

Chapter 102. ZONING

ARTICLE V. District Regulations

DIVISION 11.5. Waterfront Mixed Use District

Sec. 102-520. Permitted uses requiring CEO review. [Ord. No. 3-2005, 7-20-2004]

The City Code Enforcement Officer shall review and make a decision regarding an application for a use permit for the following uses:

- (1) Essential services.
- (2) Public parks.

Sec. 102-521. Permitted uses requiring Planning Board review. [Ord. No. 3-2005, 7-20-2004; Ord. No. 21-2006, 2-7-2006]

The City Planning Board shall review and make a decision regarding an application for a use permit for the following uses:

- (1) Single family, two-family and multi-family residential units. Such uses are permitted only as an accessory use to a property that also includes a nonresidential use; reference density standards in section 102-525.
- (2) Home occupation, provided that the home occupation involves an activity identified as a permitted use.
- (3) Industrial, provided it is a marine oriented use or continuation of an existing industrial use.
- (4) Warehouse and storage facilities.
- (5) Boat building, storage and repair.
- (6) Marine service businesses, including accessory marine sales (boats, motors, parts, etc.).
- (7) Marinas, docks, floats and similar uses that occur below the normal high water mark.
- (8) Restaurants, excluding fast food restaurants.
- (9) Ice cream stands.
- (10) Professional offices and health care offices.
- (11) Retail and service businesses.
- (12) Shopping centers.
- (13) Hotels and motels.
- (14) Performing arts centers and movie theaters.
- (15) Museums.
- (16) School, day nursery, institution of an educational, philanthropic, religious, fraternal, political or social nature.
- (17) Indoor and outdoor recreational facilities and activities.
- (18) Aquaculture.
- (19) Passenger and freight railroad trains and related services.
- (20) Laundromats.
- (21) Public, quasi-public, and non-municipal public uses, including parking facilities.

- (21) Accessory structures and accessory uses for uses which the Planning Board can issue a permit for a principal structure or principal use.
- (22) Stealth telecommunications facilities.

Sec. 102-522. Prohibited uses. [Ord. No. 3-2005, 7-20-2004]

Only those uses specifically listed as a permitted use requiring CEO review or a permitted use requiring Planning Board review are allowed within the Waterfront Mixed Use district. All other uses are prohibited.

Sec. 102-523. Applicability of shoreland zoning and floodplain regulations. [Ord. No. 3-2005, 7-20-2004]

Provisions of chapter 82 pertaining to shoreland zoning shall apply to all areas identified on the City official shoreland map. Provisions of chapter 78, article II, pertaining to floodplains, shall apply to all areas identified on the flood insurance rate (FIRM) flood maps.

Sec. 102-524. Dimensional regulations. [Ord. No. 3-2005, 7-20-2004]

- (a) Minimum lot size requirement.
 - (1) The minimum size of any lot created on or after July 20, 2004 (date of adoption of amendment) shall be one acre (43,560 square feet).
 - (2) A lot created before July 20, 2004 (date of adoption of amendment) that is less than one acre in size shall be considered a nonconforming lot of record. Such lot shall have the same status as a lot that conforms to the minimum lot size requirement in section 102-524(a)(1).
- (b) Minimum lot frontage requirement.
 - (1) A lot created on or after July 20, 2004 (date of adoption of amendment) that has frontage on a public street shall have a minimum of 200 feet of frontage on a public street. A newly created lot that does not have frontage on a public street, must have at least four sides, and at least three of the four sides must be at least 200 feet in length.
 - (2) A lot created before July 20, 2004 (date of adoption of amendment) that has less than the required minimum amount of lot frontage shall be considered a nonconforming lot of record. Such lot shall have the same status as a lot that conforms to the minimum lot frontage requirement in 102-524(b)(1).
- (c) Minimum shore frontage requirement.
 - (1) A lot created on or after July 20, 2004 (date of adoption of amendment) that has frontage on the shoreline of Belfast Bay or the Passagassawakeag River, shall have a minimum of 200 feet of continuous shore frontage on the Bay or River. A newly created lot, however, is not required to have any shore frontage on the Bay or River.
 - (2) A lot created before July 20, 2004 (date of adoption of amendment) that does not have the minimum amount of shore frontage shall be considered a nonconforming lot of record. Such lot shall have the same status as a lot that conforms to the minimum shore frontage requirement in 102-524(c)(1).
- (d) Minimum structure setback requirements. The minimum setbacks for any principal or accessory structure shall be as follows:

Front: Ten feet

Side: Ten feet

Rear: Ten feet if the rear lot line does not front on the water, and zero feet if the rear lot line fronts on the water.

- (e) Maximum structure height. The maximum height of any structure shall be 35 feet. Structure height shall be measured per the definition of height in chapter 82, shoreland, section 82-1.
- (f) Contract rezoning option. An applicant for a site plan permit, use permit or subdivision permit in the Waterfront Mixed Use district, who submits an application to use the contract rezoning process established in chapter 102, zoning, article X, division 4, sections 102-1450-102-1457, may request that the standards in section 102-524(a)-(e) be altered by complying with conditions imposed by the City through an adopted contract rezoning agreement (ordinance amendment).

Sec. 102-525. Residential density standards and minimum size of residential dwelling units.
[Ord. No. 3-2005, 7-20-2004]

- (a) Residential use as an accessory use to a nonresidential use. A property on which an applicant proposes to construct one or more residential dwelling units shall include one or more permitted nonresidential uses on that same property to allow the construction of any residential dwelling units. An applicant is prohibited from constructing only residential dwelling units on a property. A residential use is an accessory use to a nonresidential use.
- (b) Density, number of residential dwelling units permitted.
 - (1) Any property, regardless of the size of the lot, and provided adequate on-site parking can be provided, shall be permitted to construct a minimum of one residential dwelling unit as an accessory use.
 - (2) The maximum usable floor area of the total of all residential dwelling units that are constructed on a property that is one acre or less in size shall not exceed the total amount of floor area of all nonresidential structures. An applicant must provide adequate on-site parking for all dwelling units.
 - (3) The maximum usable floor area of the total of all residential dwelling units that are constructed on a property that is more than one acre in size shall not exceed 75% of the total amount of floor area of all nonresidential structures located on the property. An applicant must provide adequate on-site parking for all dwelling units.
 - (4) The above density standards (1)-(3) shall apply to any application to construct new residential dwelling units on or after July 20, 2004 (date of adoption of this amendment). All dwelling units constructed before July 20, 2004 (date of adoption of this amendment) that do not satisfy this density standard shall be considered nonconforming uses of record. Such uses (dwelling units) may be expanded as may be permitted per requirements of chapter 82, shoreland and chapter 102, zoning.
- (c) Minimum size of residential dwelling unit.
 - (1) Any residential dwelling unit constructed on or after July 20, 2004 (date of adoption of ordinance) shall have a minimum of 600 square feet of usable floor area.

- (2) Any residential dwelling unit constructed before July 20, 2004 (date of adoption of ordinance) that has less than 600 square feet of usable floor area shall be considered a nonconforming use or structure of record and shall have the same status as a dwelling unit that conforms to the minimum size requirement identified in 102-525(c)(1).
- (d) Contract rezoning option. An applicant for a site plan permit, use permit or subdivision permit in the Waterfront Mixed Use district, who submits an application to use the contract rezoning process established in chapter 102, zoning, article X, division 4, sections 102-1450-102-1457, may request that the standards in section 102-525(a) through (c) be altered by complying with conditions imposed by the City through an adopted contract rezoning agreement (Ordinance amendment).

Sec. 102-526. Performance standards. [Ord. No. 3-2005, 7-20-2004]

- (a) Minimum performance standards. All residential and nonresidential uses shall, at a minimum, comply with requirements of chapter 98, technical standards, and performance standards established in chapter 102, zoning, article VIII, supplementary district regulations, division 2 and 3, and chapter 102, zoning, article IX, performance standards, division 2, environmental standards.
- (b) Contract rezoning option. An applicant for a site plan permit, use permit or subdivision permit in the Waterfront Mixed Use district, who submits an application to use the contract rezoning process established in chapter 102, zoning, article X, division 4, sections 102-1450-102-1457, may request that the standards referenced in section 102-526(a), be altered by complying with conditions imposed by the City through an adopted contract rezoning agreement (ordinance amendment).

Sec. 102-527. Enumeration of uses does not restrict uses in other districts. [Ord. No. 3-2005, 7-20-2004]

The express enumeration of a permitted use requiring CEO review or a permitted use requiring Planning Board review in the Waterfront Mixed Use district is not intended to implicitly exclude those same uses in other districts in which the uses enumerated in this division are not specifically listed or mentioned.

Sec. 102-528. through Sec. 102-540. (Reserved)