalent. PUDs are intended to cluster housing units on a lot and allow for increased density with incentives outlined in Section 817 of the Rockport Land Use Ordinance.

Viewshed is an unobstructed location, position, or area that permits an unhindered panoramic vista of particular interest or pleasure or unique view to or from a particular point.

817. Planned Unit Development

1) Purpose and intent

- a) The purpose of the Planned Unit Development (PUD) is to provide an opportunity for residential subdivision developments on tracts of land to embody the principles of:
 - i) Clustering of dwelling units to create buffers, open space and recreation areas;
 - ii) Reducing infrastructure needs;
 - iii) Reducing negative impacts to the environment from the development: and
 - iv) Promoting affordable housing per Title 30-A MRSA § 4364.

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- b) The intent of a PUD is to encourage development which benefits the Town as a whole by offering incentives. The PUD seeks to provide for enhanced planned development by:
 - i) Allowing greater freedom of design;
 - ii) Improving the opportunity for flexibility and creativity in the land development process; and
 - iii) Utilizing techniques which foster community and pedestrian access.
- 2) District and authority.
 - a) The PUD is a development option in the following zone districts: the Harbor Village 901, Village District 902, Residential 904, Mixed Business Residential 906, Mixed Business Residential 907, Rural 908, Hospital and Resort 909, and Downtown 913, in those areas served by the Town sewer system. Properties in the above noted districts with a portion of land in the Shoreland Residential, Resource Protection and Stream Protection Districts may apply for a PUD; however, these properties must still meet shoreland standards contained in Chapter 1400.
 - b) Applicants may choose to apply as a PUD; otherwise, the underlying zoning requirements apply.
 - c) The Planning Board is the permitting authority for a PUD; however, any other permits and approvals required must be sought and received by the applicant. A PUD does not relieve the applicant from obtaining any local, state or federal permits that may be required.
 - d) To achieve the purpose and intent of a PUD, the Planning Board may approve a waiver request of a requirement(s) outlined in the Land Use Ordinance if the requirement(s) is/are deemed to be unnecessary to a specific development project, pursuant to the authority in 30-A M.R.S. § 4353(4-C).
- 3) PUD process.
 - a) The PUD process shall include the requirements of a subdivision approval process as outlined in the Subdivision Ordinance.
 - b) In addition to Subsection 817.3.a, applicants shall provide an analysis including graphic illustrations of the visual impacts and viewshed alterations that the proposed development will have on neighboring properties because of the location and configuration of proposed structures, parking areas, open space, and gradient changes.
 - c) The Planning Board may require the applicant to prepare a plan to show a possible layout for a conventional subdivision application.
- 4) Parcel size and eligibility
 - a) The minimum size of a parcel seeking application of a PUD shall be the minimum lot size in its zoning district.
 - b) An application for a PUD may consist of land with more than one owner, provided that all land comprising the parcel lies entirely within the PUD overlay district and is contiguous. Lots separated by a minor street may be considered contiguous for this purpose.
 - c) Proposed developments may include preexisting buildings, provided that all PUD requirements are satisfied by each new or existing building, and that all buildings are included in calculations for the PUD as a whole.
- 5) Permitted Uses. PUD may allow residential uses as described in the Land Use Table in section 917.
- 6) Intensity of development

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- a) Affordable units and lots. In the final plan the minimum number of affordable units or lots must be at least 20% of the development. These units and lots must be in compliance with Section 818, Affordable Housing.
- b) Parking Requirements shall follow section 803, except for Multi-Family developments within a PUD. Multi-Family development shall include a minimum of 2 off-street parking spaces per 3 dwelling units.
- c) Open space.
 - i) All PUDs shall set aside by deed or easement an area in square footage at least 20% of the application parcel as open space.
 - ii) Open space calculation may not include land that is under conservation easement at the time of application.
 - iii) Open space shall be contiguous.
 - iv) No more than 75% in the aggregate of the following land types can be used in the calculation of open space:
 - (1) Wetlands and significant vernal pools;
 - (2) Sustained slopes greater than 20%;
 - (3) Stormwater management systems; and
 - (4) Area(s) within 75 feet, horizontal distance, of the normal high-water line of a stream, great pond, river, saltwater body, or significant vernal pool, unless otherwise specified in Chapter 1400.
 - v) Restrictive language. The applicant shall present the Planning Board with proposed language for incorporation into deeds, recorded plans and declarations designed to ensure the integrity, protection, and maintenance of the common open space. Such language shall be subject to the approval of the Town Attorney to be sure it will accomplish its intended purposes. The applicant will comply with all reasonable requests of the Town to incorporate such language in appropriate documentation to ensure the purposes of this section will be met.
- d) Number of allowable dwelling units
 - i) Applications shall show the density allowed for a conventional subdivision application. This density shall be used in calculations for requisite open space, affordable unit dedication, and also as the base requirement that the Planning Board may increase as noted below. This calculation is the “base development density”. Land encumbered at the time of the application by conservation easement cannot be included in the calculation of base development density.
 - ii) An increase in the number of dwelling units above the base development density shall be considered for the following provisions:
 - (1) For every additional affordable housing unit as defined above the minimum required allotment as determined through the base development density, one additional market-rate dwelling unit may be allowed.
 - (2) For each 10% in addition to the required open space dedicated on the Site Plan , one additional dwelling unit may be allowed.
 - (3) For the provision by deed and construction of active recreation space, or through a payment-in-lieu of dedication in an amount of \$5,000 per dwelling unit, for

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- upkeep/maintenance or acquisition of Town owned active recreation space, one additional dwelling unit may be allowed.
- (4) For projects that are designed to meet the certification standards of Leadership in Energy & Environmental Design (“LEED”), or other approved equivalent sustainable building certification program for all dwelling units, either by application or by affidavit that performance metrics will or have been met by the project, one additional dwelling unit may be allowed.
 - (5) For projects constructing new pedestrian amenities to connect the proposed development to other areas, amenities or goods and services, one additional dwelling unit may be allowed.
 - (6) For projects that provide formal access to public transportation, one additional dwelling unit may be allowed.
 - (7) For projects that restore or preserve a historic resource existing on the property as part of the application, one additional dwelling unit may be allowed.
 - (8) For projects that place all public utilities underground on the applicable parcel, an additional two dwelling units may be allowed.
- iii) A PUD may never exceed the allowable number of dwelling units by more than two and a half times (2.5) the base development density.
- e) Dimensional controls.
- i) Setbacks may be modified through review by the Planning Board to promote cluster development pursuant to the authority in 30-A M.R.S. § 4353(4-C).
 - ii) Lot size requirements within a PUD on the sewer line may be reduced up to fifty percent (50%) of that required in the zone. This provision does not allow for further increased density for either the Base Development Density calculation or to increase above the allowed density bonus outlined in § 817.6.d.i.
 - iii) Other lot dimensional requirements may be reduced as follows:
 - (1) Lot frontage: up to fifty percent (50%) of that required in the zone, with exception regarding minimum width for a driveway and lots on Rt 1, 17 & 90.
 - (2) Side and rear setbacks: up to one hundred percent (100%) of that required in the zone. Front Setbacks: up to one hundred percent (100%) of that required in the zone, with exception of lots on Rt 1, 17, & 90. The aggregate lot coverage of a PUD cannot exceed that of the underlying district. In no event shall height requirements be allowed to exceed the requirements of the underlying district.
- 7) Criteria for approval
- a) In reviewing PUD applications, the Planning Board shall apply the requirements found in the Subdivision Ordinance and the Land Use Ordinance as applicable.
 - b) The Planning Board also shall use the requirements of Chapter 1400 Shoreland Zoning, which shall not be modified, for review of property in a shoreland zone.

Section to Add -

818. Affordable Housing

1. Purpose. The Town finds that an adequate supply of affordable housing for persons of moderate income is desirable for public health, safety and welfare in that it promotes a community rich in economic, social, and cultural diversity. It is therefore a public purpose to make available and integrate into the Town an adequate supply of housing for people of all economic segments of the community.
2. Applicability. Any reference to affordable housing in this Ordinance shall comply with the following provisions unless otherwise modified by the Planning Board.
3. Standards.
 - a. Affordable Housing units, as defined in Chapter 300, shall be sold or rented to qualified parties. All affordable housing units shall be owner-occupied or, in the case of rental units, occupied by the renter.
 - b. The applicant shall submit for Planning Board review and acceptance an agreement which preserves the long-term (fifty years) affordability of the units. The agreement shall be either a second mortgage or deed restriction, or a combination of the two. Agreements must include but not be limited to:
 - i. A proven method to preserve long-term (fifty years) affordability to moderate-income buyers;
 - ii. A formula for accruing limited equity to the buyer which includes any physical improvements to the property;
 - iii. An option giving the Town, or a qualified housing nonprofit organization, the right to purchase the affordable units if no qualified buyers apply at the affordable price within 180 days of publicly listing the property for sale;
 - iv. The option to return housing to market rates only if there are no qualified buyers within 180 days of the property being on the market with a method to return excess profits to the Town, or a qualified housing nonprofit organization, if the units are returned to market rates;
 - v. Terms of covenants that may be enforced by the Town of Rockport without unreasonable legal expense;
 - vi. Provisions for reimbursement of administrative costs incurred by the Town of Rockport if the Town is required to enforce terms of the agreement or administer transfers of the property; and
 - vii. Identification of other third-party entities that may be responsible for managing or supervising terms of the agreement.
 - c. The mandatory affordable housing provisions shall run with the land.
 - d. Affordable housing units shall be constructed and completed at a rate proportional to the market rate units in a subdivision or multifamily project. The rate of development shall be determined by dividing the total number of units in the development by the total number of affordable units. No building permits shall be issued for a market rate unit in excess of the proportion of affordable housing units for which a certificate of occupancy has been issued.

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- e. When calculating proportionality, any fractional sum shall be rounded up to the nearest whole building unit.
 - f. Renters of affordable units shall:
 - i. Have income that qualifies for Affordable Housing as defined.
 - g. Buyers of affordable units shall;
 - i. Have income that qualifies for Affordable Housing as defined.
 - h. Affordable housing lots
 - i. Any lot created to meet the provisions for affordable housing may be sold or conveyed to a qualified nonprofit housing organization.
 - ii. Any conveyance of the affordable lot(s) shall be concurrent with the recording of the subdivision plan at the Knox County Registry of Deeds.
 - iii. All deeds shall contain language that preserves long-term (fifty years) affordability to moderate-income buyers. This language is subject to the approval of the Planning Board.
 - iv. A covenant shall be placed on the lot giving the Town or other qualified nonprofit housing organization the right to purchase the affordable lot if no qualified buyers apply at the affordable price within 180 days.
4. Optional payment. In lieu of providing the requisite affordable housing units, the applicant shall make a payment to a nonprofit housing development organization with the mission to create affordable housing in Rockport, or within Knox County. The amount of the payment shall be calculated as follows: (The number of required affordable units) multiplied by (the annual average income for a family of four in Knox County, multiplied by 3). Evidence of payment shall be provided prior to the issuance of a building permit for the construction of the approved plan.

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Amend the following sections

300 Definition

Clustered Residential Development: A subdivision or development in which the lots are reduced in size below that normally required and grouped together to maximize the amount of contiguous open space, recreation, or agriculture.

804 Cluster Development

1. Purpose

Cluster developments are intended to enable and encourage greater flexibility in the design of subdivisions, to minimize sprawl, to facilitate the most appropriate use of the land, to promote land conservation, and to protect the natural and scenic attributes of the land, in accordance with the goals and objectives of the Rockport Comprehensive Plan.

2. Where Allowed

Cluster development is allowed in all districts except for the Industrial Zone 916.

3. Compliance with Ordinances and Comprehensive Plan

All applications for subdivisions under the clustering provision of the Rockport Land Use Ordinance shall comply with the Comprehensive Plan of the Town of Rockport, with all applicable provisions of the Rockport Land Use Ordinance, and the Rockport Subdivision Ordinance and with all applicable state and federal laws.

A. Regulations Governing Cluster Residential Development

1. Cluster developments shall be designed and constructed to achieve the purposes of this ordinance.
2. Permitted Uses: Cluster residential developments may allow uses as described in the Land Use Table in section 917.
3. Open space, Recreation, or Agriculture: Cluster developments shall provide open space to be owned, operated, and maintained by an Owner Association of the development.
4. Utilities: All utilities, including electric and telephone lines, shall be installed underground unless an underground installation is financially impracticable, in which case the applicant shall provide supporting documentation.
5. Building height shall not exceed those heights specified in the Rockport Land Use Ordinance.
6. [Applications shall show the density allowed for a conventional subdivision application. This density shall be used in calculations for requisite open space, and any possible density incentives. This calculation is the “base development density”. Any land encumbered at the time of the application by conservation easement cannot be included in the calculation of base development density.](#)

B. General Design Requirements

1. All roads shall be designed and constructed in accordance with the applicable Road Standards of the Town of Rockport.
2. Public water and sewer systems and private wells and subsurface wastewater systems shall be designed and installed in accordance with design criteria of the Town of Rockport and the State of Maine.
3. Open Space, Recreation, or Agricultural in a Cluster Development shall be owned in common by an Owners Association. Setbacks from Water Bodies and Shorelands: Setbacks from water bodies and other shoreland area requirements cannot be waived.
4. Pedestrian walkways, such as but not limited to sidewalks, are required in cluster developments to encourage walkability between parcels.
5. Natural surface drainage channels shall either be incorporated into the overall site design or shall be preserved as part of the required undeveloped land. All disturbed surfaces shall be treated to prevent erosion.
6. Lots, buildings, streets, parking areas, and cluster units shall be designed and arranged to: minimize alteration of the natural site features to be preserved, including but not limited to maintaining compatibility with the existing topography of the site; relate to surrounding properties, including but not limited to architectural harmony of surrounding existing buildings; improve the view from and view of buildings; lessen the area devoted to motor vehicle access; and avoid the adverse effects of noise, shadows, lights, and traffic on residents of the development.
7. Parking Requirements shall follow section 803, except for Multi-Family development within a Cluster Development. Multi-Family development shall include a minimum of 2 off street parking spaces per 3 dwelling units.
8. Development proposals shall include a landscaping plan to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.
9. Diversity and originality in lot layout and individual building design is encouraged to achieve the best possible relationship between the development and the land.
10. Lot size requirements within a Cluster Development on the sewer line may be reduced up to fifty percent (50%) of that required in the zone, as determined by the Planning Board. This provision does not allow for further increased density for either the Base Development Density calculation or to increase above the allowed density bonus outlined in section 804.C
11. Other lot dimensional requirements may be reduced as follows:
 - 11.1. Lot frontage: up to fifty percent (50%) of that required in the zone, with exception regarding minimum width for a driveway and lots on Rt 1, 17, & 90.
 - 11.2. Side and rear setbacks: up to one hundred percent (100%) of that required in the zone.
 - 11.3. Front Setbacks: up to one hundred percent (100%) of that required in the zone, with exception of lots on Rt 1, 17, & 90.

C. Intensity of Development

1. An increase in the number of dwelling units above the base development density will be considered on the following bases:
 - a. For every additional affordable dwelling unit above the required allotment as determined through the base development density, ~~an~~ one additional market-rate dwelling unit may be allowed.
 - b. For each 10% in addition of the required open space dedicated on the application parcel, one additional dwelling unit may be allowed.
 - c. For the provision by deed and construction of active recreation space, or through a payment-in-lieu of dedication in an amount of **\$5,000 per dwelling unit**, for upkeep/maintenance or acquisition of Town owned active recreation space, one additional dwelling unit may be allowed.
 - d. For projects that are designed to meet the certification standards of Leadership in Energy & Environmental Design (“LEED”), or other approved equivalent sustainable building certification program, for all dwelling units, either by application or by affidavit that performance metrics will or have been met by the project, one additional dwelling unit may be allowed.
 - e. For projects constructing new pedestrian amenities to connect the proposed development to other areas, amenities or goods and services, one additional dwelling unit may be allowed
 - f. For projects that provide formal access to public transportation, one additional dwelling unit may be allowed.
 - g. For projects that restore or preserve an historic resource existing on the property as part of the application, one additional dwelling unit may be allowed.
 - h. For projects that bury all utilities, an additional two dwelling units may be allowed.
2. A Cluster Development, outside of a PUD, may never exceed the allowable number of dwelling units by more than 2.5 times the base development density.

D. Cluster Residential Management Requirements

1. The applicant or developer shall provide for and establish an Owners Association or other legal entity with the same purpose. The Owners Association shall have the authority, through the unit owners, to manage the common open space areas. The articles of the association or incorporation of such an entity must conform to all State regulations.
2. Membership in such Owners Association shall be mandatory for Cluster property owners and made a required covenant in all deeds issued. The Association shall provide voting and use rights in the open space area(s) when applicable and may charge dues or levy assessments to cover expenses which may include tax liabilities of common areas, and for the maintenance of such common areas, open space areas, improvements, rights-of-way, utilities, etc. Such organizations shall be responsible for the perpetuation, maintenance, and function of all common lands, uses and facilities.

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3. All common lands and improvements shall be described and identified as to location, size, use and control in a Restrictive Covenant. These Restrictive Covenants shall be written so as to run with the land and become a part of the deed of each lot or dwelling unit within the development. The Restrictive Covenant proposal shall be submitted with the application for review and approval by the Planning Board.

4. Such Restrictive Covenants and the Owners Association shall continue in effect to control the availability of facilities for their intended function and to protect the development from additional unplanned densities and use. No open space or land can change hands by sale or otherwise, except to an organization or association conceived and organized to maintain such areas as Open Space.

E. Performance Guarantee

The developer shall provide the Town of Rockport at the time of submission of final plans a Performance Guarantee that shall conform to Article 13 of the Rockport Subdivision Ordinance.

917 Land Use Table

	901	902*	903	904*	906*	907	908	909	913	916
Cluster Development	SB	SB	SB	SB	SB	SB	SB	SB	SB	

Dimensional Requirements Table – Recommended by the Planning Board 7-0-0

Amend the following section -

Chapter 300:

Dwelling, Two-Family: One or more buildings used for residential occupancy by 2 families living independently of each other.

Dwelling, Multi-Family: One or more buildings used for residential occupancy by 2 or more families per building ~~more than 2 families~~, each living independently of each other.

Dwelling, Multi-Family 20: One or more buildings used for residential occupancy by more than 20 families per building, each living independently of each other.

918 Dimensional Tables

A. General Dimensional Requirements

	901	902*	903	904*	906*	907	908	909	913	916
Minimum lot size without public sewer in sq.ft.	20,000	20,000	40,000 <u>20,000</u>	40,000 <u>20,000</u>	20,000	40,000 <u>20,000</u>	130,000	40,000 <u>20,000</u>	12,000 <u>20,000</u>	40,000 <u>20,000</u>
Minimum lot size with public sewer in sq.ft.	12,000 <u>3,000</u>	15,000 <u>3,000</u>	40,000 <u>20,000</u>	40,000 <u>4,000</u>	15,000 <u>4,000</u>	40,000 <u>10,000</u>	130,000	20,000 <u>10,000</u>	12,000 <u>0</u>	40,000 <u>0</u>
Max. Lot coverage	33 <u>60%</u>	33 <u>60%</u>	33%	33 <u>60%</u>	50 <u>60%</u>	50 <u>60%</u>	33 <u>60%</u>	33 <u>60%</u>	70% <u>100%</u>	50% <u>60%</u>
Max lot coverage municipal buildings	50%								100%	
Max lot coverage non-residential										
Max building footprint non-residential (note 1) in sq.ft.	2,500				6,000	10,000				
Max building height in ft	34	34	34	34	34	34	34	Section 909.3(6F)	Note 5	34
Height at Eave									Note 5	
Max building						55ft				

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height for schools										
Minimum street frontage in ft.	60	75 60	100 60	100 60	75 60	100 60	150	100 60	40	100 60
Minimum frontage Rts 1, 17, 90 and Old County Rd. in ft.			150 75	200 100	75	200 100				
Minimum side/rear setbacks in ft.	10 8	15 8	15	15	15	25 15	25 15	15	6	25
Min. side and rear setback parking / driveways (note 3) in ft	4	8 4	8	8	10	10 8	15 8	8	4	8
Min. front yard setback condo / internal roads in ft	10	10	10	10	10	10	10	10	n/a	n/a
Min. front yard setback (note 4) in ft	20 10	20 10	40	40	15	35	30 20	75 35	10	35
Minimum front yard setback on Rts 1, 17, & 90 in ft.	n/a	20	75 50	40	25 20ft residential use		75 20	35 75	n/a	n/a
					20 35 ft comm.	20 75 ft comm.				

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B. General Dimensional Requirements

(1) ~~Minimum~~ Lot Density for Dwelling Units

	901	902*	903	904*	906*	907	908	909
Single family dwelling w/o public sewer	20,000 Sq. Ft per unit	20,000 Sq. Ft per unit	40,000 Sq. Ft per unit	24,000 Sq. Ft per unit	20,000 Sq. Ft per unit	40,000 Sq. Ft per unit	130,000 Sq. Ft per unit	40,000 Sq. Ft per unit
Single family dwelling with public sewer	12,000 3,000 Sq. Ft per unit	15,000 3,000 Sq. Ft per unit	40,000 20,000 Sq. Ft per unit	40,000 4,000 Sq. Ft per unit	15,000 4,000 Sq. Ft per unit	20,000 10,000 Sq. Ft per unit	130,000 Sq. Ft per unit	20,000 10,000 Sq. Ft per unit
Two Family dwelling w/o sewer	10,000	10,000	20,000	20,000	10,000	20,000	65,000	20,000
Two Family dwelling with sewer	6,000	7,500	20,000	20,000	7,500	10,000	65,000	20,000
Multi-family w/o public sewer	20,000 Sq. Ft per unit	20,000 Sq. Ft per unit	20,000 Sq. Ft per unit	20,000 Sq. Ft per unit	20,000 Sq. Ft per unit	20,000 Sq. Ft per unit	65,000 Sq. Ft per unit	20,000 Sq. Ft per unit
Multi-family with public sewer	4,000 2,700 Sq. Ft per unit	4,000 3,000 Sq. Ft per unit	20,000 Sq. Ft per unit	20,000 Sq. Ft per unit	4,000 3,000 Sq. Ft per unit	10,000 2,000 Sq. Ft per unit	65,000 32,500 Sq. Ft per unit	10,000 Sq. Ft per unit
Multi-family in shoreland overlay with sewer	15,000 Sq. Ft per unit							

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Section 917. Land Use Table

B. Residential

	901	902*	903	904*	906*	907	908	909	913	916
Residential two-family	P	P	P	P	P	P	P	P	P	
Residential multi-family	P	P	P	P	P	P	P	P	P	
Residential multi-family 20	P	P		P	P	P	P	P		

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Chapter 900

901.2 Permitted Uses and Standards

D. Max lot coverage for municipal buildings is 50%

E. Max building footprint for non-residential buildings is 2,500 sq.ft.

(i) 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.

901.3 Special District Standards

(a) Planned Unit Development allowed in this zone district.

902 Village District

902.3 Special District Standards

(a) Planned Unit Development allowed in this zone district.

904 Residential District

904.3 Special District Standards

(a) Planned Unit Development allowed in this zone district.

906 MODIFIED MIXED BUSINESS / RESIDENTIAL DISTRICT

906.2 Permitted Uses and Standards

(D) Max building footprint for non-residential buildings is 6,000 sq.ft.

(i) 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.

906.3 Special District Standards

(B) Planned Unit Development allowed in this zone district.

907 Rockport Mixed Business / Residential District

907.2 Permitted Uses and Standards

(D) Max building footprint for non-residential buildings is 10,000 sq.ft.

(i) 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.

907.3 Special District Standards

(E) Planned Unit Development allowed in this zone district.

908.3

Special District Standards

~~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 District, the clustering of residences in residential subdivisions is encouraged with incentives offered to cluster. In addition, standards for subdivisions unique to the Rural District are established to minimize the impact of such development on this area of Rockport.~~

~~(A) Minimum Lot Size 20,000 sq. ft.~~

~~...provided that density requirements must be adhered to~~

~~(B) Minimum Area per dwelling unit 72,500 sq. ft.~~

~~(C) Undeveloped Land 50%~~

~~... 50% of land in a residential subdivision must remain undeveloped~~

~~(D) Residential Density~~

~~... to calculate 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~~

~~(E) Maximum Lot Coverage 33%~~

~~(F) Maximum Building Height 34 Feet~~

~~(G) Minimum Street Frontage Requirement 100 Feet~~

~~(H) Driveways, Parking Spaces or Pavement setback from Side and Rear Property Lines unless shared with adjacent property 15 Feet~~

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- | | | |
|-----|---|---------|
| (I) | Minimum Front Yard Setback
from Edge of Pavement on
Routes 1, 17, 90 and Old County
Road. | 75 Feet |
| (J) | Minimum Front Yard Setback
from Edge of Pavement on all
other roads and streets. | 30 Feet |
| (K) | Minimum Front Yard Setback
from Edge of Pavement from
internal roads serving
condominium developments. | 10 Feet |
| (L) | Minimum Side and Rear Yard
Setback | 15 Feet |
| (M) | Roads | |
| (1) | The use of private ways shall be encouraged in the
rural zone. | |
| (2) | See Section 805.3 of this ordinance or Section 12.2-3
of the Rockport Subdivision Ordinance for Street
Design Standards, as appropriate. | |
| (N) | Undeveloped land in rural subdivisions may be
owned in common by a homeowner's 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. | |
| (O) | High Elevation Performance Standards | |
| (1) | All structures constructed at high elevations shall be
built with their highest point a minimum of 100
vertical feet or more below the relevant summit
height. Dodge's Ridge is exempted from this
standard. | |
| (2) | All structures constructed at high elevations should
blend with the landscape. The use of non-reflective
exterior finishes; application of exterior colors that
blend with the surrounding vegetation will be taken | |

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~~into account in determining whether or not this standard has been met.~~

~~(3)~~

~~Structures may be built between the performance standard elevations below and 100 vertical feet below the relevant summit height. These performance standards shall apply to the following mountains and ridges in Rockport at the elevations listed:~~

~~Performance Standard Elevation~~

~~Summit~~

(a)	Pleasant Mt.	750 ft	1,060 ft
(b)	Spruce West Peak	700 ft	970 ft
(c)	Spruce East Peak	600 ft	835 ft
(d)	Ragged—including Southeast Lobe	500 ft	1,200 ft
(e)	Spring Mt.	610 ft	910 ft
(f)	Dodge's Ridge—§ 908.3(O)(1) above	400 ft	584 ft

909 Hospital and Resort

909.3 Special District Standards

(i) Planned Unit Development allowed in this zone district.

913 Downtown District

913.2 Permitted Uses and Standards

(D) Max lot coverage for municipal buildings is 100%

910 Traditional Village District

To amend section 910.3 (D) (2) (a) (ii)

In all other Subdistricts ~~5,000 sq.ft.~~ 3,000 sq.ft.

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Purpose

Regarding state legislation LD2003, and its allowance of accessory dwelling units (ADUs) without restriction as to how these dwellings are used, it is expected that many of these ADUs will be utilized as rental properties, short term or long term. While the Town is not opposed to rental units of any type, the Town is cognizant of the issue short term rentals (STRs) pose for small communities such as Rockport by turning small communities into sleeping towns in the summer months and vacant in the winter. STRs can also affect the year-round housing market in that families wanting to move to Rockport are often outbid by entities interested in purchasing property for rental purposes for only a portion of the year. With this being said, some types of STRs are beneficial to a community. An example would be an STR on an owner-occupied lot to help with some of the expenses to allow a person/family to remain in their house and in the community, or for a landowner to provide a portion of their house for rent for workers in our local workforce. For enforcement purposes, the language below is proposed to help mitigate issues beforehand and to ensure all rental units have a Certificate of Occupancy.

Section 302 Definition

Amend this definition -

Commercial Use: The nonresidential use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, ~~exclusive of rental of residential buildings and/or dwelling units. exclusive of Short-Term Rental Units or Seasonal Rentals within a Principal Residence or Long Term Rental units/buildings.~~

Seasonal Rental: ~~Living quarters~~ Dwelling Unit offered for rental for a duration of more than 30 days but not to exceed one year.

Add the next four terms and definitions.

Long Term Rental: Dwelling Unit offered for rent for a minimum duration of one year.

Primary Residence: see Principal Residence.

Principal Residence is the location where the owner resides most of the year, or the property owner uses this address as their legal address for tax returns, driver's license, and/or voter registration card.

Rental Housing Unit: Includes Long Term Rental, Seasonal Rental, and Short-Term Rental units.

Amend this section -

Section 604 – Inspection of Rental Dwelling Units.

The Code Enforcement Officer, Fire Chief, or their designee shall inspect ~~rental dwelling units~~ any rental housing unit(s) on parcels that are not the principal residence of the owner, upon the conveyance of those unit(s) or parcel(s) or upon a written complaint from ~~of~~ the tenant, to ensure that basic standards of habitability and life safety are met.

Add this section to Chapter 800

Section 819 Rental Housing Unit

A. Purpose

The purpose of this section is to provide reasonable rules and requirements for the use of rental housing units, which includes long term rentals, seasonal rentals, and short-term rentals.

B. Registration

- a. No person(s) shall advertise for rent, engage in renting, or operate any rental housing unit without a valid registration issued pursuant to this section.
- b. To register a Rental Housing Unit, the property owner or their designee shall attest, in writing, and provide reasonable documentation demonstrating the ownership, rights, or interest of the subject property, provide the *Certificate of Occupancy* for the proposed Rental Housing Unit, and any additional material requested by the Code Enforcement Officer through the permit application process, as well as pay any applicable fees outlined in the Fee Schedule.
- c. The registration must be renewed annually in accordance with this chapter. Any registration not renewed by the annual expiration date (April 30) will be deemed expired and will not be eligible for renewal. An applicant whose registration has expired may apply for a new registration and will be required to follow all the requirements for a registration and pay a new registration fee outlined in the Fee Schedule.

C. Regulations

- a. The owner of a Rental Housing Unit shall complete and post an Emergency Information Sheet as described below or provided by the Planning and Development Office. The Emergency Information Sheet shall be posted in the following locations: for Seasonal Rental units and Short-Term Rental units, inside the unit near the main door, and for Long Term Rental units it shall be made available to the occupying tenants.

The Emergency Information Sheet must include the following information:

1. Registration number, issued by Code Enforcement Officer outlined in the Registration section;
 2. Physical address of the Rental Housing Unit and instructions on how to contact emergency responders;
 3. Information on how to file a complaint regarding life safety requirements with the Town of Rockport;
 4. The name, mailing address, email address, and telephone number of the owner or a local contact person for the property.
- b. Advertisements for all Rental Housing Units must include the issued registration number on all forms of advertisement, including but not limited to online platforms. All must adhere to Chapter 1100 of the Land Use Ordinance.

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- c. At the time of issuance of a registration, there shall be no violations against the parcel. Property taxes and Town sewer fees for the property to be utilized as a Rental Housing Unit must not be in arrears.
- d. Prior to the issuance of a registration number, the dwelling unit to be used as a Rental Housing Unit must provide proof of § 603 Certificate of Occupancy.
- e. No person(s) shall be housed separately or apart from the dwelling unit in any tent, trailer, camper, lean-to, recreational vehicle, accessory structure or other structure of a similar nature.
- f. Trash and recycling shall be removed on at least a weekly basis for all Rental Housing Units.

D. Violations and penalties

It shall be a violation of this section of the Land Use Ordinance for any person to ~~rent~~ or operate a Rental Housing Unit without a valid registration. If the Code Enforcement Officer finds that a Rental Housing Unit is being advertised for rent, or is being rented without a valid registration, written notice shall be given by certified mail of such violation to the property owner. A copy of such notice shall be maintained as a permanent record with the parcel. This violation shall prohibit the property owner from renewing their Rental Housing Unit Registration for a three (3) month period from time of violation notice issuance. The fine for operating without a valid registration is outlined in the Fee Schedule and is applied on a per day basis.

a. Violation of Registration

- 1. The Code Enforcement Officer shall investigate all alleged violations and enforce the provisions of this chapter and the terms and conditions of the registration. If, after investigation, the Code Enforcement Officer finds that any provision of this chapter or any term or condition of any registration granted under this chapter is being violated, written notice shall be given by certified mail of such violation(s) to the owner and to any other person responsible for such violation(s), indicating the nature of the violation(s) and ordering that action necessary to correct it be taken within a reasonable time determined by the Code Enforcement Officer. A copy of such notice shall be maintained as a permanent record with the parcel.
- 2. If the violation is not abated or corrected within the specified time, the Code Enforcement Officer shall suspend or revoke the Rental Housing Unit Registration as outlined below.

b. Suspension and revocation of registration.

- 1. Suspension – minor violation. The Code Enforcement Officer may suspend a Rental Housing Unit Registration, after notice and a hearing, for failure to correct a violation. The suspension may not exceed three months. Operation of the Rental Housing Unit during the period of suspension shall be a violation subject to a fine outlined in the Fee Schedule on a per day basis.
- 2. Suspension – major violation. After three or more unresolved violations, the Code Enforcement Officer may suspend a Rental Housing Unit, after notice and a hearing, for a minimum of three months and a maximum of 12 months. Minor and major violations

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can be either concurrent or cumulative. Operation of the Rental Housing Unit during the period of suspension shall be a violation subject to a fine outlined in the Fee Schedule on a per day basis.

3. Revocation. In cases of recurring major violations or in certain cases of criminal activity at the Rental Housing Unit property, the Code Enforcement Officer may revoke the applicable registration, after notice and a hearing.

Section 917 Land Use Table

C. Commercial

To add to this section and amend Notes.-

	901	902*	903	904*	906*	907	908	909	913	916
Short-Term Rental Note 2	P	P	P	P	P	P	P	P	P	

G. Notes

2. See Definition for Commercial Use.

Accessory Dwelling Units ordinance – Recommended by the Planning Board 7-0-0

816. Accessory Dwelling Units

This section defines the requirements for Accessory Dwelling Units (ADU), consistent with state legislation, Title 30-A §4364-B.

816.1. Purpose

The purpose of an ADU is to support increased housing density and affordable housing options in conjunction with a single-family home, new or existing.

816.2. Restrictions

An ~~accessory dwelling unit~~ADU may be constructed ~~only~~subject to the following provisions:

- A. Within an existing single family dwelling unit on the lot; or
- B. Attached to or sharing a wall with a single-family dwelling unit; or
- C. As a new structure on a ~~single-family~~single-family lot, for the primary purpose of creating an ADU~~accessory dwelling unit~~.
- D. A newly constructed, detached ADU, shall not exceed the height nor floor area and shall be subordinate ~~to~~ the existing primary dwelling.
- E. Additionally, existing accessory structures ~~s~~ can be converted into an ADU.
- F. One ADU ~~Accessory Dwelling Unit~~ is permitted to be added on any lot where a single-family dwelling unit is the principal structure, and
- G. No more than two ~~Accessory Dwelling Units~~ADU's are permitted to be added on any lot where a single-family dwelling unit is not the principal structure.
- H. Either the principal structure or converted ADU shall be occupied by the owner of the property as their principal residence.

816.3. Zoning Density Requirements

An ADU is exempt from zoning density requirements and lot coverage calculation of table 918, related to the area in which the accessory dwelling unit is constructed. In reviewing an ADU, the setback and dimensional requirements for a single-family home continue to apply to the primary structure and the ADU, as specified in the dimension tables of Section 918.

816.4. Parking

There are no additional parking requirements for the ADU, beyond those required for the single-family dwelling. See Section 803.

816.5. Accessory Dwelling Unit Size

ADUs must be at least 190 square feet in size, ~~and shall not exceed 600 square feet in total.~~

816.6. Shoreland Zoning

An ~~accessory dwelling unit~~ADU must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and the shoreland zoning requirements, Section 1400 of the Rockport Land Use Ordinance.

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816.7. Water and Wastewater

The owner of an [accessory dwelling unitADU](#) must provide written verification to the municipality that the [accessory dwelling unitADU](#) is connected to adequate water and wastewater services before the municipality may certify the [accessory dwelling unitADU](#) for occupancy. Written verification under this subsection must include:

- a) If an [accessory dwelling unitADU](#) is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the [accessory dwelling unitADU](#) and proof of payment for the connection to the sewer system;
- b) If an [accessory dwelling unitADU](#) is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42, [Maine statutes](#);
- c) If an [accessory dwelling unitADU](#) is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the [accessory dwelling unitADU](#), proof of payment for the connection and the volume and supply of water required for the [accessory dwelling unitADU](#); and
- d) If an [accessory dwelling unitADU](#) is connected to a well, proof of access to potable water [must be supplied](#). Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

816.8. Restrictive Covenants

Section 816 may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid or enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided [in this section](#), as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.