

**CITY OF BELFAST PLANNING BOARD
PUBLIC HEARING - PROPOSED ORDINANCE AMENDMENT
THURSDAY, DECEMBER 13, 2018 6:00 PM
COUNCIL CHAMBERS, BELFAST CITY HALL**

**AMENDMENTS TO CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 24, ROUTE 3 COMMERCIAL DISTRICT**

1) Background Information and Explanation of Proposed Amendments

The Belfast City Council and Planning Board, in the past 2+ years, have implemented or are actively considering amendments to current City Ordinances to try and increase the amount of rental housing available in Belfast. One of the approaches involves increasing the amount of density (number of housing units per acre) allowed for multi-family housing in areas that are near the Bypass or that have public services (water and sewer). The Planning Board believes that this proposal is consistent with the above City goal.

The proposal, if adopted, would allow multi-family housing to be developed in the Route 3 Commercial zoning district, and also would decrease current minimum lot size requirements for the construction of single family or duplex housing. While there are limited opportunities for multi-family housing in the Office Park zoning district, the intent is to establish density standards that may encourage such development.

The City also notes that the City Council, in 2017, conducted public hearings on similar Ordinance proposals.

2) Planning Board Hearing of December 13, 2018 and Role of Planning Board

The Planning Board, consistent with City Code of Ordinances, Chapter 102, Zoning, Section 102-182, is responsible for the review of proposed amendments to the Zoning Ordinance and to offer a recommendation to the City Council. The December 13 public hearing will provide the public an opportunity to offer comment to the Planning Board. The Board, following the public hearing, will vote on the recommendation that it will offer on this proposal to the City Council. The City Council will subsequently conduct a public hearing on the amendments following its receipt of a recommendation from the Planning Board. The City Council must vote to adopt the amendments for the proposed amendments to become part of City Ordinances.

3) How to Offer Public Comment to the Planning Board on the Proposed Amendments.

The public may offer comment on or by the date of the December 13, 2018 Planning Board public hearing in one of three ways:

- You can attend the December 13 public hearing and offer verbal comment to the Planning Board at the hearing.

- You can submit comment in writing to: Wayne Marshall, Code and Planning, City of Belfast, 131 Church St, Belfast, ME, 04915.
- You can submit comment via email to: **public@cityofbelfast.org**.

All comment that is provided in writing or via email will be provided to the Planning Board at or before the hearing. If you chose to submit comment in writing or via email, we ask that you do so by 2:00 pm on December 13 so that copies can be made for the Planning Board in advance of the 6:00 pm public hearing. The Planning Board gives equal consideration to all forms of comment that are offered.

Questions regarding the proposed Ordinance amendment should be directed to Wayne Marshall, Director, Code & Planning at 338-1417 x 125 or at wmarshall@cityofbelfast.org.

4) Format of Amendments.

All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 102, Zoning. **All text shown in red font** is new language that is proposed to be added, and ~~all text shown in blue and strike-through font~~ is existing language that is proposed to be deleted. All text shown in **green font** is advisory/informational only, and is not part of the formal Ordinance language.

TEXT OF PROPOSED AMENDMENTS

DIVISION 24. Route 3 Commercial District

Sec. 102-768. Permitted uses requiring Planning Board review.

[Ord. of 1-29-2008(1); Ord. of 10-16-2007]

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route 3 Commercial District:

- (1) General merchandise, clothing or grocery retail uses, provided that no single retail use and no structure in which a retail use or uses are located is greater than 75,000 square feet. A new general merchandise, clothing, or grocery retail use is a prohibited use in that section of the Route 3 Commercial District located west of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4. Notwithstanding this prohibition, any such use existing as of October 2, 2007 may continue and may expand up to 100% of the total amount of gross floor area of all then structures in which a retail use occurs. (Note: Also reference 102-768-A).
- (1.5) Building supply stores, provided that no single use and no structure in which a building use or uses are located is greater than 75,000 square feet. A building supply store is a prohibited use in the section of the Route 3 Commercial District located west of Crocker

- Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4.
- (2) Service businesses.
 - (3) Movie theaters and performing arts centers.
 - (4) Shopping centers, including mixed use development (service, general merchandise clothing and grocery retail, building supply, restaurant, and/or office in the same complex), provided that no structure in the shopping center is greater than 75,000 square feet, and provided that the gross floor area of all structures is less than 150,000 square feet. A shopping center is a prohibited use in the section of the Route 3 Commercial District located west of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4. (Note: Also reference 102-768-A).
 - (5) Hotels and motels.
 - (6) Restaurants, except in that section of the Route 3 Commercial District located west of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4.
 - (7) Fast food restaurants, except in that section of the Route 3 Commercial District located west of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4.
 - (8) Professional offices and **health care** offices.
 - (9) Office complexes.
 - (10) Funeral homes.
 - (11) Health care facilities.
 - (12) Veterinarians and veterinary clinics **and hospitals**.
 - (13) Kennels for boarding and/or training of pets.
 - (14) Retail and wholesale distribution establishments.
 - (15) Warehouses and storage facilities.
 - (16) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.
 - (17) Motor vehicle fuel and service establishments, except in that section of the Route 3 Commercial District located west of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4.
 - (18) Light industrial uses.
 - (19) Planned unit development (residential and nonresidential).
 - (20) Non-municipal public and quasi-public uses.
 - (21) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
 - (22) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.
 - (23) Laundromats.
 - (24) Indoor recreational activities and facilities.
 - (25) Outdoor recreational activities and facilities, excluding shooting ranges.
 - (26) Stealth telecommunications facilities.
 - (27) Boat building, boat repair, boat retrofitting and boat storage, including the on-site sale of boats and accessory equipment.**
 - (28) Residential, multi-family.**

Sec. 102-768-A. Special uses requiring City review pursuant to contract rezoning.

[Ord. of 1-29-2008(1)]

The City shall use the contract rezoning process identified in Article X, Contract Rezoning, Division 2, to review and make a decision regarding the following applications in the Route 3 Commercial District:

- a. An applicant may request that the City allow a retail use that offers general merchandise, clothing and/or groceries for sale that exceeds the maximum size limit identified in 102-768(1) or a shopping center that exceeds the maximum size limit identified in 102-768(4), for that section of the Route 3 Commercial District that is located northerly of Route 3/Belmont Avenue and between the Route One by-pass to the east and Crocker Road to the west; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 2. The City may consider an application subject to requirements of Chapter 102, Article X, Contract Rezoning, Division 2. In Area 2, the council has the authority to allow one such retail use that exceeds the maximum size limit, or one shopping center in which no more than one of the retail uses in the center exceeds the maximum size limit on a retail use.
- b. An application for a use permit, site plan permit, subdivision permit or similar permit for any use or structure located on the following properties, Map 5, Lots ~~11, 19, 19A, 21, 23, and 36A, which the City considers a single tract of land,~~ as such ~~properties were property was~~ depicted on the City Tax Assessor maps in effect on ~~April 1, 2016~~ **October 2, 2007**, shall require review pursuant to the contract rezoning process. An application for any such permit or permits shall include a master plan (a planned unit development) prepared by the applicant that identifies how development of this entire tract of land is proposed to occur. A City decision on said master plan shall, at a minimum, identify the total amount of development permitted, the location of said development on the property, and how services and infrastructure will be constructed to serve the proposed development. Unless the application is for a use identified in ~~s~~Subsections 102-768(1) or 102-768(4), the application shall be exempt from the requirements to conduct the comprehensive economic and community impact study identified in Division 2.
- c. An application for a use permit, site plan permit, subdivision permit or similar permit for any use or structure located on property identified as, Map 5, Lot 33, as such was depicted on the City Tax Assessor maps in effect on October 2, 2007, shall require review pursuant to the contract rezoning process.

Sec. 102-769. Prohibited uses.

[Ord. of 1-29-2008(1)]

Only those uses specifically listed as permitted uses requiring CEO review or permitted uses requiring Planning Board review are allowed within the Route 3 Commercial District. All other uses are prohibited.

Sec. 102-7703. Applicability of sShoreland zZoning and fFloodplain regulations.
[Ord. of 1-29-2008(1)]

Provisions of eChapter 82, pertaining to sShoreland zZoning, and eChapter 78, ~~article II~~, pertaining to fFloodplains, may apply in the Route 3 Commercial District. See the **adopted** sShoreland maps and **the adopted** FIRM fFlood maps.

Sec. 102-770. Dimensional and density standards for residential uses and structures in the Route 3 Commercial District.

- (a) **The minimum lot size and minimum frontage requirements for residential uses are as follows:**
- (1) **Any lot (property) that is connected to City sewer and that is used for a single-family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two-family residence, shall be a minimum of 14,520 square feet (one-third acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road.**
 - (2) **Any lot (property) that is not connected to City sewer and that is used for a single-family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two-family residence, shall be a minimum of 21,780 square feet (one-half acre) in size and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road.**
 - (3) **Any lot (property) that does not comply with either or both the minimum lot size and minimum frontage requirements established in clauses (1) and (2) above shall be considered a nonconforming lot of record, and may be used for a single family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two-family residence, subject to the provisions of the state plumbing code for subsurface wastewater disposal (if applicable), and the provisions in this Chapter, Article IX, Performance Standards, Division 6, Supplemental Performance Standards, regarding the minimum lot size for a nonconforming lot of record for the construction of an accessory dwelling unit to a single family residence in a detached structure (if applicable). For the purposes of determining if a lot is a conforming or non-conforming lot of record, the date of record for lot size requirements identified in clauses (1) and (2) above shall be (insert date of adoption of Ordinance) .**
 - (4) **Any lot (property) that is connected to public sewer, regardless of when it was created, that is used for a multi-family residential use established on or after (insert date of adoption of Ordinance), shall be a minimum of 21,780 net square feet (one-half net acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The multi-family use on the lot must also satisfy the density standard identified in clause (b)(1) below.**

- (5) Any lot (property) that is not connected to public sewer, regardless of when it was created, that is used for a multi-family residential use established on or after (insert date of adoption of Ordinance), shall be a minimum of 43,560 net square feet (one net acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The multi-family use on the lot must also satisfy the density standard identified in clause (b)(2) below.
- (6) Any lot (property) that was used for a multi-family residential use before (insert date of adoption of Ordinance) that does not comply with any one or all standards identified in clauses (4) and (5) above, shall be considered a nonconforming use of record. Said nonconforming use may continue, and may expand, subject to compliance with the requirements of Article III, Nonconformance, of this Chapter and all applicable performance standards identified in Article IX of this Chapter.
- (7) If a lot (property) is connected to public sewer and there are one or more types of residential uses on the property, the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective uses on the lot, reference standards (1) and (4) above, and the amount of use on the lot must comply with the residential density standards identified in (b)(1) below. The total size of such a lot involves only the amount of area (square feet); it does not require an increase in the amount of lot frontage.
- (8) If a lot (property) is not connected to public sewer and there are one or more types of residential uses on the lot, the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective residential uses on the lot, reference standards (2) and (5) above, and the amount of residential use on the lot must comply with the residential density standards identified in (b)(2) below. The total size of such a lot involves only an increase in the amount of area (square feet); it does not require an increase in the amount of lot frontage.

(b) Density standards for residential uses.

- (1) The following density standards shall apply to a lot (property) that is connected to public sewer and that is occupied the following type of residential use:
 - a. Single family residence. One unit per 14,520 square feet.
 - b. Two-family residence. One structure (two units) per 14,520 square feet.
 - c. Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 14,520 square feet. Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter, regarding the lot size requirement for a nonconforming lot of record on which construction of an accessory dwelling unit to a single family residence in a detached structure is proposed.
 - d. Multi-family residence. A maximum of 6 multi-family dwelling units located in one or more structures on the first 21,780 net square feet (one-half net acre)

of land area, and an additional 1,500 net square feet of land area for each additional multi-family dwelling unit that is constructed. Said units must be located in a structure that has 3 or more dwelling units in the respective structure to be considered a multi-family dwelling.

- (2) The following density standards shall apply to a lot (property) that is not connected to public sewer, that uses a subsurface wastewater disposal system to manage wastewater, and that is occupied by the following type of residential use:
 - a. Single family residence. One unit per 21,780 square feet.
 - b. Two-family residence. One structure (2 units) per 21,780 square feet.
 - c. Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 21,780 square feet. Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter regarding the lot size requirement for a nonconforming lot of record on which construction of an accessory dwelling unit in a detached structure is proposed.
 - d. Multi-family residence. A maximum of 4 multi-family dwelling units located in one or more structures on the first 43,560 net square feet (1 net acre) of land area, and an additional 7,500 net square feet (about one-sixth net acre) of land area for each additional multi-family dwelling unit that is constructed. Said units must be located in a structure that has 3 or more dwelling units in the respective structure to be considered a multi-family dwelling.
- (3) If a lot (property) is occupied by more than 1 type of residential use, the size (area) of the lot, in total, must satisfy the respective density standards identified in (1) and (2) above for each type of residential use that is proposed.
- (4) If a lot (property) is occupied by a nonresidential use and 1 or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement for the nonresidential use identified in Sec. 102-771, the respective residential lot size standards identified in (a) of this Section, and the respective density standards identified in (1) and (2) above for each type of residential use that is proposed.
- 5) If a lot (property) is proposed for development as a residential planned unit development, the density standards identified in (1) above may be modified in accordance with the following applicable guidelines, and the lay-out of the project shall comply with the special provisions of Article VI of this Chapter. A planned unit development shall be subject to review by the Planning Board pursuant to Chapter 90, Site Plan, and Chapter 94, Subdivision (not codified), and shall comply with applicable performance standards identified in Article IX of this Chapter.

The following maximum density standards shall apply to a residential planned unit development that is connected to public sewer for the following types of residential housing.

- a. Single family residence on public sewer. One unit per 10,000 square feet.
- b. Two-family on public sewer. Two units in one structure per 10,000 square feet.
- c. Accessory dwelling unit to a single family residence in a detached structure on public sewer. One accessory unit and 1 single family residence per 10,000 square feet.
- d. Multi-family residence on public sewer. No increase in density; refer to standards identified in (b)(1).

(6) If a lot (property) is proposed for development a residential planned unit development, and the property is not connected to public sewer, the density standards identified in (2) above shall apply to said development. The lay-out of the project shall comply with the special provisions of Article VI of this Chapter, the project shall be subject to review by the Planning Board pursuant to the Chapter 90, Site Plan, and Chapter 94, Subdivision (not codified) and the project shall comply with applicable performance standards identified in Article IX of this Chapter.

(c) **Minimum structure setback requirements for residential structures.**

The following minimum setback requirements shall apply to the following types of residential structures and accessory structures to said residential structures:

(1) **Single family residential structure.**

Front: 30 feet
Side: 15 feet
Rear: 15 feet.

(2) **Two-family residential structure.**

Front: 30 feet
Side: 15 feet
Rear: 15 feet

(3) **Accessory dwelling unit to a single family residence in a detached structure.**

Front: 30 feet
Side: 15 feet
Rear: 15 feet

(4) **Multi-family dwelling residential structure:**

Front: 30 feet
Side: 25 feet
Rear: 25 feet

(5) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.

(d) **Structure height for residential structures.**

The maximum height of the following residential types of structures shall comply with the following standards:

- (1) Single family residential structure, 38 feet.
- (2) Two-family residential structure, 38 feet.
- (3) Accessory dwelling unit to a single family residence in a detached structure, 38 feet.
- (4) Multi-family residential structure, 45 feet.
- (5) Accessory structures to any of the above residential structures, 38 feet.

(e) **Performance standards for residential uses.**

All residential uses in the Route 3 Commercial District shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter.

Sec. 102-771. Dimensional ~~and density~~ standards for nonresidential uses and structures in the Route 3 Commercial District.

[Ord. of 1-29-2008(1)]

(a) **The ~~M~~minimum lot size requirements for a nonresidential use are as follows:**

- (1) The minimum size of any lot (**property**) created on or after January 24, 2001, shall be ~~one acre~~ (43,560 square feet) (**one acre**). The minimum size of such a lot, however, shall be greater than one acre, if warranted, to comply with the requirements of the ~~a~~Article IX, ~~d~~Division 3, **Nonresidential Development** ~~p~~Performance ~~s~~Standards, ~~s~~Subsections 102-1182(a) and (b) **of this Chapter**.
- (2) A lot (**property**) created on or before January 23, 2001, that is less than **43,560 square feet** (one acre) in size shall be considered a nonconforming lot of record, and shall be considered a buildable lot, provided that the lot complies, if warranted, with the requirements of the ~~a~~Article IX, ~~d~~Division 3, **Nonresidential Development** ~~p~~Performance ~~s~~Standards, ~~s~~Subsections 102-1182(a), (b), (d) and (e) **of this Chapter**.

(b) **Minimum lot frontage requirement for a nonresidential use.**

- (1) A lot (**property**) that is created on or after January 24, 2001, that has frontage on Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, shall have a minimum of 200 feet of road frontage. The minimum amount of frontage, however, shall be greater than 200 feet, if warranted, to comply with the requirements of the **a**Article IX, **d**Division 3, **p**Performance **s**Standards, **s**Subsection 102-1182(a) and (c) **of this Chapter** .
 - (2) A lot (**property**) created on or before January 23, 2001, that has frontage on Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue that has less than the required amount of frontage (reference **s**Subsection (1)) shall be considered a nonconforming lot of record, provided that the lot, if warranted, complies with the requirements of the **a**Article IX, **d**Division 3, **Nonresidential Development p**Performance **s**Standards, **s**Subsections 102-1182(a), (c), (d) and (e) **of this Chapter** .
 - (3) A lot (**property**) that is created on or after January 24, 2001, that has frontage on any street, road or driveway other than Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, shall have a minimum of 100 feet of road frontage.
 - (4) A lot (**property**) created on or before January 23, 2001, that has frontage on any street, road or driveway other than Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, that has less than the required amount of frontage (reference **s**Subsection (3)) shall be considered a nonconforming lot of record.
- (c) Minimum **structure** setback requirements **for a nonresidential structure**.
- ~~(1) The minimum setback requirements for a single family or two family dwelling structure and any accessory structure to these uses are as follows:
Front: 30 feet;
Side: 15 feet; and
Rear: 15 feet.~~
 - ~~(2)~~ 1) The minimum setback requirements for a nonresidential use are identified in the **a**Article IX, **d**Division 3, **Nonresidential Development p**Performance **s**Standards, reference **s**Sections 102-1183, 102-1184 and 102-1185 **of this Chapter** .
 - ~~(2)~~ 3) All setbacks shall be measured **in accordance with the standards identified in Sec 102-770(c)(5) from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant shall provide a survey to identify property lines and setback requirements, unless the code enforcement officer or Planning Board deems that a survey is not practical or warranted. In such cases, the applicant may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required.**
- (d) Structure height **for a nonresidential structure**.

The maximum height of any **nonresidential** structure located within 200 feet of Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue shall be 45 feet. The maximum height of any structure located more than 200 feet from any of the above roads or located elsewhere in the Route 3 Commercial District shall be 60 feet.

~~(e) **Density standard. The density standard is one single-family or two-family dwelling structure per net acre.**~~

~~(f) **Residential and nonresidential planned unit development. In the case of a residential or nonresidential planned unit development, the above standards may be modified in accordance with the special provisions of article VI of this chapter. In addition, planned unit developments shall be reviewed under the subdivision ordinance.**~~

Sec. 102-772. Performance standards.

[Ord. of 1-29-2008(1)]

All nonresidential uses proposed in the Route 3 Commercial District, except those subject to the provisions of Section 102-768-A, shall comply with the **a**Article IX, **d**Division 3, **n**Nonresidential **d**Development **p**Performance **s**Standards **identified in this Chapter.**