

**CITY OF BELFAST PLANNING BOARD
PUBLIC HEARING - PROPOSED ORDINANCE AMENDMENTS
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 and
DIVISION 25. OFFICE PARK DISTRICT**

1) Background Information and Explanation of Proposed Amendments

The Belfast Planning Board is proposing amendments to both the Route 3 Commercial zoning district and the Office Park zoning district to allow certain small retail facilities and potentially restaurants, if the restaurant is connected to public sewer, in the area located westerly of Crocker Road. The amendments also affect two privately owned properties on Lincolnville Avenue, Map 5, Lots 5 and 7. One of impetuses for these amendments is a proposal by Habitat for Humanity to locate a restore store on a property near the Hutchinson Center. The amendments proposed by the Board would require a retail store or restaurant in the area westerly of Crocker Road to satisfy specific performance standards regarding structure setback, landscaping/buffering and building appearance that do not apply to such uses located in other parts of the above two zoning districts.

The proposed amendments also would eliminate specific Ordinance standards that now apply to two properties in these zoning districts. The first affects a property that is in the Route 3 Commercial zoning district, Map 5, Lot 33, a 1.3 acre parcel that is located at the corner of Rte 3 and Crocker Road. Current Ordinances (adopted in 2007) require that any development of this property occur pursuant to the contract rezoning process. This amendment would eliminate the requirement to apply contract rezoning to this property. The second property is in the Office Park zoning district, Map 5, Lot 7, a 31 acre property that is located adjacent to the YMCA. Zoning amendments adopted in 2001 created an opportunity to allow a retail use up to 75,000 square feet in size to occur on this property. The proposed amendments would eliminate that option.

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

CHAPTER 102, Zoning

ARTICLE V, District Regulations

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) **A G**eneral merchandise, clothing, or grocery retail uses **that is located in Area 1, 2 or 3 of the Route 3 Commercial District (reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District) are permitted 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 **in size, subject to the special provisions identified in Section** ~~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; Area 4. Notwithstanding this prohibition, any such use that existed 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).~~
 - (1.25) **A general merchandise, clothing, or grocery retail use that is established on or after (Insert Date of Ord adoption) that is located in Area 4 of the Route 3 Commercial zoning district (reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District), shall be a permitted use, provided it is located in a primary structure that is a maximum of 6,000 square feet in size and the use can satisfy the Article IX, Nonresidential Development Standards, Division 3, Route 3 Commercial zoning district, and the supplemental performance standards identified in Sec 102-772.5. The above uses also may have a detached accessory structure that is a maximum of 2,000 square feet in size. Also, reference Section 102-768.5 for specific provisions that apply to Map 5, Lot 30.**
 - (1.5) **A B**uilding supply stores **that is located in Area 1, 2 or 3 of the Route 3 Commercial District (reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District)**, provided that no single use and no structure in which a building supply 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.~~
 - (1.75) **A building supply store that is located in Area 4 of the Route 3 Commercial District) (reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District), and that is established on or after (Insert Date of Ord adoption), shall be a**

permitted use, provided it is located in a primary structure that is a maximum of 6,000 square feet in size and the use can satisfy the Article IX, Nonresidential Development Standards, Division 3, Route 3 Commercial zoning district, and the supplemental performance standards identified in Sec 102-772.5. A building supply store also may have a detached accessory structure that is a maximum of 2,000 square feet in size.

- (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 **located on the property** is less than 150,000 square feet, **and provided that the shopping center is located in Areas 1, 2 and 3 of the Route 3 Commercial District; reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District. Reference Section 102-768-A for a contract rezoning procedure that may allow an exception to the above use and structure size limits for a property located in Area 2.** A shopping center is a prohibited use in **Area 4** ~~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 westerly of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4~~ **provided that the restaurant is connected to public sewer.**
- (7) Fast food restaurants, except in that section of the Route 3 Commercial District located ~~westerly~~ **erly** of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4.
- (8) Professional offices and offices.
- (9) Office complexes.
- (10) Funeral homes.
- (11) Health care facilities.
- (12) Veterinarians and veterinary clinics.
- (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 ~~westerly~~ **erly** 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 **and cluster housing 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 telecommunication facilities.
- (27) Boat building, boat repair, boat retrofitting and boat storage, including the on-site sale of boats and accessory equipment.**

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 eCouncil 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 **a parcel identified as** Map 5, Lots **11, 19, 19A, 21, 23, and 36A, which the City considers a single tract of land,** as such **properties were parcel is** depicted on the City Tax Assessor maps in effect on **October 2, 2007 April 1, 2013,** 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 **parcel and** 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 **retail or shopping center use that is larger than the maximum size limits** identified in 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. 102-768.5 Special use provisions for Map 5, Lot 30.

The retail use (Perry's Furniture) that operated on Map 5, Lot 30, prior to October 2, 2007, may continue and may expand up to 100 percent of the total amount of gross floor area of all structures in which a retail use or accessory use to the retail use occurred as of October 2, 2007. The retail use also may be changed to another type of retail use or other use permitted in Area 4 of the Route 3 Commercial zoning district; reference Article IX, Description of Districts, Section 102-281, Route 3 Commercial District. Any expansion must satisfy the Article IX, Nonresidential Development Standards in this Chapter, but is exempt from compliance with the Section 102-772.5 Supplemental Performance Standards.

Sec. 102-772.5. Supplemental Performance Standards for Area 4.

The following uses, subsections (1.25), (1.75) and (6), that are identified in Section 102-768, Permitted Uses Requiring Planning Board Review, and that are located in Area 4 of the Route 3 Commercial zoning district (reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District), must comply with the supplemental performance standards identified in this Section.

- a. Amount of front setback for structures. The minimum amount of front structure setback shall be no less than 70 feet. This setback amount shall supersede the amount of front structure setback identified in Sec 102-1183.
- b. Amount of front bufferyard. The minimum amount of front bufferyard shall be no less than 60 feet. This bufferyard amount shall supersede the amount of front bufferyard identified in Sec. 102-1183.
- c. Amount of planting requirements for nonresidential uses. Plantings in the front bufferyard area shall provide effective and good quality screening, buffering and landscaping for the buildings and parking areas on the property, so that the appearance of the buildings and parking areas are effectively 'broken-up'. The plantings shall include trees, shrubs and other vegetation that exceed the amount of planting required in Sec. 102-1186. An applicant shall be required to present a planting plan that clearly depicts how the proposed plantings will achieve the purposes of this Subsection. This planting requirement shall supersede the planting requirement identified in Sec. 102-1186.
- d. Nonresidential structural design requirements. All buildings shall be constructed to resemble farm-house or barn construction. The main showroom for Perry's Furniture depicts the type of construction that could satisfy this requirement. This building design requirement shall supersede the requirements identified in Sec. 102-1186.

NOTE TO READER: Other sections of the Route 3 Commercial zoning district are not affected by these proposed amendments, however, the Planning Board also is considering other amendments to the Route 3 Commercial zoning district in a separate hearing at this same December 13 meeting. The focus of the other amendments is a proposal to allow multi-family housing in the Route 3 Commercial zoning district.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102. ZONING.

ARTICLE V. DISTRICT REGULATIONS.

DIVISION 25. Office Park District

Sec. 102-7734. Permitted uses requiring code enforcement officer review.

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

The City eCode eEnforcement eOfficer shall review and make decisions regarding applications for a use permit for the following types of uses in the Office Park District:

- (1) Residential, single-family dwelling. Manufactured housing units may be permitted only if they are located 500 feet or more from the centerline of Route 3 or Route 52.
- (2) Residential, two-family dwelling. Manufactured housing units may be permitted only if they are located 500 feet or more from the centerline of Route 3 or Route 52.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units may be permitted only if they are located 500 feet or more from the centerline of Route 3 or Route 52.
- (4) Home occupations (expanded definition).
- (5) Bed and breakfast, including class 1, class 2 and class 3.
- (6) Essential services.
- (7) Municipal uses deemed necessary by the City Council, but prior to taking action thereon, the eCouncil shall hold a public hearing for which 10 days public notice shall be given.
- (8) Public park.
- (9) Agriculture and farm animals excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (10) Accessory uses for principal uses for which the CEO can issue a permit.
- (11) Yard sales are permitted as an accessory use for a residence on no more than 10 days in any calendar year.
- (12) Accessory structures to uses and structures for which the CEO can issue a permit.

Sec. 102-774.5. Permitted use requiring Planning Board review.

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

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

- (1) Small scale professional offices, offices and office complexes.
- (2) Large scale professional offices, offices and office complexes.
- (3) Health care facilities and offices.
- (4) **Residential, M**multi-family housing, ~~provided it is located in a planned unit development.~~
- (5) Congregate care housing.
- (6) Group homes and similar residentially oriented living/care facilities.
- (7) Planned unit development **and cluster housing development**, residential and nonresidential.
- (8) Non-municipal public and quasi-public uses.
- (9) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (10) Light industry.
- (11) **A Small-seale** general merchandise, clothing, **or** grocery **retail use** or building supply retail uses, provided no single retail use is greater than 4,000 square feet **in size** for each use, **and** there is a maximum of three retail uses in any structure, **and a maximum of one such structure on a property. This standard shall apply to the following properties, Map 5, Lot 5, and Map 5, Lot 7, as such were depicted on the City Tax Assessor maps that were in effect on April 1, 2018. Other uses permitted in the District can occur on the property in addition to the uses permitted in this Subsection. loacted in that section of the Office Park District located easterly of the southwesterly boundary of a property identified as Map 5, Lot 7, as such is shown on the October 2007 City Tax Assessor Maps, and a projection of a line that extends from the northwesterly corner of said lot, until such line intersects with the centerline of the Crocker Road right-of-way, and shall be prohibited in that section of the Office Park District located westerly of said line.**
- (11.25) A general merchandise, clothing, or grocery retail use or building supply use that is a maximum of 6,000 square feet in size, shall be a permitted use on the following properties, as such were depicted on the City Tax Assessor maps that were in effect on April 1, 2018: Map 5, Lot 29, Map 5, Lot 29-B, Map 5, Lot 31-B and the portion of Map 5, Lot 26 that was depicted on the Tax Maps in effect on August 21, 2001 as Map 5, Lot 31. The above uses also may have an accessory structure that is a maximum of 2,000 square feet in size. The above uses shall comply with the supplemental performance standards identified in Section 102-775.5 There shall be a maximum of one of the above permitted uses on a property, however, other uses permitted in the District can occur on the same property.**
- (11.5) A general merchandise, clothing, or grocery retail use or building supply use that is a maximum of 75,000 square feet in size, shall be a permitted use on the following properties, as such were depicted on the City Tax Assessor maps that were in effect on April 1, 2018: Map 5, Lot 1 and Map 5, Lot 26, except for that portion of the property**

that was depicted on the City Tax Assessor maps in effect on August 21, 2001 as Map 5, Lot 31. Other uses permitted in the District can occur on the property in addition to the uses permitted in this Subsection.

- (12) Indoor recreational activities and facilities.
- (13) Outdoor recreational activities and facilities, excluding shooting ranges.
- (14) Stealth telecommunications facilities.
- (15) Restaurants, provided the use is connected to public sewer. Restaurants located on the following properties, as such were depicted on the City Tax Assessor maps that were in effect on April 1, 2018, must comply with the Section 102-775.5 Supplemental Nonresidential Performance Standards: Map 5, Lot 29, Map 5, Lot 29-B, Map 5, Lot 31-B and the portion of Map 5, Lot 26 that was depicted on the Tax Maps in effect on August 21, 2001 as Map 5, Lot 31.**
- (16) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.**

**Sec. 102-775. Special uses requiring Planning Board review.
[Ord. of 10-29-2007(1)]**

- ~~(a) An applicant who owns a minimum of 25 acres of land may request that the City allow a general merchandise, clothing, grocery or building supply retail use greater than the size limits identified in 102-774(11), provided the total gross floor area of all structures is less than 75,000 square feet, and provided that the property is located in that section of the Office Park zone located easterly of the southwesterly boundary of a property identified as Map 5, Lot 7, as such is shown on the October 2007 City Tax Assessor Maps, and a projection of a line that extends from the northwesterly corner of said lot, until such line intersects with the centerline of the Crocker Road right-of-way, and shall be prohibited in that section of the Office Park District located westerly of said line. The City may consider an application subject to requirements of Chapter 102, Article X, Contract Rezoning, Division 2. An applicant is exempt from requirements to prepare the comprehensive economic and community impact study identified in these standards.— This section was repealed on (Date of Adoption of Ordinance).~~
- (b) The owner of the property identified on the City official tax maps as Map 5, Lot 31, **as depicted on the tax maps in effect on August 21, 2001,**~~or to any property that may be joined with this property (Map 5, Lot 31) to create a single parcel on or after August 21, 2001,~~ shall develop this property as a planned unit development. This property may be developed for any **permitted** uses identified in the Office Park District, sections 102-7734 and 102-774.5 ~~(Note: retail uses identified in section 102-775 are prohibited on this property).~~

A project that involves only nonresidential development shall be exempt from compliance with **the** planned unit development standard in **article VI subsection 102-804(6)** regarding the provision of open space. In lieu of this standard, a nonresidential development project shall be required to reserve a minimum of 10% of the site as permanent open space, or to contribute a proportional amount to the development of off-site public open space or parks.

~~This open space area may include, but is not limited to any side and rear buffer yard areas required by this chapter.~~ The performance standards for the Office Park ~~D~~district shall apply to a planned unit development proposal considered under this section, and all primary access to this property shall occur via a curb cut and access road located on Route 3. Only an emergency access shall be allowed from this property to Edgecomb Road.

Sec. 102-775.5. Supplemental Performance Standards that apply to Section 102-774.5, Subsection (11.25) and (15) Uses.

The following uses, subsections (11.25) and (15), that are identified in Section 102-774.5, Permitted Uses Requiring Planning Board Review, and that are located on the following properties, must comply with the supplemental performance standards identified in this Section: Map 5, Lot 29, Map 5, Lot 29-B, Map 5, Lot 31-B and the portion of Map 5, Lot 26 that was depicted on the Tax Maps in effect on August 21, 2001 as Map 5, Lot 31.

- a. Amount of front setback for structures. The minimum amount of front structure setback shall be no less than 70 feet. This setback amount shall supersede the amount of front structure setback identified in Sec 102-778(c)(1).
- b. Amount of front bufferyard. The minimum amount of front bufferyard shall be no less than 60 feet. This bufferyard amount shall supersede the amount of front bufferyard identified in Sec. 102-1302(a).
- c. Amount of planting requirements for nonresidential uses. Plantings in the front bufferyard area shall provide effective and good quality screening, buffering and landscaping for the buildings and parking areas on the property, so that the appearance of the buildings and parking areas are effectively 'broken-up'. The plantings shall include trees, shrubs and other vegetation that exceed the amount of planting required in Sec. 102-1303. An applicant shall be required to present a planting plan that clearly depicts how the proposed plantings will achieve the purposes of this Subsection. This planting requirement shall supersede the planting requirement identified in Sec. 102-1303.
- d. Nonresidential structural design requirements. All buildings shall be constructed to resemble farm-house or barn construction. The main showroom for Perry's Furniture depicts the type of construction that could satisfy this requirement. This building design requirement shall supersede the requirements identified in Sec. 102-1305.

Rte 3 Commercial & Office Park District Ordinance Amendments - Dec 2018



Rte 3 Commercial District - Red Outline
Office Park District - Yellow Outline

