

AGENDA TOPIC 10.

TO: Mayor & City Council
FROM: Wayne Marshall, Director, Code & Planning
DATE: June 28, 2020
RE: First Reading - Front Setback Amendments

REQUESTED ACTIONS

The Belfast Planning Board is recommending Council consideration of proposed amendments to the City Code of Ordinances, Chapter 102, Zoning, regarding the minimum amount of front structure setback required for certain properties located in the Residential 1, Residential 2 and Residential 3 zoning districts. All new structures on these properties must now provide a 60 foot front structure setback. The Planning Board is recommending that the amount of setback be reduced to 40 feet for most of these properties. In the case of 5 properties located on outer High Street, the amount of setback would be reduced to 20 feet, and for 54 Northport Avenue, the setback would be reduced to 15 feet to be consistent with other properties in the area.

ACTION # 1: The July 7 Council meeting is the formal First Reading of the proposed amendments. I request the Council grant me an opportunity to describe the proposed amendments. Post my presentation, the Council should review the proposed amendments and ask any questions.

ACTION # 2: The Council should vote to accept this proposal as the formal First Reading and to schedule the proposed amendments for the formal Second Reading and public hearing for the Council meeting of July 21. I note that I have taken the liberty of already publishing the required public hearing notice for the Second Reading for the July 21 Council meeting.

BACKGROUND INFORMATION

The City, in October 2014, adopted comprehensive amendments to Zoning standards for the Inside the Bypass area. One amendment involved implementing traditional neighborhood front setback requirements for all residential zoning districts, rather than continuing with the past 'one-size fits all' approach. For at least the previous 30 years, the amount of front setback was a standard 25 feet regardless of the existing development pattern on a street. The traditional neighborhood setback approach resulted in implementing 8 categories of setbacks; 5 ft, 10 ft, 15 ft, 20 ft, 25 ft, 30 ft, 40 ft and 60 ft. Our Department used aerial photography to measure the amount of front setback from the

centerline of the road for all then existing structures located in a residential zoning district. The use of traditional neighborhood setbacks was specifically recommended in the adopted City Comprehensive Plan/Land Use Plan. The attached map is the Official Front Setback Map adopted by the City in 2014, as such has been amended since then (two minor amendments).

The Department has now had more than 5 years of experience in working with the setback standards that we recommended to the Planning Board and the Council in 2014. We now believe that the 60 foot setback standard that we recommended for certain properties is inconsistent with an accompanying amendment adopted in 2014 to reduce the minimum lot size to 7,500 sq ft from what previously was 10,000 sq ft or 15,000 sq ft. In short, it is difficult to establish a reasonable building envelope on a 7,500 sq ft property if all structures must satisfy a 60 ft front setback.

Our Department approached the Planning Board in May and recommended that the 60 ft front setback requirement be reduced for nearly all properties that were subject to this standard; about 25 properties in total. The only properties that we recommended should continue to be subject to the 60 ft standard are a grouping of 7 houses located on the westerly side of Congress Street between Pine Street and Grove Street that are located on a ridge and that currently are setback 60 feet or more.

The Planning Board conducted a public hearing on this proposal at its meeting of June 17. Our Department published notice of the hearing in the Republican Journal and posted such on the City website, and we sent notice to all affected property owners. The Board did not receive any public comment at the June 17 meeting. The Board, at its June 17 meeting, voted to recommend the proposed amendments to the City Council. Following is a list of properties affected by the proposed amendments. I have attached maps/photos that identify the affected properties.

The proposal is to reduce the front setback requirement from 60 ft to 40 feet for the following properties:

- All properties that have street frontage on Glenview Lane.
- The existing Manor house located in Crosby Manor Estates on Bayside Drive.
- The following properties on Birch Street – 10 School St (Birch St side of property), 4 Birch St, 6 Birch St, 8 Birch St, and 10 Birch St.
- For 12 School St and 16 School St, whose houses front on School Street, the front setback requirement for any structure on Bridge Street would be reduced to 40 feet.
- The Shriner's Club property located at 85 Northport Ave.
- Seven properties on Northport Avenue, including 37, 41, 45, 47, 51, 55 and 61 Northport Avenue. It is noted that the City should have established this setback requirement at 40 feet rather than 60 feet back in 2014. We incorrectly identified the right-of-width as being 66 ft rather than 82 ft.
- Four adjacent properties on High Street, including 19 Church St (High St side of property), 34 High St, 38 High St and 44 High St.
- The Waterfall Arts property (two lots).

The following properties would have the front setback reduced to 20 feet for any structure that fronts on High Street: 369 High St, 375 High St, 379 High St, 1 Hassell Drive and 6 Hassell Drive. The houses on Hassell Drive front on Hassell Drive. Lastly, the house located at 54 Northport Avenue would see the setback requirement reduced from 60 ft to 15 ft. While the existing house is setback more than 60 feet, the setback requirement for other houses on this side of Northport Avenue is 15 feet and it would be better to reflect such for this property as well.

**FIRST READING - PROPOSED AMENDMENT
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS**

The City Council, at its meeting of July 7, 2020, shall consider the following proposed amendments recommended by the Belfast Planning Board.

TEXT OF PROPOSED AMENDMENT

Shall the City of Belfast enact certain amendments to the City Code of Ordinances, Chapter 102, Zoning, Article V, District Regulations, Division 9, Dimensional Standards Table, Inside the Bypass Zoning Districts, Sec 102-470, Dimensional Standards Table, 3) Minimum Front Setback for a Structure, a) Front Structure Setback - Residential (Primary Structure), and b) Front Structure Setback - Residential (Accessory Structure).

The proposed amendments apply to certain properties located in the Residential 1, Residential 2, and Residential 3 zoning districts. The amount of front structure setback required by the Traditional Neighborhood Setback Pattern identified in Sec 102-470 Dimensional Table, and that are identified on the Official Traditional Neighbor Setback Map that the City has adopted to identify the amount of setback, would be amended to incorporate the change in the amount of setback identified on the attached aerial photographs. The affected properties are listed below:

The front setback for the following properties would be reduced from 60 feet to 40 feet:

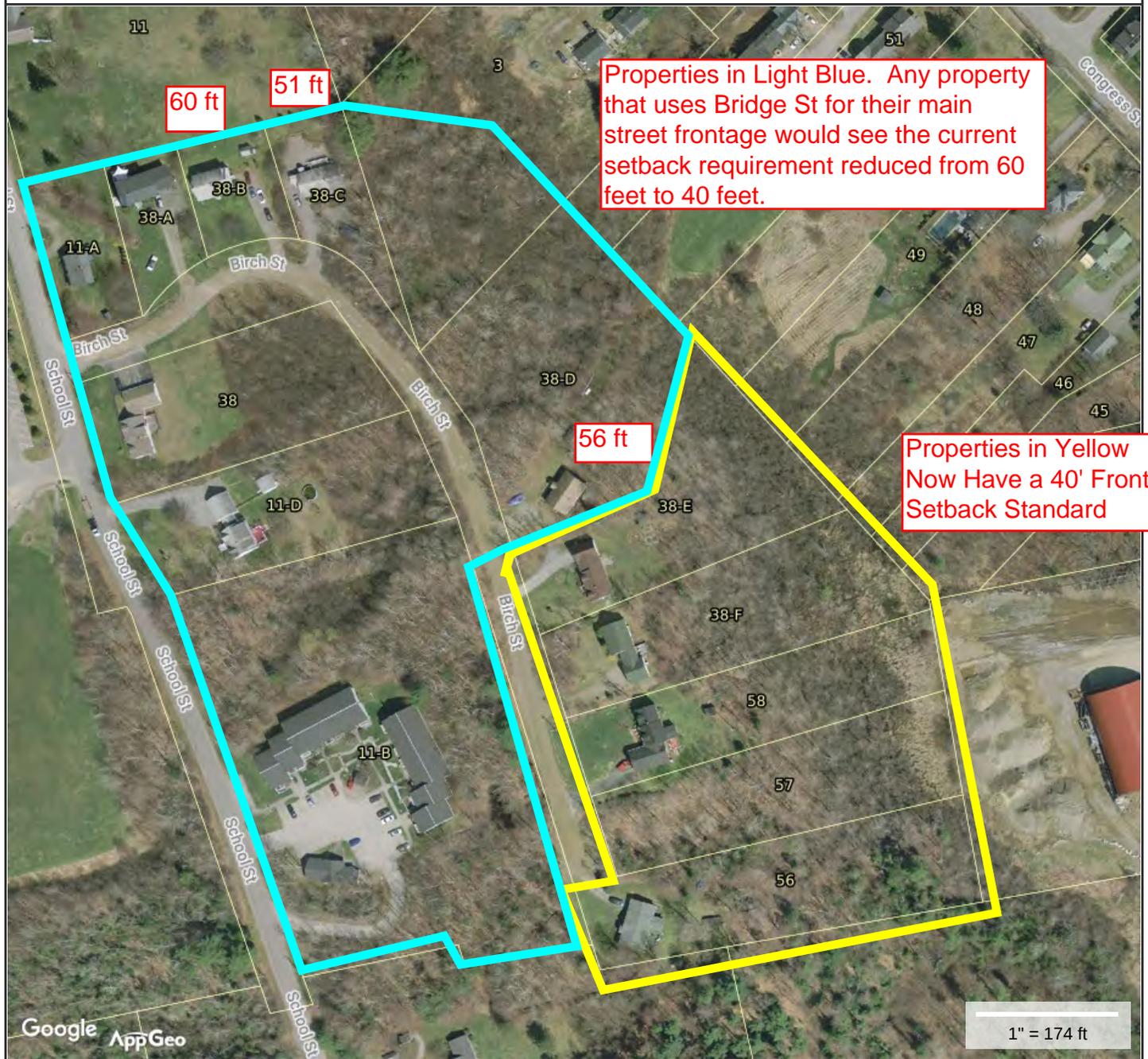
- 1) All properties that have street frontage on Glenview Lane.
- 2) The existing Manor house located in Crosby Manor Estates on Bayside Drive.
- 3) The following properties on Birch Street – 10 School St (Birch St side of property), 4 Birch St, 6 Birch St, 8 Birch St, and 10 Birch St.
- 4) For 12 School St and 16 School St, whose houses front on School Street, the front setback requirement for any structure on Bridge Street would be reduced to 40 feet.
- 5) The Shriner's Club property located at 85 Northport Ave.
- 6) Seven properties on Northport Avenue, including 37, 41, 45, 47, 51, 55 and 61 Northport Avenue.
- 7) Four adjacent properties on High Street, including 19 Church St (High St side of property), 34 High St, 38 High St and 44 High St.
- 8) The Waterfall Arts property (two lots).

The front setback for the following properties would be reduced from 60 feet to 20 feet for any structure that fronts on High Street: 369 High St, 375 High St, 379 High St, 1 Hassell Drive and 6 Hassell Drive.

The front setback for the property located at 54 Northport Avenue would be reduced from 60 feet to 15 feet.

These amendments shall take effect 7 days after adoption by the City Council.

BIRCH STREET AREA



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Belfast, ME makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated January 2016
Data updated September 11, 2018

GLENVIEW LANE AREA



Property Information

Property ID 031-006
 Location 10 SHORELAND DRIVE
 Owner WALDO COUNTY HEALTHCARE

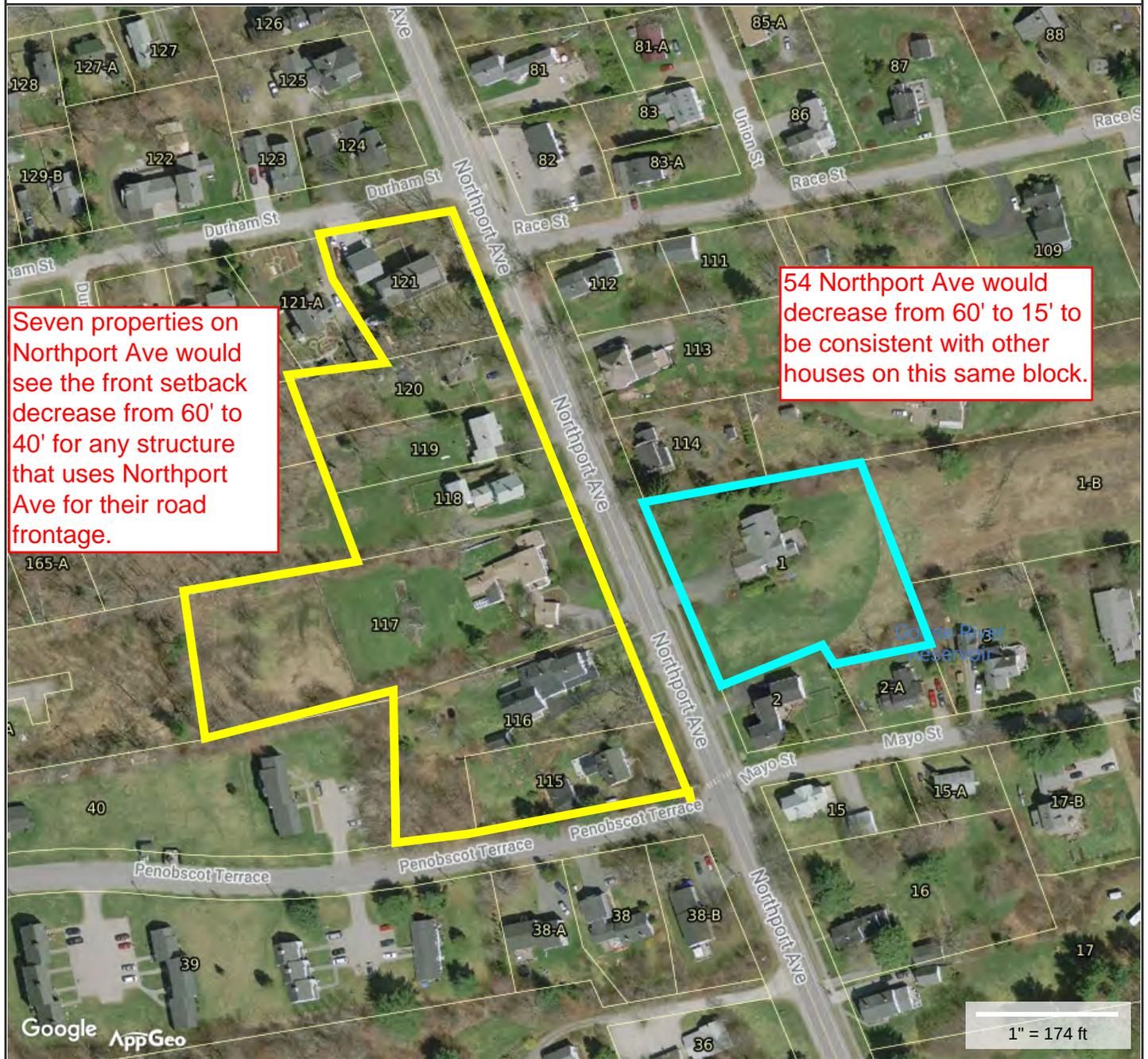


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NORTHPORT AVE AREA



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HIGH STREET AREA



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OUTER HIGH STREET AREA



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WATERFALL ARTS



Property Information

Property ID 013-053
 Location 257 HIGH ST
 Owner SPENCER, ROBERT



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SHRINE CLUB

Shrine Club setback from Northport Ave would decrease from 60' to 40'.



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CROSBY MANOR ESTATES



Front Setback for Bayside Drive Area would decrease from 60 ft to 40 ft from Northport Avenue and from Bayside Drive.

1" = 222 ft

Property Information

Property ID 033-025
 Location 10 WIGHT ST
 Owner WELDON, DONALD J (dcd) & BARBARA

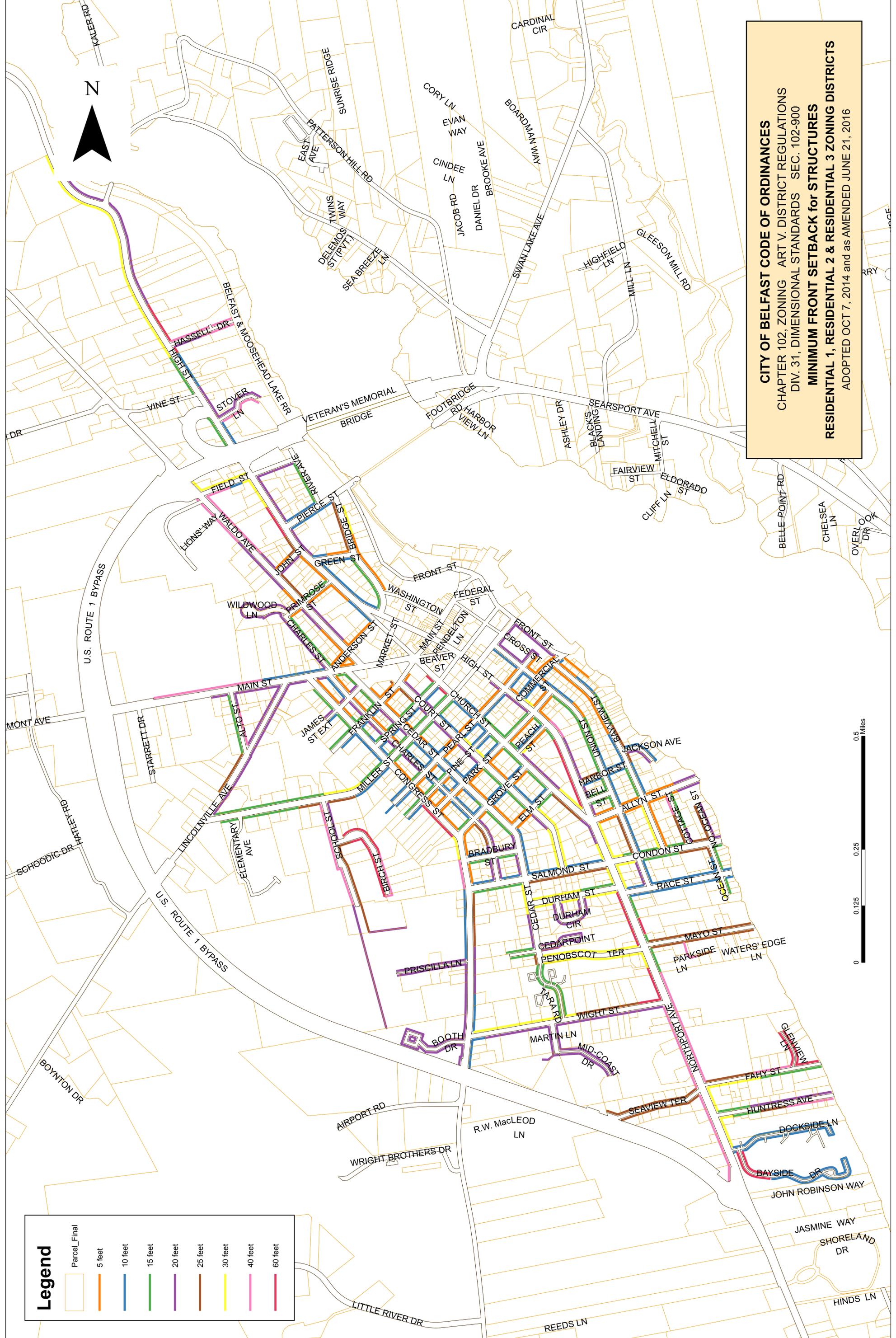


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CITY OF BELFAST CODE OF ORDINANCES
 CHAPTER 102, ZONING ART V. DISTRICT REGULATIONS
 DIV. 31, DIMENSIONAL STANDARDS SEC. 102-900
MINIMUM FRONT SETBACK FOR STRUCTURES
 RESIDENTIAL 1, RESIDENTIAL 2 & RESIDENTIAL 3 ZONING DISTRICTS
 ADOPTED OCT 7, 2014 and as AMENDED JUNE 21, 2016



Legend

Parcel_Final	Setback Distance
[White box]	5 feet
[Orange line]	10 feet
[Blue line]	15 feet
[Green line]	20 feet
[Purple line]	25 feet
[Brown line]	30 feet
[Yellow line]	40 feet
[Pink line]	60 feet

