

CHAPTER 102, ZONING

ARTICLE V, DISTRICT REGULATIONS

DIVISION 31. DIMENSIONAL STANDARDS

SECTION 102 - 901 FOOTNOTES TO DIMENSIONAL STANDARD CHART

The Footnotes identified below apply to the Dimensional Standard Table in Section 102-900. The respective footnote identifies additional requirements that apply to the standard identified in the Dimensional Standard Table. The footnotes are identified in the Dimensional Standard Table by the following designation: * [number].

Footnote *[1]. In the Downtown Commercial zoning district, residential uses are allowed, provided the residential use is not located on the first floor; any residential use must be located on an upper floor. Notwithstanding this standard, a structure which had a residential use located on the first floor on or before the date of adoption of this Ordinance (-----, 2014) may continue as a legally established nonconforming use, and the nonconforming residential use may be expanded if such expansion complies with requirements of Chapter 102, Zoning, Article III, Nonconformance.

Footnote *[2]. In the Waterfront Mixed Use 1 and Waterfront Mixed Use 2 zoning districts, residential uses are allowed only as an accessory use to a nonresidential use, and a property (lot) on which an applicant proposes to construct one or more residential dwelling units shall include one or more permitted nonresidential uses on the same property (lot). Further, any dwelling unit that is constructed shall comply with the following standards:

- (1) The maximum usable floor area of the total of all residential dwelling units that are established on a property (lot) that is one acre or less in size shall not exceed the total amount of floor area of all nonresidential uses located within one or more structures on the same property (lot).
- (2) The maximum usable floor area of the total of all residential dwelling units that are established on a property (lot) that is more than one acre in size shall not exceed 75% of the total amount of floor area of all nonresidential uses located within one or more structures on the same property (lot).
- (3) Standards (1) and (2) above, apply to any application to construct one or more new nonresidential dwelling units on or after July 20, 2004 (date when standard was enacted). Any dwelling unit constructed before July 20, 2004 that does not satisfy the above density standards shall be considered a nonconforming use of record which may continue, and said dwelling unit may be expanded in compliance with applicable provisions of Chapter 82, Shoreland, and Chapter 102, Zoning, Article III, Nonconformance.
- (4) The property the City identifies as Map 13, Lot 46, located at 3 Field Street, which was used exclusively as a single family residence on the date of adoption of this Ordinance amendment (-----, 2014), is considered a legally established nonconforming use, and may continue to be used exclusively as a single family residence. Further, the primary

residential structure may be expanded, any existing accessory structure to the single family residence may be expanded, and any new accessory structure to the single family residence may be constructed, provided all structures comply with structure setback standards that apply.

- (5) The density standards identified in standards (1) and (2) of this footnote, may be modified by the City of Belfast through a contract rezoning agreement adopted pursuant to applicable provisions of Chapter 82, Shoreland, and Chapter 102, Zoning, Article III, Nonconformance.

Footnote *[3]. In the Waterfront Mixed Use 2 zoning district, a lot which has shore frontage must also have a minimum of 200 feet of street frontage, if said lot has frontage on a street. A lot which does not have any shore frontage must have a minimum of 50 feet of frontage on a street, if said lot has frontage on a street, and must have a minimum width of 50 feet if it does not have any frontage on a street. A lot which does not satisfy the above standards shall be considered a nonconforming lot of record.

Footnote *[4]. In the Residential 1, Residential 2 and Residential 3 zoning districts, a nonresidential use that is proposed for a vacant (undeveloped) property (lot), or a property (lot) which was used for a residential use at the time the nonresidential use is proposed, shall have a minimum of 80 feet of street frontage. A property in the above zoning districts which was being used for a nonresidential use on or before the date of adoption of this Ordinance (----, 2014) that does not satisfy this minimum street frontage requirement, shall be considered a nonconforming lot of record and the nonresidential use may continue on said property (lot) subject to requirements of Chapter 102, Zoning, Nonconformance.

Footnote *[5]. In the Residential 1 zoning district, an existing structure that was used as a multi-family residence on or before January 1, 1986, is considered a legally established nonconforming use of record. Subject to requirements of Chapter 102, Zoning, Article III, Nonconformance, the nonconforming use of said structure may continue, and an expansion may be permitted.

Footnote *[6]. Effective with the date of adoption of this Ordinance amendment (----, 2014), in the Residential 2 and Residential 3 zoning districts, the construction of a new multi-family dwelling structure is allowed as a permitted use. In the same above districts, the conversion of a structure that was used as a single family or two-family residence on or before the date of adoption of this Ordinance (----, 2014) into a multi-family dwelling is prohibited. In the same above districts, an existing structure that was used as a multi-family residence on or before January 1, 1986, is considered a legally established nonconforming use of record, and subject to requirements of Chapter 102, Zoning, Article III, Nonconformance, the nonconforming use of said structure may continue, and an expansion may be permitted.

Footnote *[7]. In Area #1 of the Downtown Commercial zoning district the following maximum height restrictions shall apply:

- (1) A new structure shall not exceed a height of 38 feet;
- (2) the height of a structure that existed on or before the date of adoption of this Ordinance (---, 2014) that is less than 38 feet in height shall not be increased to a height of greater than 38 feet; and

- (3) any structure that existed on or before the date of adoption of this Ordinance that had a height of 38 feet or more may continue as a legally established nonconforming structure with regard to structure height, and any portion of the structure may be increased in height, provided that the total height of the structure does not exceed the maximum height of the structure which existed on the date of adoption of this Ordinance.

Area #1 of the Downtown Commercial zoning district is identified on the map in this section (102-901) entitled: Downtown Commercial Building Heights.

In Area #2 of the Downtown Commercial zoning district the following maximum height restrictions shall apply:

- (1) A new structure shall not exceed a height of 45 feet;
- (2) the height of a structure that existed on or before the date of adoption of this Ordinance (----, 2014) that is less than 45 feet in height shall not be increased to a height of greater than 45 feet, and
- (3) any structure that existed on or before the date of adoption of this Ordinance that had a height of 45 feet or more may continue as a legally established nonconforming structure with regard to structure height, and any portion of the structure may be increased in height, provided that the total height of the structure does not exceed the maximum height of the structure which existed on the date of adoption of this Ordinance.

Area #2 of the Downtown Commercial zoning district is identified on the map in this section entitled: Downtown Commercial Building Heights.

In Area #3 of the Downtown Commercial zoning district the following maximum height restrictions shall apply:

- (1) A new structure shall not exceed a height of 60 feet;
- (2) the height of a structure that existed on or before the date of adoption of this Ordinance (----, 2014) that is less than 60 feet in height shall not be increased to a height of greater than 60 feet, and
- (3) any structure that existed on or before the date of adoption of this Ordinance that had a height of 60 feet or more may continue as a legally established nonconforming structure with regard to structure height, and any portion of the structure may be increased in height, provided that the total height of the structure does not exceed the maximum height of the structure which existed on the date of adoption of this Ordinance.

Area #3 of the Downtown Commercial zoning district is identified on the map in this section entitled: Downtown Commercial Building Heights.

Footnote *[8]. In the Waterfront Mixed Use 1 and Waterfront Mixed Use 2 zoning districts, the maximum height of a structure shall not exceed 35 feet, unless the City allows or allowed a structure height of greater than 35 feet pursuant to an adopted contract rezoning agreement; reference Chapter 102, Zoning, Article X, Contract Rezoning.

Footnote *[9]. This standard identifies how to determine the amount of rear setback required for structures located on a corner lot; a lot has frontage on two or more streets. Pursuant to the City Ordinances, a corner lot has only one street frontage for the purposes of determining the amount of front setback required for structures. In the case of a corner lot, the amount of structure

setback for all other lot lines shall comply with the side setback requirement for the respective zoning district.