

**CITY OF BELFAST PLANNING BOARD  
MAY 26, 2021 PUBLIC HEARING (VIA ZOOM WEBINAR)  
PROPOSED AMENDMENTS – CITY CODE OF ORDINANCES  
CHAPTER 102, ZONING  
ARTICLE V, DISTRICT REGULATIONS  
AMENDMENTS MOSTLY ASSOCIATED WITH REVISIONS TO  
MULTI-FAMILY HOUSING STANDARDS**

**NOTES TO PUBLIC:**

- 1) The City of Belfast Planning Board is conducting a public hearing at its meeting of May 26, 2021 to solicit public comment on a series of amendments that focus on the City's attempt to create additional opportunities to construct multi-family housing in Belfast. The role of the Planning Board is to consider potential Ordinance amendments and to offer a recommendation on said amendments to the Council. The Planning Board does not have the authority to adopt Ordinance amendments.
- 2) Chapter 102, Zoning, Article V, District Regulations, identifies the specific standards that apply to respective zoning districts in Belfast. The following information is typically identified for each zoning district: Uses Subject to Review by Code Enforcement Officer and Planning Board; dimensional standards for both properties (lot size & lot frontage) and structures (setbacks, height); density standards (number of dwellings allowed per minimum lot size); and performance standards that must be met. The proposed amendments apply to 10 zoning districts in Belfast, including:
  - General Purpose A
  - General Purpose B
  - Residential Agricultural I
  - Residential Agricultural II
  - Searsport Avenue Waterfront
  - Protection Rural 1
  - Route 137 Mixed Use (Commercial)
  - Route 141 & Mill Lane Mixed Use (Commercial)
  - Route One South Mixed Use (Commercial)
  - Searsport Avenue Mixed Use (Commercial)
- 3) The City has used the following format to identify the proposed amendments to Chapter 102. All text shown in **Bold and Red Font** is language that is proposed to be added to the Chapter/Ordinance. All text shown in ~~**Bold and Blue and Strike-Through Font**~~ is language that is proposed to be deleted from the Chapter/Ordinance. All text shown in **Black Font** is existing language in the Chapter/Ordinance that is not proposed to be either added or deleted.
- 4) Persons who want to offer public comment on the proposed amendments to the Planning Board for the May 26 public hearing can do so in any of the following four ways:

- a) Submit comment via email in advance of the meeting to [public@cityofbelfast.org](mailto:public@cityofbelfast.org). Comment should be received no later than 2:00 pm on May 26 so it can be provided to Planning Board members in advance of the meeting. This is the recommended way to submit comment as it allows the Board to read and consider your comment in advance of the meeting.
  - b) Submit a letter by 2:00 pm on May 26 to: City of Belfast, Code & Planning Department, 131 Church St, Belfast, ME, 04915.
  - c) Submit a comment to the Board during the May 26 public hearing via email using the following email address: [public@cityofbelfast.org](mailto:public@cityofbelfast.org). Comment will be presented to the Board.
  - d) Submit oral comment during the May 26 public hearing via the scheduled ZOOM webinar. Information regarding how to access the ZOOM webinar can be found by May 24 on the City website, [cityofbelfast.org](http://cityofbelfast.org), reference planning and codes.
- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, [cityofbelfast.org](http://cityofbelfast.org), reference planning and codes link, Multi-Family Housing amendments. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org), or by calling 338-1417, ext 125.

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 2. General Purpose "A" District**

**Sec 102-321. Permitted uses requiring Code Enforcement Officer review.**

Permitted uses requiring Code Enforcement Officer review in the General Purpose "A" District are as follows:

- (1) Residential, single family dwelling. Manufactured housing units are permitted.
- (2) Residential, two-family dwelling. Manufactured housing units are permitted.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted as an accessory dwelling unit. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Home occupations (expanded definition).
- (5) Agricultural uses, including the keeping of farm animals and pleasure animals, forestry and horticultural uses (also see 102-322(4) below).
- (6) Recreational or community activities, except those operated for profit.
- (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) Essential services.
- (9) Accessory structures
- (10) Accessory uses and yard sales on no more than 10 days in a calendar year.
- (11) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (12) Solar Energy Systems, Large-Scale, roof-mounted.

**Sec. 102-322. Permitted uses requiring Planning Board review.**

Permitted uses requiring Planning Board review in the General Purpose "A" District are as follows:

- (1) Fill, loam, sand, and gravel extraction operations (subject to site review under the provisions of eChapter 90, **Site Plan**, no matter what the size of the nonvegetated area), provided the operation does not include the removal of bedrock material through blasting or any other mechanical means or the crushing or further processing of such bedrock material.
- (2) Cemeteries.
- (3) Recreational activities operated for profit.

- (4) Junkyards, including auto graveyards (subject to site review under the provisions of **eChapter 90, Site Plan**, no matter what the size of the nonvegetated area), commercial piggeries and commercial poultry raising.
- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) **Residential P**planned unit development and cluster housing development.
- (7) Congregate residential retirement housing.
- (8) Health ~~services~~-care offices and professional offices.
- (9) Health care facilities.
- (10) Non-municipal public and quasi-public uses.
- (11) Veterinarians and veterinary clinics ~~and hospitals~~.
- (12) Kennels for boarding of pets **and pet training**.
- (13) **Manufactured housing community (M**mobile home parks), which may be located only within a Manufactured Housing Overlay District.
- (14) **Boat building, boat repair, boat retrofitting, and boat storage-for profit, including the on-site sale of boats and accessory equipment.**
- (15) Commercial structures and uses, including but not limited to funeral homes, small scale retail and wholesale business establishments, ~~multifamily housing~~, hotels/motels, restaurants (**excluding fast food**), **ice cream stands**, motor vehicle sales and services, mobile home and equipment sales and services, small scale retail motor fuel and service establishments, shopping centers, drive-in theaters, warehouses, storage facilities, light industrial uses, ~~marine-related activities, boat storage~~, office complexes, and crafts production **and sales**.
- (16) ~~Expansion of f~~Facilities used for the spreading of septic sludge, provided **said facility such expansion** is found to be in compliance with the provisions of **eChapter 90, pertaining to sSite pPlan review, and the site is used exclusively for it serves** properties located in the City, **license** is approved by the City Council, and **it** is in compliance with all state, federal and City laws, rules, regulations and codes.
- ~~(17) Shopping centers, provided the shopping center is an extension of a project in the Highway Commercial zone that needs up to an additional 1,000 feet in depth to allow for parking in front of the building. Subsection repealed on --- date ---.~~
- (18) Bed and breakfast, including class 1, class 2 and class 3.
- (19) Telecommunications facilities and stealth telecommunications facilities, except in that portion of the General Purpose-A zoning district that is located between Robbins Road to the northeast and the Passagassawakeag River to the southwest.
- (20) Residential, multi-family dwelling, if on public sewer, subject to lot size standards identified in Sec. 102-325 and density standards identified in Sec. 102-326.**
- (21) Residential, multi-family dwelling, if on a subsurface system, subject to the following: multi-family structure shall only be a triplex or four-plex, the property must comply with minimum lot size standards in Sec. 102-325, the property must comply with minimum density standards in Sec. 102-326, property must comply with Article IX, Division 7 Performance Standards, and property must comply with other applicable requirements in these Code of Ordinances.**
- (22) Marina and marina related service businesses.**
- (23) Docks, floats and similar activities that occur below the high-water mark.**
- (234) Medical Marijuana manufacturing facilities.**

- (245) Medical Marijuana testing facilities.
- (256) Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-32330. Applicability of shoreland zoning and floodplain regulations.**

Provisions of eChapter 82, ~~pertaining to s~~Shoreland ~~z~~Zoning, and eChapter 78, ~~article II, pertaining to floodplains Floods~~, may apply in the General Purpose "A" District. See Reference the ~~adopted s~~Shoreland ~~z~~Zoning maps and the ~~adopted~~ FIRM ~~f~~Flood maps.

**Sec. 102-324. Standards. Section 102-324 repealed on --- (date) ---.**

~~(a) The general standards of applicable performance standards identified in of article IX of this chapter shall be observed in the General Purpose "A" District.~~

~~(b) The following standards shall also apply:~~

~~(1) Residential uses.~~

- ~~a. Maximum residential density for one or two family dwelling structures is one dwelling structure per net acre.~~
- ~~b. Maximum net residential density for one family dwelling structures with City sewer shall be one dwelling structure per one third acre.~~
- ~~c. Maximum residential density for three or more family dwelling structures is three dwelling units per net acre.~~
- ~~d. Minimum lot frontage is 100 feet.~~
- ~~e. The minimum rear and side yard setback is 15 feet.~~

~~(2) Commercial, industrial and other nonresidential uses.~~

- ~~a. Minimum lot size is one net acre. A commercial or nonresidential use may be located on the same one net acre lot as a dwelling structure.~~
- ~~b. Minimum lot frontage is 150 feet.~~
- ~~c. The minimum rear and side yard setback is 20 feet.~~

~~(3) Setback from, right-of-way. The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals 1/2 the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet. Where the right-of-way width is unavailable or uncertain, the setback shall be 60 feet from the center of the traveled way.~~

**Sec 102-325. Dimensional standards for residential uses and residential structures in the General Purpose 'A' district.**

**(a) Minimum lot size and minimum lot frontage requirements for residential uses.**

- (1) A lot (property) that is connected to public sewer and that is occupied by a single-family residential use, a two-family residential use, or a single-family residential use with an accessory dwelling unit in a detached structure, shall be a minimum of 14,520 square feet in size (one-third acre) and shall have a minimum of 100 feet of road frontage, if the lot has frontage on a road.**
- (2) A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a single-family residential use, a two-family residential use, or a single-family residential use with an accessory dwelling unit in a detached structure, shall be a minimum of 43,560 square feet in size (one acre) and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road.**
- (3) A lot (property) that is connected to public sewer and that is occupied by a multi-family residential use shall be a minimum of 21,780 net square feet in size (one-half net acre) and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. Also reference density standards identified in Sec. 102-326.**
- (4) A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a triplex multi-family residential use (three dwelling units in one building), shall be a minimum of 65,340 net square feet (1.5 net acres) in size and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. Also reference density standard identified in Sec 102-326.**
- (5) A property that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a four-plex multi-family residential use (four dwelling units in one building), shall be a minimum of 87,120 net square feet (2 net acres) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. Also reference density standard identified in Sec 102-326.**
- (6) If a lot (property) is connected to public sewer and there are one or more types of residential uses on the lot, the following standards must be met: 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 (3) above; and the amount of use on the lot must comply with the residential density standards identified in Sec. 102-326. The total amount of lot frontage for the lot, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.**
- (7) If a lot (property) uses a subsurface wastewater disposal system for managing wastewater, and there are one or more types of residential uses on the lot, the following standards must be met: 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), (4), and (5) above; and the amount of residential use on the lot must comply with the**

residential density standards in Sec. 102-326. The total amount of lot frontage for the lot, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.

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

The following minimum structure 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 accessory structure.**

**Front: 30 feet**

**Side: 15 feet**

**Rear: 15 feet**

**(4) Multi-family residential structure.**

**Front: 30 feet**

**Side: 25 feet**

**Rear: 25 feet**

The minimum amount of structure setback may need to increase to comply with requirements in Article IX, Division 7, for a multi-family structure on a property that uses a subsurface wastewater disposal system.

**(5) The minimum amount of front setback for all structures identified in (1) - (4) above shall be determined as follows:**

a. The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals one-half the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet.

b. Notwithstanding the front structure setback requirement identified in (1) - (4) above, if the amount of right-of-way width is unavailable or uncertain, and the owner chooses not to provide the City a survey, the setback shall be a minimum of 60 feet from the center of the respective traveled way.

**(c) Maximum structure height for residential structures.**

The maximum height for the following 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, 38 feet.**
- (5) Accessory structures to all of the above residential structures, 38 feet.**

**Sec. 102-326. Density standards for residential uses in the General Purpose 'A' district.**

**(a) The following density standards shall apply to a lot (property) that is connected to public sewer and that is occupied by the following types of residential use:**

- (1) Single-family residence. One unit per 14,520 square feet (one-third acre).**
- (2) Two-family residence. One structure (two units) per 14,520 square feet (one-third acre).**
- (3) Single-family residence with an accessory dwelling unit in a detached structure. One principal and one accessory dwelling structure per 14,520 square feet (one-third acre). Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) 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 located on the property. All units must be located in a structure that has 3 or more dwelling units to be considered a multi-family dwelling.**

**(b) The following density standards shall apply to a lot (property) that uses a subsurface wastewater disposal system to manage wastewater and that is occupied by the following types of residential use:**

- (1) Single-family residence. One unit per 43,560 square feet (1 acre).**
- (2) Two-family residence. One structure (2 units) per 43,560 square feet (1 acre).**
- (3) Single-family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 43,560 square feet (1 acre). Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Multi-family residence. A maximum of one triplex structure (3 dwelling units in one building) per 65,340 net square feet (1.5 net acre) of land area, or one four-plex structure (4 dwelling units in one building) per 87,120 net square feet (2 net acre) of land area.**

- (c) **If a lot (property) is occupied by more than one type of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size requirement identified Sec. 102-325 and the respective density standards identified in (a) and (b) above for each type of residential use on the property. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive use that is on the property.**
- (d) **If a lot (property) is occupied by a nonresidential use and one or more types of residential uses, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement for the nonresidential use identified in Sec 102-328, the respective residential lot size standards identified in Sec. 102-325, and the respective density standards identified in (a) and (b) above for each type of residential use that is on the property. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive nonresidential use that is on the property, reference Sec. 102-328.**

**Sec. 102-325.7. Residential Planned unit development and cluster housing development.**  
 [Ord. No. 28-1997, § 601.5, 3-4-1997]

In the case of **a residential** planned unit development and cluster housing development in the General Purpose "A" District, the standards in ~~s~~Sections **102-325 and 102-3246** may be modified in accordance with the special provisions of ~~a~~Article VI of this ~~e~~Chapter. **Also, notwithstanding the standards in Sec. 102-322(21) that allows only a triplex or four-plex multi-family structure if the structure uses a subsurface wastewater disposal system, a property that is developed pursuant to the standards in Article VI, Division 1, may allow a greater number of dwelling units in one or more multi-family structures. In addition, A** planned unit development and cluster housing development shall be reviewed under the ~~s~~Subdivision ~~o~~Ordinance **(Chapter 94) and Chapter 90, Site plan.**

**Sec. 102-328. Dimensional standards for nonresidential uses and nonresidential structures in the General Purpose 'A' district.**

- (a) **Minimum lot size and minimum lot frontage requirements for nonresidential uses.**
  - (1) **A lot (property) that is connected to public sewer that is occupied by a nonresidential use 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.**
  - (2) **A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a nonresidential use, 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.**

(3) If a lot (property) is occupied by both a nonresidential use and one or more types of residential uses, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement for the nonresidential use identified in (1) or (2) above, the respective residential lot size standards identified in Sec. 102-325, and density standards identified in Sec. 102-326, for each type of residential use that is on the property. The amount of lot frontage shall be no less than 150 feet, and shall be greater if required for any of the specific uses that are on the property.

(b) **Minimum structure setback requirements for nonresidential structures.**

The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures:

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

The minimum amount of front setback for a nonresidential structure shall be determined by the method for residential structures identified in Sec. 102-325(b)(5).

(c) **Maximum structure height for nonresidential structures.**

The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.

**Sec. 102-3263. Prohibited uses.**

[Ord. No. 28-1997, § 601.6, 3-4-1997]

Only those uses specifically listed as **p**Permitted **u**Uses **requiring Code Enforcement Officer review** or **p**Permitted **u**Uses requiring Planning Board review are allowed within the General Purpose "A" District. All other uses are **prohibited excluded**.

**Sec. 102-329. Performance standards for the General Purpose A district.**

**All uses in the General Purpose A zoning district shall comply with the Article IX, Division 2, Environmental Standards, and specific uses that are proposed shall comply with other applicable standards in the City Code of Ordinances. All uses shall also comply with applicable requirements of the Chapter 98, Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90..**

**Sec. 102-~~327~~31. through Sec. 102-340. (Reserved)**

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 3. General Purpose "B" District**

**Sec 102-341. Permitted uses requiring Code Enforcement Officer review**

Permitted uses requiring Code Enforcement Officer review in the General Purpose "B" District are as follows:

- (1) Residential, single family dwelling. Manufactured housing units are permitted.
- (2) Residential, two-family dwelling. Manufactured housing units are permitted.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted as an accessory dwelling unit. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Home occupations (expanded definition).
- (5) Agricultural uses, including the keeping of farm animals and pleasure animals, forestry and horticultural uses (also see 102-342(4) below).
- (6) Recreational or community activities, except those operated for profit.
- (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) Essential services.
- (9) Accessory structures-
- (10) Accessory uses and yard sales on no more than 10 days in a calendar year.
- (11) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (12) Solar Energy Systems, Large-Scale, roof-mounted.

**Sec. 102-342. Permitted uses requiring Planning Board review.**

Permitted uses requiring Planning Board review in the General Purpose "B" District are as follows:

- (1) Fill, loam, sand and gravel extraction operations (subject to site review under the provisions of eChapter 90, **Site Plan**, no matter what the size of the nonvegetated area), provided the operation does not include the removal of bedrock material through blasting or any other mechanical means or the crushing or further processing of such bedrock material.
- (2) Cemeteries.
- (3) Recreational activities operated for profit.

- (4) Junkyards, including auto graveyards (subject to site review under the provisions of **eChapter 90, Site Plan**, no matter what the size of the non-vegetated area), commercial piggeries, and commercial poultry raising.
- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) **Residential P**lanned unit development and cluster housing development.
- (7) Congregate residential retirement housing.
- (8) Health **services care** offices and professional offices.
- (9) Health care facilities.
- (10) Nonmunicipal public and quasi-public uses.
- (11) Veterinarians and veterinary clinics ~~and hospitals~~.
- (12) Kennels for boarding of pets **and pet training**.
- (13) **Manufactured housing communities** (~~M~~mobile home parks), which may be located only within a Manufactured Housing Overlay District.
- (14) **Boat building, boat repair, boat retrofitting, and B**boat storage ~~for-profit, including the on-site sale of boats and accessory equipment~~.
- (15) Commercial structures and uses, including but not limited to funeral homes, small scale retail and wholesale business establishments, **multifamily housing**, small scale retail stores and services, manufacturing, hotels/~~motels~~, restaurants (**excluding fast food**), **ice cream stands**, motor vehicle sales and services, mobile home and equipment sales and services, retail motor fuel and service establishments, shopping centers, drive-in theaters, warehouses, storage facilities, light industrial uses, ~~marine-related activities, boat storage~~, office complexes, and crafts production **and sales**.
- (16) Storage tanks for petroleum products, including propane (subject to site plan review under the provisions of **eChapter 90, Site Plan**, no matter what the size of the nonvegetated area).
- (17) Bed and breakfast, including class 1, class 2 and class 3.
- (18) Stealth telecommunications facilities.
- (19) Reserved**
- (20) Medical Marijuana manufacturing facilities.
- (21) Medical Marijuana testing facilities.
- (22) Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-~~343~~350. Applicability of shoreland zoning and floodplain regulations.**

[Ord. No. 28-1997, § 601.3, 3-4-1997]

Provisions of **eChapter 82, ~~pertaining to s~~Shoreland ~~z~~Zoning**, and **eChapter 78, ~~article II, pertaining to floodplains~~Floods**, may apply in the General Purpose "B" District. **See Reference** the **adopted s**Shoreland **z**Zoning maps and **the adopted FIRM ~~f~~Flood** maps.

**Sec. 102-344. Standards. Sec. 102-344 repealed on --- date ---.**

[Ord. No. 28-1997, § 601.4, 3-4-1997]

- ~~(a) The general standards of applicable performance standards identified in of article IX of this chapter shall be observed in the General Purpose "B" District.~~

~~(b) The following standards shall also apply:~~

~~(1) Residential uses:~~

- ~~a. Maximum residential density for one or two family dwelling structures is one dwelling structure per net acre.~~
- ~~b. Maximum net residential density for one family dwelling structures with City sewer shall be one dwelling structure per one third acre.~~
- ~~c. Maximum residential density for three or more family dwelling structures is three dwelling units per net acre.~~
- ~~d. Minimum lot frontage is 100 feet.~~
- ~~e. The minimum rear and side yard setback is 15 feet.~~

~~(2) Commercial, industrial and other nonresidential uses:~~

- ~~a. Minimum lot size is one net acre. A commercial or nonresidential use may be located on the same one net acre lot as a dwelling structure.~~
- ~~b. Minimum lot frontage is 150 feet.~~
- ~~c. The minimum rear and side yard setback is 20 feet.~~

~~(3) Setback from, right-of-way. The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals 1/2 the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet. Where the right-of-way width is unavailable or uncertain, the setback shall be 60 feet from the center of the traveled way.~~

**Sec. 102-345. Dimensional standards for residential uses and residential structures in the General Purpose 'B' district.**

**(a) Minimum lot size and minimum lot frontage requirements for residential uses.**

- (1) A lot (property) that is connected to public sewer and that is occupied by a single family residential use, a two-family residential use, or a single family residential use with an accessory dwelling unit in a detached structure, shall be a minimum of 14,520 square feet in size (one-third acre) and shall have a minimum of 100 feet of road frontage, if the lot has frontage on a road.**
- (2) A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a single family residential use, a two-family residential use, or a single family residential use with an accessory dwelling unit in a detached structure, shall be a minimum of 43,560 square feet in size (one acre), and shall have a minimum of 100 feet of road frontage, if the lot has frontage on a road.**

**(3) If a lot (property) is connected to public sewer or uses a subsurface system for managing wastewater, 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 uses on the lot, reference standards (1) and (2) above, and the amount of use on the lot must comply with the residential density standards identified in Sec. 102-346. The total amount of lot frontage for the lot, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.**

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

**The following minimum structure 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 accessory structure.**

**Front: 30 feet**

**Side: 15 feet**

**Rear: 15 feet**

**(4) The minimum amount of front setback for all structures identified in (1) - (3) above shall be determined as follows:**

**a. The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals one-half the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet.**

**b. Notwithstanding the front structure setback requirement identified in (1) - (3) above, if the amount of right-of-way width is unavailable or uncertain, and the owner chooses not to provide the City a survey, the minimum structure setback shall be 60 feet from the center of the respective traveled way.**

**(c) Maximum structure height for residential structures.**

The maximum height of the following 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) Accessory structures to all of the above residential structures, 38 feet.

**Sec. 102-346. Density Standards for residential uses in the General Purpose 'B' district.**

- (a) 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:
  - (1) Single family residence. One unit per 14,520 square feet (one-third acre).
  - (2) Two-family residence. One structure (two units) per 14,520 square feet (one-third acre).
  - (3) Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 14,520 square feet (one-third acre). Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.
- (b) The following density standards shall apply to a lot (property) that uses a subsurface wastewater disposal system to manage wastewater, and that is occupied by the following types of residential use:
  - (1) Single family residence. One unit per 43,560 square feet (1 acre).
  - (2) Two-family residence. One structure (2 units) per 43,560 square feet (1 acre).
  - (3) Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 43,560 square feet (1 acre). Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.
- (c) If a lot (property) is occupied by more than one type of residential use, the size (area) of the lot, in total, must satisfy the respective density standards identified in (a) and (b) above for each type of residential use that is proposed.
- (d) If a lot (property) is occupied by a nonresidential use and one 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. 102-348, the respective residential lot size standards identified in Sec. 102-345, and the respective density standards identified in (a) and (b) above for each type of residential use that is proposed.

**Sec. 102-345. Residential Planned unit development and cluster housing development.**

[Ord. No. 28-1997, § 601.5, 3-4-1997]

In the case of a residential planned unit development and cluster housing development in the General Purpose "B" District, the standards in Sections 102-344 and 102-346 may be modified in accordance with the special provisions of Article VI of this Chapter. **Notwithstanding the prohibition on multi-family housing in the General Purpose 'B' district, a residential planned unit development and cluster housing development project may include multi-family housing as an alternative residential development option, provided all Article VI standards are satisfied. In addition, A residential planned unit development and cluster housing development shall be reviewed under the Subdivision Ordinance (Chapter 94) and Chapter 90, Site Plan.**

**Sec. 102-348. Dimensional standards for nonresidential uses and nonresidential structures in the General Purpose 'B' district.**

**(a) Minimum lot size and minimum frontage requirements for nonresidential uses.**

- (1) A lot (property) that is connected to public sewer that is occupied by a nonresidential use 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.**
- (2) A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a nonresidential use, 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.**
- (3) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement identified for the nonresidential use identified in (1) or (2) above, the respective residential lot size standards identified in Sec. 102-345, and the respective density standards identified in Sec. 102-346, for each type of residential use that is proposed. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive use that is on the property.**

**(b) Minimum structure setback requirements for nonresidential structures.**

**The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures:**

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

The minimum amount of front setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-345(b)(4).

(c) **Maximum structure height for nonresidential structures.**

The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.

**Sec. 102-3463. Prohibited uses.**

[Ord. No. 28-1997, § 601.6, 3-4-1997]

Only those uses specifically listed as permitted uses **requiring Code Enforcement Officer review** or permitted uses requiring Planning Board review are allowed within the General Purpose "B" District. All other uses are **excluded prohibited**.

**Sec. 102-349. Performance standards for the General Purpose 'B' district.**

All uses in the General Purpose B zoning district shall comply with the Article IX, Division 2, Environmental Standards, and specific uses that are proposed shall comply with other applicable standards in the City Code of Ordinances. All uses shall also comply with applicable requirements of the Chapter 98, Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.

**Sec. 102-~~347~~351 - 102-360. (Reserved).**

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING  
CHAPTER 102, ZONING**

**DIVISION 5. Residential/Agricultural II District**

**Sec. 102-381. Permitted uses requiring ~~CEO~~ Code Enforcement Officer review.**

Permitted uses requiring Code Enforcement Officer review in the Residential/Agricultural II District are as follows:

- (1) Residential, single-family dwelling. Manufactured housing units are permitted.
- (2) Residential, two-family dwelling. Manufactured housing units are permitted.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted as an accessory dwelling unit. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Agricultural uses, including the keeping of farm animals and pleasure animals, agricultural processing, and horticultural uses, excluding slaughter-houses and factories, piggeries or raising of poultry for commercial purposes.
- (5) Recreational or community activities except those operated for profit. In the case of any such activity which operates a restaurant, the hours of operation of the restaurant do not begin before 5:00 a.m. and end no later than 10:00 p.m.
- (6) Municipal uses deemed necessary by the City Council, but, prior to taking such action thereon, the ~~e~~Council shall hold a public hearing for which 10 days' notice shall be given.
- (7) Essential services.
- (8) Accessory uses to principal uses for which the Code Enforcement Officer can issue a permit, including yard sales on no more than 10 days in any calendar year.
- (9) Accessory structures.
- (10) Forest management, timber harvesting, woodlot management and on-site firewood processing activities.
- (11) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (12) Solar Energy Systems, Large-Scale, roof-mounted.
- (13) **Fill activities, including the removal or addition of fill, that exceed 50 cubic yards of material.**

**Sec. 102-382. Permitted uses requiring Planning Board review.**

Permitted uses requiring Planning Board review in the Residential/Agricultural II District are as follows:

- (1) Home occupation (expanded definition).
- (2) Farm stand, craft sales.
- (3) Small convenience stores (stores less than 4,000 square feet in size with a maximum of two fuel dispensers).
- (4) Boat building, **boat** repair, **boat retrofitting** and **boat** storage, **including the on-site sale of boats and accessory equipment.**
- (5) **Vehicle** ~~Car~~ repairs (maximum of ~~three~~**six** vehicles offered for sale on the property as an accessory use).
- (6) Restaurants, excluding fast food restaurants **and restaurants that have a drive-through window.**
- (7) Funeral homes.
- (8) Bed and breakfast, including class 1, class 2 and class 3.
- (9) Group home or hospice, provided the owner resides on the lot and maintains said residence as his or her primary residence.
- (10) Day nursery or an institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (11) Boarding/lodging establishment, provided the owner resides on the lot and maintains said residence as his or her primary residence.
- (12) Kennel **for boarding of pets and pet training and** stables ~~and veterinary hospital.~~
- (13) Telecommunications facilities and stealth telecommunications facilities.
- (14) Cemeteries.
- (15) Fill, loam, sand, gravel extraction, excluding bedrock, with restrictions on extent of area to be extracted at one time, and establishment of a continuing reclamation and reforestation program (subject to review under the provisions of chapter 90).
- (16) ~~Wood lot management and on-site fire wood processing.~~ **Voided 12/19/17.**
- (17) **Residential P**lanned unit development and cluster housing development.
- (18) Recreational activities operated for profit.
- (19) Storage facilities.
- (20) ~~Hospitals~~ **Health care offices.**
- (21) Health care facilities,~~nursing homes.~~
- (22) **Residential, M**ulti-family housing.
- (23) Professional offices, office complexes.
- (24) Schools.
- (25) Congregate care retirement housing.
- (26) Veterinarian and veterinarian clinic.**
- (27) Medical Marijuana manufacturing facilities.
- (28) Medical Marijuana testing facilities.
- ~~(22\_29)~~ Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-~~383~~ 387. Applicability of shoreland zoning and floodplain regulations.**  
 [Ord. of 4-6-2010(2)]

Provisions of ~~e~~Chapter 82, ~~pertaining to s~~Shoreland ~~z~~Zoning, and ~~e~~Chapter 78, ~~article II,~~  
~~pertaining to floodplains~~ **Floods**, may apply in the Residential/Agricultural II District. See the  
**adopted s**Shoreland maps and **the adopted FIRM f**Flood maps.

**Sec. 102-384. Dimensional and density standards for residential uses and residential structures in the Residential/Agricultural II district.**

[Ord. No. 28-1997, § 604.4, 3-4-1997; Ord. No. 10-2001, 9-4-2001]

(a) **The dimensional and density standards for the Residential/Agricultural II zoning district were revised in September 4, 2001. Any property or structure established on or after September 4, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to September 4, 2001 and fail to meet the September 4, 2001 standards must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to September 4, 2001 and fail to satisfy applicable dimensional standards may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.**

**(a c) The Mminimum lot size and minimum frontage requirements for Rresidential uses in the Residential/Agricultural II zoning district are as follows:**

- (1) ~~Any lot created on or after September 4, 2001, that is connected to City sewer and that is used for a single-family residence or two-family residential use, shall be a minimum of 15,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**
- (2) ~~Any lot created on or after September 4, 2001, that is not connected to City sewer and that is used for a single-family residential use, shall be a minimum of 20,000 square feet in size and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**
- (3) ~~Any lot created on or after September 4, 2001, that is not connected to City sewer and that is used for a two-family residential use, shall be a minimum of 40,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**
- (4) ~~Any lot that was created before September 4, 2001, that does not comply with either or both the minimum lot size and minimum frontage requirements established in subsections (1) -- (3), shall be considered a nonconforming lot of record, and may be used for a single-family residence or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal. Clause repealed on --- date ---.~~**
- (5) ~~A lot, regardless of when it was created, that is used for a multifamily residential use established on or after September 4, 2001, shall be connected to public sewer, shall be a minimum of 1/2 acre (21,780 square feet) in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**

~~(6) A lot that does not comply with any one or all standards identified in subsection (5) above, and that was used for a multifamily residential use before September 4, 2001 shall be considered a nonconforming use. This nonconforming use may continue, and may expand, subject to the requirements of article III, of this chapter. Clause repealed on --- date ---.~~

**(7) Type of Use on Sewer                      Lot Size                      Lot Frontage**

Single Family Residential	15,000 sq ft.	150 lineal feet
Two-Family Residential	15,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	15,000 sq ft	150 lineal feet
Multi-Family Residential	21,780 net sq. ft.	150 lineal feet

**(8) Type of Use -Subsurface System   Lot Size                      Lot Frontage**

Single Family Residential	20,000 sq ft.	150 lineal feet
Two-Family Residential	30,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	30,000 sq ft	150 lineal feet
Multi-Family Residential	43,560 net sq. ft.	150 lineal feet

**(9) If there are one or more types of residential uses on the lot (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 (7) and (8) above, and the amount of use (density) on the lot must comply with the residential density standards identified in Sec 102-384(f) or Sec 102-385. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.**

~~(b) **Minimum lot size and minimum frontage requirements-Nonresidential uses.** Clause repealed on --- date ---.~~

~~(1) Any lot created on or after September 4, 2001, that is used for a nonresidential use shall be a minimum of one acre (43,560 square feet) in size, and the lot shall have a minimum of 150 feet of road frontage.~~

~~(2) A lot that was created on or before September 3, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in subsection (1) shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use.~~

(ed) 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) ~~The minimum setback requirements for a single family or two family dwelling use or structure, and any accessory structure or use to these uses are as follows:~~  
~~Front: 30 feet;~~  
~~Side: 15 feet; and~~  
~~Rear: 15 feet. Clause repealed on --- date ---.~~

(2) ~~The minimum setback requirements for a multi family dwelling use or structure, and any accessory structure or use to this use are as follows:~~  
~~Front: 30 feet;~~  
~~Side: 25 feet; and~~  
~~Rear: 25 feet. Clause repealed on --- date ---.~~

(3) ~~The minimum front, side and rear setback requirements for a nonresidential use shall be as follows:~~  
~~Front: 30 feet~~  
~~Side: 25 feet~~  
~~Rear: 25 feet. Clause repealed on --- date ---.~~

<u>(4) Type of Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Single Family	30 ft	15 ft	15 ft
Two-Family	30 ft	15 ft	15 ft
Single w/Detached	30 ft	15 ft	15 ft
Accessory Dwelling			
Multi-Family	30 ft	25 ft	25 ft

(5) **A residential structure that was constructed on or before September 4, 2001 that does not comply with the above structure setback requirements, shall be considered a nonconforming structure of record with respect to setback requirements. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.**

(4 6) 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, eCode eEnforcement eOfficer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine **the location of property lines and the** minimum amount of setback required. The eCode eEnforcement eOfficer 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) **Maximum Sstructure height for residential structures.**

The maximum height of the following **residential** types of **any** structures **shall comply with the following standards:** ~~located within 200 feet of Crocker Road or Marsh Road shall be 38 feet. The maximum height of any structure located more than 200 feet from Crocker Road or Marsh Road shall be 50 feet.~~

- (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, 38 feet.**
- (5) **Accessory structures to all of the above residential structures, 38 feet.**

(e f) **Density standard.**

The following density standards shall apply to all residential uses in ~~this—the~~ **Residential/Agricultural II** zoning district. These density standards are subject to modification in accordance with the planned unit development requirements identified in ~~s~~Section 102-385.

<b>1. <u>Type of Use</u></b>	<b><u>Sewer</u></b>
Single-family	One unit in one structure per 15,000 square feet
Two-family	Two units in one structure per 15,000 square feet
<b>Single Family, Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 15,000 square feet</b>
Multifamily	<del>Three</del> <b>Six</b> units <del>in one structure</del> per 21,780 <b>net</b> square feet and an additional <del>7,260</del> <b>1,500 net</b> square feet for each additional unit
<b>2. <u>Type of Use</u></b>	<b><u>Subsurface wastewater disposal</u></b>
Single-family	One unit in one structure per 20,000 square feet
Two-family	Two units in one structure per <del>430,000</del> square feet
<b>Single Family, Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 30,000 square feet</b>
Multifamily	<del>Prohibited as a new use after August 19, 2001. —</del> <b>Four units per 43,560 net square feet and an additional 10,000 net square feet for each additional unit.</b>

**Sec. 102-385. Residential ~~and nonresidential~~ planned unit development and cluster housing development.**

[Ord. No. 28-1997, § 604.5, 3-4-1997; Ord. No. 10-2001, 9-4-2001]

In the case of a residential ~~or nonresidential~~ planned unit development **or cluster housing development** the **density standards identified in Sec. 102-384(f)** may be modified in accordance **with the following guidelines, and the lay-out of the project shall comply** with the special provisions of ~~a~~Article VI of this ~~e~~Chapter. ~~In addition, A~~ planned unit developments **or cluster housing development** shall be **subject to review** ~~ed~~ **by the Planning Board** ~~under~~ pursuant to the ~~s~~Subdivision ~~e~~Ordinance, Chapter 94, **and Chapter 90, Site Plan, and shall comply with applicable performance standards identified in Article IX of this Chapter, and the Chapter 98, Technical Standards.**

**The following maximum density standards shall apply to a residential planned unit or cluster housing development. If a permitted type of residential housing is not identified (altered) in these standards, the density provisions in Sec 102-384(f) shall apply to that type of housing in a residential planned unit development.**

- 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 12,000 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 12,000 square feet.**
- d. Two-family residence that is not connected to public sewer. Two units in one structure per 20,000 square feet.**
- e. Accessory dwelling unit to a single family residence in a detached structure that is not connected to public sewer. One accessory unit and 1 single family residence per 20,000 square feet.**

<b>1.</b>	<u>Type of Use</u>	<u>Sewer</u>
	Single-family	One unit in one structure per 10,000 square feet
	Two-family	Two units in one structure per <del>15,000</del> <b>10,000</b> square feet
	<b>Single family w/Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 10,000 square feet</b>
	Multifamily	<del>Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit.</del> <b>Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit</b>

<b>2.</b>	<u>Type of Use</u>	<u>Subsurface Wastewater Disposal</u>
	Single-family	One unit in one structure per 20,000 square feet

Two-family	Two units in one structure per 30,000 square feet
<b>Single Family, Detached</b>	<b>Primary and detached unit structures per</b>
<b>Accessory Dwelling Unit</b>	<b>30,000 square feet</b>
Multifamily	<del>Prohibited as a new use established after August 19, 2001.</del> <b>Four units per 43,560 net square feet and an additional 7,500 net square feet for each additional unit.</b>

~~The general performance standards in article VIII, divisions 2 and 3, and article IX, division 2, shall apply to all residential and nonresidential uses.~~

**Sec. 102-385 386. Dimensional standards for nonresidential uses and structures in the Residential/Agricultural II district.**

**(a) Minimum lot size and minimum frontage requirements for nonresidential uses.**

~~(b) Minimum lot size and minimum frontage requirements-Nonresidential uses.~~

- (1) Any lot (property) created on or after September 4, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has road frontage.**
- (2) Any lot (property) created on or before September 3, 2001, that is used for a nonresidential use that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided use of the lot can satisfy applicable dimensional requirements identified in this Section and applicable performance standards identified in the Article IX, Performance Standards.**
- (3) 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 identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-383(b), and the respective density standards identified in Section 102-383(g) or Section 102-385, for each type of residential use that is proposed.**

**(b) Minimum structure setback requirements for nonresidential structures.**

**The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures:**

**Front: 30 feet**  
**Side: 25 feet**

**Rear: 25 feet**

**The minimum amount of front setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-383(d)(6).**

**(c) Maximum structure height for nonresidential structures.**

**The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.**

**Sec. 102-~~387~~ 383. Prohibited uses.**

[Ord. No. 28-1997, § 604.6, 3-4-1997]

Only those uses specifically listed as permitted uses **requiring Code Enforcement Officer review** or permitted uses requiring Planning Board review are allowed within the Residential/Agricultural II District. All other uses are **excluded prohibited**.

**Sec. 102-388. Performance Standards.**

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

**All residential uses proposed in the Residential/Agricultural II district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards.**

**(b) Performance standards for nonresidential uses.**

**All nonresidential uses proposed in the Residential/Agricultural II zoning district shall comply will applicable performance standards identified in Article VIII and Article IX of this Chapter, applicable requirements of the Chapter 98 Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.**

**Sec. 102-~~387~~ 389. through Sec. 102-400. (Reserved)**

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 13. Searsport Avenue Waterfront District**

**Sec. 102-561. Permitted uses requiring Code Enforcement Officer review.**

[Ord. No. 78-2001, 6-5-2001]

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

- (1) Residential, single-family dwelling. Manufactured housing units are prohibited.
- (2) Residential, two-family dwelling. Manufactured housing units are prohibited.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (5) Home occupations (expanded definition).
- (6) Bed and breakfast, including class 1, class 2 and class 3.
- (7) Craft fairs on no more than 10 days in any calendar year.
- (8) Essential services.
- (9) Municipal uses deemed necessary by the City Council, subject to the eCouncil conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (10) Public parks.
- (11) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (12) Accessory uses for principal uses for which the CEO can issue a permit.
- (13) Accessory structures to principal structures for which the CEO can issue a permit.
- (14) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (15) Solar Energy Systems, Large-Scale, roof-mounted.
- (16) Fill activities, including the removal or addition of fill, that exceed 50 cubic yards of material.**

**Sec. 102-562. Permitted uses requiring Planning Board review.**

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

- (1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet.
- (2) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet.
- (3) Service businesses.
- (4) Hotels and motels.
- (5) Restaurants, **excluding fast food restaurants and restaurants with drive-through windows.**
- (6) Ice cream stands.
- (7) Professional offices and **health care** offices.
- (8) Office complexes.
- (9) Funeral homes.
- (10) Health care facilities.
- (11) Congregate retirement residential housing.
- (12) Multifamily housing, if on public sewer.
- (13) Planned unit development (residential ~~and nonresidential~~).
- (14) Non-municipal public and quasi-public uses.
- (15) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (16) Indoor recreational activities and facilities.
- (17) Campgrounds.
- (18) Marinas and marine related businesses.
- (19) Boat building, boat **repair, boat retrofitting**, and boat storage, **including the on-site sale of boats and accessory equipment.**
- (20) Lobster pound and fish processing.
- (21) Water borne transportation and recreation.
- (22) Aquaculture.
- (23) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.
- (24) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.
- (25) Stealth telecommunications facilities.
- (26) Medical Marijuana caregiver retail stores
- (27) Medical Marijuana manufacturing facilities.
- (28) Medical Marijuana testing facilities.
- (29) Solar Energy Systems, Large-Scale, ground-mounted.

### **Sec. 102-563. Prohibited uses.**

Only those uses specifically listed as permitted uses requiring **CEO Code Enforcement Officer** review or permitted uses requiring Planning Board review are allowed within the Searsport Avenue Waterfront District. All other uses are prohibited.

**Sec. 102-~~564~~-566. Applicability of ~~s~~Shoreland ~~z~~Zoning and ~~f~~Floodplain regulations.**

Provisions of ~~e~~Chapter 82, ~~pertainig to s~~Shoreland ~~z~~Zoning, and ~~e~~Chapter 78, ~~artiele II,~~ ~~pertainig to floodplains~~ ~~Floods~~, may apply in the Searsport Avenue Waterfront District. See the ~~adopted s~~Shoreland maps and ~~the adopted~~ FIRM ~~f~~Flood maps.

**Sec. 102-564. Dimensional and density standards for residential uses in the Searsport Avenue Waterfront district.**

(a) ~~The Searsport Avenue Waterfront zoning district was established on August 19, 2001. Any property or structure established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001, must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.~~

(~~a~~ c) ~~The M~~minimum lot size and minimum frontage requirements ~~for~~ ~~---R~~residential uses ~~in~~ the Searsport Avenue Waterfront district are as follows:.

- (1) ~~Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family residence or two-family residential use, shall be a minimum of 15,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (2) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used for a single-family residential use, shall be a minimum of 20,000 square feet in size and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (3) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used two-family residential use, shall be a minimum of 40,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (4) ~~Any lot that was created before August 19, 2001, that does not comply with either or both the minimum lot size and minimum frontage requirements established in subsections (1) -- (3), shall be considered a nonconforming lot of record, and may be used for a single-family residence or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal. Clause repealed on --- date ---.~~

- (5) ~~A lot, regardless of when it was created, that is used for a multi-family residential use established on or after August 19, 2001, shall be connected to public sewer, shall be a minimum of 21,780 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (6) ~~A lot that does not comply with any one or all standards identified in subsection (5), and shall be considered a nonconforming use. This nonconforming use may continue, and may expand, subject to the requirements of article III, of this chapter. Clause repealed on --- date ---.~~

(7) Type of Use on Sewer                      Lot Size                      Lot Frontage

Single Family Residential	15,000 sq ft.	150 lineal feet
Two-Family Residential	15,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	15,000 sq ft	150 lineal feet
Multi-Family Residential	21,780 net sq. ft.	150 lineal feet

(8) Type of Use -Subsurface System   Lot Size                      Lot Frontage

Single Family Residential	20,000 sq ft.	150 lineal feet
Two-Family Residential	30,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	30,000 sq ft	150 lineal feet
Multi-Family Residential	Not Allowed	Not Allowed

(9) If there are one or more types of residential uses on the lot (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 (7) and (8) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (f) or (g) below. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.

(b) ~~Minimum lot size and minimum frontage requirements-Nonresidential uses. Section repealed on --- date ---.~~

~~(1) Any lot created on or after August 21, 2001, that is used for a nonresidential use shall be a minimum of one acre (43,560 square feet) in size, and the lot shall have a minimum of 150 feet of road frontage. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b) and (c).~~

~~(2) A lot that was created before August 21, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in subsection (1), shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), (c), (d) and (e).~~

(e d) 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) ~~The minimum setback requirements for a single-family or two-family dwelling use or structure, and any accessory structure or use to these uses are as follows:~~

~~Front: 30 feet;~~

~~Side: 15 feet; and~~

~~Rear: 15 feet. Clause repealed on --- date ----.~~

(2) ~~The minimum setback requirements for a multi-family dwelling use or structure, and any accessory structure or use to this use are as follows:~~

~~Front: 30 feet;~~

~~Side: 25 feet; and~~

~~Rear: 25 feet. Clause repealed on --- date ----.~~

(3) ~~The minimum front, side and rear setback requirements for a nonresidential use or nonresidential structure are identified in the article IX, division 4 performance standards (reference section 102-1243, minimum front setback requirements for nonresidential structures; section 102-1244, minimum side setback requirements for nonresidential structures; and section 102-1245, minimum rear setback requirements for nonresidential structures). Clause repealed on --- date ----.~~

<u>(4) Type of Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Single Family	30 ft	15 ft	15 ft
Two-Family	30 ft	15 ft	15 ft
Single w/Detached	30 ft	15 ft	15 ft
Accessory Dwelling			
Multi-Family	30 ft	25 ft	25 ft

(5) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements shall be considered a nonconforming structure of record with respect to setbacks. Said residential structure may continue and may expand, subject to requirements of article III, nonconformance, of this chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the article IX, division 6, supplemental performance standards.

(4-6) 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, eCode eEnforcement eOfficer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine **the location of the property line and** minimum amount of setback required. The eCode eEnforcement eOfficer 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 e) Structure height **for residential structures.** ~~The maximum height of any structure shall be 35 feet.~~

The maximum **structure** height ~~of~~ **for the following types** of **any residential** structures **shall comply with the following standards:**

- (1) **Single family residential structure, 35 feet.**
- (2) **Two-family residential structure, 35 feet.**
- (3) **Accessory dwelling unit to a single family residence in a detached structure, 35 feet.**
- (4) **Multi-family residential structure, 35 feet.**
- (5) **Accessory structures to all of the above residential structures, 35 feet.**

(e f)- **Density standard.**

The following density standards shall apply to all residential uses in the Searsport Avenue Waterfront District. These density standards are subject to modification in accordance with the planned unit development requirements identified in subsection (f) (g) **below.**

1. <u>Type of Use</u>	<u>Sewer</u>
Single-family	One unit in one structure per 15,000 square feet
Two-family	Two units in one structure per 15,000 square feet
<b>Single Family, Detached</b>	<b>Primary and detached unit structures per 15,000 square feet</b>
<b>Accessory Dwelling Unit</b>	
Multifamily	<del>Three</del> <b>Six</b> units <del>in one structure</del> per 21,780 <b>net</b> square feet and an additional <del>7,260</del> <b>1,500 net</b> square feet for each additional unit
2. <u>Type of Use</u>	<u>Subsurface wastewater disposal</u>
Single-family	One unit in one structure per 20,000 square feet
Two-family	Two units in one structure per <del>430,000</del> square feet
<b>Single Family, Detached</b>	<b>Primary and detached unit structures per 30,000 square feet</b>
<b>Accessory Dwelling Unit</b>	

Multifamily

Prohibited as a new use after August 19, 2001.

~~(f g)~~ Residential ~~and nonresidential~~ planned unit development **and cluster housing development.**

In the case of a residential ~~or nonresidential~~ planned unit development **or cluster housing development**, the ~~above density~~ standards **identified in (f) above**, may be modified in accordance with the special provisions of ~~a~~Article VI of this ~~e~~Chapter, **and the following density requirements. In addition, A residential** planned unit developments **or cluster housing development** shall be reviewed under the ~~s~~Subdivision ~~e~~Ordinance, **Chapter 94, and Chapter 90, Site Plan.**

~~The following maximum density standards shall apply to a residential planned unit development:~~

<p><b>1.</b>    <u>Type of Use</u></p> <p>Single-family Two-family</p> <p><b>Single family w/Detached Accessory Dwelling Unit</b></p> <p>Multifamily</p>	<p><u>Sewer</u></p>	<p>One unit in one structure per 10,000 square feet Two units in one structure per <del>15,000</del> <b>10,000</b> square feet</p> <p><b>Primary and detached unit structures per 10,000 square feet</b></p> <p><del>Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit. Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit</del></p>
<p><b>2.</b>    <u>Type of Use</u></p> <p>Single-family Two-family</p> <p><b>Single Family, Detached Accessory Dwelling Unit</b></p> <p>Multifamily</p>	<p><u>Subsurface Wastewater Disposal</u></p>	<p>One unit in one structure per 20,000 square feet Two units in one structure per 30,000 square feet</p> <p><b>Primary and detached unit structures per 30,000 square feet</b></p> <p>Prohibited as a new use established after August 19, 2001.</p>

~~(g-h)~~ Lot coverage standards.

Residential ~~and nonresidential~~ structures shall ~~have occupy (lot coverage)~~ a maximum ~~lot coverage~~ of 30% (**thirty percent**) of the ~~lot~~ (property). Lot coverage **for the Searsport Avenue Waterfront district** is defined as the amount of footprint of all structures, buildings only, and **does not include** roads, driveways or parking areas; that are present on a property. However, if all or a portion of a property is located in ~~a the S~~shoreland ~~Z~~zone **district**, the more restrictive definition of lot coverage (impervious surface

coverage) identified in ~~the Chapter 82, Shoreland Zone~~, shall apply to the portions of the property that are in ~~a the~~ Shoreland Zone. ~~The amount of lot coverage for a nonresidential use may vary in accordance with the section 102-1276 view protection standards for the Searsport Avenue Waterfront District, for the purposes of preserving public views of the water.~~

- (h) ~~Performance standards. Clause repealed on --- date ---.~~

~~All nonresidential uses proposed in the Searsport Avenue Waterfront shall comply with the article IX, division 4 nonresidential development performance standards. All residential uses proposed in the Searsport Avenue Waterfront District shall comply with the article VIII, divisions 2 and 3, and article IX, division 2, performance standards~~

**Sec. 102-565. Dimensional standards for nonresidential uses and structures in the Searsport Avenue Waterfront district.**

- (a) **Minimum lot size and minimum frontage requirements for nonresidential uses.**

- (1) A lot (property) created on or after August 19, 2001 that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has road frontage. The minimum size of such a lot, however, shall be greater than 43,560 square feet, and the minimum amount of road frontage shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242(a), (b), and (c).
- (2) A lot (property) that was created before August 19, 2001 that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the article IX, division 4, performance standards, section 102-1242(a), (b), (c), (d), and (e).
- (3) 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 identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-564(c), and the respective density standards identified in Section 102-564(f) and (g), for each type of residential use that is proposed.

- (b) **Minimum structure setback requirements for nonresidential structures.**

**The minimum front, side and rear structure setback requirements for a nonresidential structure in the Searsport Avenue Waterfront district are identified in the following: Article IX, Division 4, Performance Standards: Section 102- 1243,**

**Minimum Front Setback requirements for Nonresidential Structures; Section 102-1244, Minimum Side Setback Requirements for Nonresidential Structures; and Section 102-1245, Minimum Rear Setback Requirements for Nonresidential Structures.**

**The method of measurement for the minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-564(d)(6).**

**(c) Maximum structure height for a nonresidential structure.**

**The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure shall be 38 feet, unless a portion of the property is located in a Shoreland District that has a stricter standard. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.**

**(d) Lot coverage requirements for a nonresidential structure.**

**A nonresidential structure shall occupy (lot coverage) a maximum of 30% (thirty percent) of the lot (property). Lot coverage for the Searsport Avenue Waterfront district is defined as the amount of footprint of all structures, buildings only, and does not include roads, driveways or parking areas, that are present on a property. However, if all or a portion of a property is located in the Shoreland Zone, the more restrictive definition of lot coverage (impervious surface coverage) identified in Chapter 82, Shoreland, shall apply to the portions of the property that are in a Shoreland District. The amount of lot coverage for a nonresidential use may vary in accordance with the Section 102-1276 view (protection standards Article IX, Performance Standards, Division 4) for the Searsport Avenue Waterfront district, for the purposes of preserving public views of the water.**

**(e) ~~Performance standards.~~ Clause repealed on --- date ---.**

~~All nonresidential uses in the Searsport Avenue Waterfront district shall comply with the article IX, division 4 nonresidential development performance standards of this chapter.~~

**Sec. 102-567. Performance Standards.**

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

**All residential uses in the Searsport Avenue Waterfront district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards..**

**(b) Performance standards for nonresidential uses.**

**All nonresidential uses proposed in the Searsport Avenue Waterfront district shall comply with the Article IX, Division 4, Nonresidential Development Performance Standards, applicable requirements of the Chapter 98. Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.**

**Sec. 102-~~566~~-568 through Sec. 102-580. (Reserved)**

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 20. Protection Rural-1 District**

**Sec. 102-701. Permitted uses requiring ~~CEO~~ Code Enforcement Officer review.**  
[Ord. of 4-6-2010(2)]

Permitted uses which require Code Enforcement Officer review in the Protection Rural-1 District are as follows:

- (1) Residential, single-family dwelling. Manufactured housing units are permitted.
- (2) Residential, two-family dwelling. Manufactured housing units are permitted.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Essential services.
- (5) 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.
- (6) Agricultural uses, agricultural processing including the keeping of farm animals and pleasure animals, and horticultural uses, except commercial piggeries or the raising of poultry for commercial uses and slaughterhouses and factories.
- (7) Farm stands.
- (8) Animal breeding/care.
- (9) Forest management, timber harvesting, woodlot management and on-site firewood processing activities.
- (10) Accessory use to residential uses or agricultural uses for which the CEO can issue a permit, and yard sales on no more than 10 days in any calendar year.
- (11) Accessory structures to a principal structure associated with a residential or agricultural use for which the CEO can issue a permit.
- (12) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (13) Solar Energy Systems, Large-Scale, roof-mounted.

**Sec. 102-~~702~~701.25. Permitted uses requiring Planning Board review.**  
[Ord. of 4-6-2010(2)]

Permitted uses requiring Planning Board review in the Protection Rural-1 District are as follows:

- (1) Residential planned unit development and cluster housing development projects, including the following ~~types of such development~~:
  - a) **A residential P**lanned unit development and cluster housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 1; or
  - b) **A R**rural affordable housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 2.
- (2) Bed and breakfast, including class 1, class 2 and class 3.

- (3) **Veterinarians and** ~~V~~veterinary hospital.
- (4) **Kennels for boarding of pets and pet training** or stable.
- (5) Telecommunications facilities and stealth telecommunications facilities.
- (6) Churches.
- (7) Community centers/clubs.
- (8) Day care facilities **and schools**.
- (9) Cemeteries.
- (10) Fill, loam, sand, and gravel extraction, excluding bedrock, with restrictions on the extent of area to be extracted at one time and the establishment of a continuing reclamation and reforestation program (subject to the provisions of Chapter 90, **Site Plan**, no matter what the size of the nonvegetated area).
- (11) Parks and recreation facilities.
- (12) Raising of poultry for commercial uses.
- (13) Home occupation (expanded definition).
- (14) Essential services.
- (15) Fire/police stations.
- (16) Accessory uses for **permitted** commercial, educational, institutional or public activities and outdoor resource-based uses/activities.
- (17) Storage and spreading of septage provided such storage and spreading is found to be in compliance with Chapter 90, **Site Plan**, the site is approved by the City Council and storage and spreading of septage is in compliance with all state, federal, and City laws, rules, regulations and codes.
- (18) Reserved**
- (19) Medical Marijuana manufacturing facilities.
- (20) Medical Marijuana testing facilities.
- (21) Solar Energy Systems, Large-Scale, ground-mounted.
- (22) Residential, multi-family. Limited to a triplex (3 units in one structure) or a four-plex (4 units in one structure). Property must comply with the following: minimum lot size standards in Sec. 102-702: minimum density standards in 102-702.25; if the structure uses a subsurface system, the Article IX, Division 7, Performance Standards; and other applicable requirements in the City Code of Ordinances.**

**Sec. 102-~~703~~705.25 Applicability of shoreland zoning and floodplain regulations.**  
**[Ord. of 4-6-2010(2)]**

Provisions of ~~the~~ Chapter 82, ~~pertaining to s~~Shoreland ~~z~~Zoning, and Chapter 78, ~~Article II, pertaining to floodplains~~ **Floods**, may apply in the Protection Rural-1 District. **See Reference** the ~~s~~Shoreland ~~z~~Zoning maps and FIRM ~~f~~Flood maps.

**Sec. 102-704 Standards. Section 102-704 repealed on --- date ---.**  
**[Ord. of 4-6-2010(2)]**

- ~~(a) The general performance standards of Article IX of this chapter shall be observed in the Protection Rural District.~~
- ~~(b) The following standards shall also apply:~~
  - ~~(1) Maximum residential density is one dwelling structure per two net acres.~~
  - ~~(2) Minimum lot frontage is 200 feet.~~
  - ~~(3) The minimum rear and side yard setback is 15 feet.~~

- ~~(c) The lot size requirement for subdivisions shall be two acres. Prior to the submission of a preliminary plan, a conceptual development plan and a cluster housing development plan must be submitted. Cluster housing plans will limit construction to an overall maximum density of two dwelling units per net acre, with a minimum of 30% of the total project area reserved for open space.~~
- ~~(d) The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals 1/2 the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at owner's expense and adding 30 feet. Where the right-of-way width is unavailable or uncertain, the set-back shall be 60 feet from the center of the traveled way.~~

**Sec 102-702 Dimensional standards, for residential uses and residential structures in the Protection Rural-1 district.**

- (a) Minimum lot size and minimum lot frontage requirements for residential uses.**
- (1) A lot (property) that is connected to public sewer and that is occupied by a single-family residential use, a two-family residential use, or a single-family residential use with an accessory dwelling unit in a detached structure, shall be a minimum of 21,780 square feet in size (one-half acre) and shall have a minimum of 100 feet of road frontage, if the lot has frontage on a road.**
  - (2) A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a single-family residential use, a two-family residential use, or a single-family residential use with an accessory dwelling unit in a detached structure, shall be a minimum of 87,120 square feet in size (two acres) and shall have a minimum of 200 feet of road frontage, if the lot has frontage on a road.**
  - (3) A lot (property) that is connected to public sewer and that is occupied by a triplex multi-family residential use (three dwelling units in one building), shall be a minimum of 43,560 net square feet (1 net acres) in size and shall have a minimum of 200 feet of road frontage. A lot (property) that is occupied by a four-plex multi-family residential use (four units in one building), shall be a minimum of 54,450 net square feet in size (1.25 net acres) and shall have a minimum of 200 feet of road frontage, if the lot has frontage on a road. Also refer to density standards identified in Sec. 102-702.25.**
  - (4) A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a triplex multi-family residential use (three dwelling units in one building), shall be a minimum of 108,900 net square feet (2.5 net acres) in size with a minimum of 200 feet of road frontage, if the lot has frontage on a road. Also refer to density standard identified in Sec 102-702.25.**
  - (5) A property that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a four-plex multi-family residential use (four dwelling units in one building), shall be a minimum of 130,680 net square feet (3 net acres) in size with a minimum of 200 feet of road frontage, if the lot has frontage on a road. Also refer to density standard identified in Sec 102-702.25.**

**(6) If a lot (property) is connected to public sewer and there are one or more types of residential uses on the lot, the following standards must be met: 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 (3) above, and the amount of use on the lot must comply with the residential density standards identified in Sec. 102-702.25. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive use on the property.**

**(7) If a lot (property) uses a subsurface wastewater disposal system to manage wastewater and there are one or more types of residential uses on the lot, the following standards must be met: 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), (4), and (5) above; and the amount of residential use on the lot must comply with the residential density standards identified in Sec. 102-702.25. The total amount of lot frontage for the lot, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.**

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

**The following minimum structure 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 accessory structure.**

**Front: 30 feet**

**Side: 15 feet**

**Rear: 15 feet**

**(4) Multi-family residential structure.**

**Front: 30 feet**

**Side: 25 feet**

**Rear: 25 feet**

**The minimum amount of structure setback may need to increase to comply with requirements in Article IX, Division 7, for a multi-family structure on a property that uses a subsurface wastewater disposal system.**

**(5) The minimum amount of front setback for all structures identified in (1) - (4) above shall be determined as follows:**

**a. The minimum setback shall be 30 feet from the road right-of-way line as determined by**

either measuring a distance from the center of the traveled way that equals one-half the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet.

- b. Notwithstanding the front structure setback requirement identified in (1) - (4) above, if the amount of right-of-way width is unavailable or uncertain, and the owner chooses not to provide the City a survey, the setback shall be a minimum of 60 feet from the center of the respective traveled way.

- (c) **Maximum structure height for residential structures.**

The maximum height for the following types of residential 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, 38 feet.
- (5) Accessory structures to all of the above residential structures, 38 feet.

**Sec. 102-702.25. Density standards for residential uses in the Protection Rural-1 district.**

- (a) The following density standards shall apply to a lot (property) that is connected to public sewer and that is occupied by the following types of residential use:

- (1) Single-family residence. One dwelling unit per 21,780 square feet (one-half acre).
- (2) Two-family residence. One structure (two units) per 21,780 square feet (one-half acre).
- (3) Single-family residence with an accessory dwelling unit in a detached structure. One principal and one accessory dwelling structure per 21,780 square feet (one-half acre). Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter.
- (4) Multi-family residence. A maximum of one triplex multi-family structure (3 dwelling units in one building) located on 43,560 net square feet (one net acre), or one four-plex multi-family structure (four dwelling units in one building) located on 54,450 net square feet (1.25 net acre). All units must be located in a structure that has 3 or more dwelling units to be considered a multi-family dwelling.

- (b) The following density standards shall apply to a lot (property) that uses a subsurface wastewater disposal system to manage wastewater and that is occupied by the following types of residential use:

- (1) Single-family residence. One dwelling unit per 87,120 square feet (2 acres).
- (2) Two-family residence. One structure (2 units) per 87,120 square feet (2 acres).
- (3) Single-family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 87,120 square feet (2 acres). Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter.
- (4) Multi-family residence. A maximum of one triplex multi-family structure (3 dwelling units in one building) per 108,900 net square feet (2.5 net acres) of land area, or one four-plex multi-family structure (4 dwelling units in one building) per 130,680 net square feet (3 net acres) of land area.

- (c) **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 minimum lot size requirement identified Sec. 102-702, and the respective density standards identified in (a) and (b) above for each type of residential use that is on the property. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive use that is on the property.**
- (d) **If a lot (property) is occupied by a nonresidential use and one or more types of residential uses, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement for the nonresidential use identified in Sec 102-703, the respective residential lot size standards identified in Sec. 102-702, and the respective density standards identified in (a) and (b) above for each type of residential use that is on the property. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive nonresidential use that is on the property; reference Sec. 102-703.**

**Sec. 102-~~705~~702.5. Residential ~~P~~planned unit development and cluster housing development.**

[Ord. No. 28-1997, § 601.5, 3-4-1997]

In the case of **a residential** planned unit development and cluster housing development in the Protection Rural-1 District, the standards in ~~s~~**Sections 102-702 and 102-~~704~~702.25** may be modified in accordance with the special provisions of ~~a~~**Article VI, Division 1, of this eChapter.** ~~In addition, a planned unit development or cluster housing development shall be reviewed under the subdivision ordinance.~~ **A planned unit development or cluster housing project shall limit construction to an overall maximum density of two dwelling units per net acre with a minimum of 30% of the total project area reserved for open space. Also, notwithstanding the standards in Sec. 701.25(22) that allows only a triplex or four-plex multi-family structure in the Protection Rural-1 district, a property that is developed pursuant to the standards in Article VI, Division 1, may allow a greater number of dwelling units in one or more multi-family structures. A planned unit development and cluster housing development shall be reviewed under the Subdivision Ordinance (Chapter 94) and Chapter 90, Site plan.**

**Sec. 102-~~706~~702.75 Rural affordable housing development project proposed pursuant to Article VI, Division 2 of this Chapter.**

[Ord. of 4-6-2010(2)]

In the case of a rural affordable housing development project **that is** subject to review pursuant to the Article VI, Division 2 process and requirements, the Planning Board shall determine the maximum number of dwelling units permitted. In no case, however, may the maximum number of dwelling units allowed for a **rural affordable housing** project exceed seven. **Also, notwithstanding the standards in Sec. 701.25(22) that allows only a triplex or four-plex multi-family structure in the Protection Rural-1 district, a property that is developed pursuant to the standards in Article VI, Division 2, may allow a greater number of dwelling units in one or more multi-family structures, subject to the limitation of a maximum of 7 dwelling units in the project.**

**Sec. 102-703. Dimensional standards for nonresidential uses and nonresidential structures in the General Purpose 'A' district.**

- (a) **Minimum lot size and minimum lot frontage requirements for nonresidential uses.**

- (1) A lot (property) that is connected to public sewer that is occupied by a nonresidential use shall be a minimum of 87,120 net square feet (two net acres) in size and shall have a minimum of 200 feet of road frontage, if the lot has frontage on a road.
- (2) A lot (property) that is not connected to public sewer and that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a nonresidential use, shall be a minimum of 87,120 net square feet (two net acres) in size, and shall have a minimum of 200 feet of road frontage, if the lot has frontage on a road.
- (3) If a lot (property) is occupied by both a nonresidential use and 1 or more types of residential uses, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standard identified in Sec. 102-702, and the residential density standard identified in Sec. 102-702.25, for each type of residential use that is on the property. The amount of lot frontage shall be no less than 200 feet, and shall be greater if required for any of the specific uses that are on the property.

**(b) Minimum structure setback requirements for nonresidential structures.**

The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures:

**Front: 30 feet**

**Side: 25 feet**

**Rear: 25 feet**

The minimum amount of front setback for a nonresidential structure shall be determined by the method for residential structures identified in Sec. 102-702(b)(5).

**(c) Maximum structure height for nonresidential structures.**

The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.

**Sec. 102-~~707~~701.5 Prohibited uses.**

**[Ord. of 4-6-2010(2)]**

Only those uses specifically listed as permitted uses **requiring Code Enforcement Officer review** or permitted uses requiring Planning Board review are allowed within the Protection Rural-1 District. All other uses are **excluded prohibited**.

**Sec. 102-705. Performance standards for Protection Rural-1 zoning district.**

**All uses in the Protection Rural-1 zoning district shall comply with the Article IX, Division 2,**

**Environmental Standards, and specific uses that are proposed shall comply with other applicable standards in the City Code of Ordinances. All uses shall also comply with applicable requirements of the Chapter 98, Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.**

**Sec. 102-~~708~~706 through Sec. 102-710. (Reserved)**

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 26. Route 141 and Mill Lane ~~Commercial~~ Mixed Use District**

**Sec. 102-780. Permitted uses requiring ~~CEO~~ Code Enforcement Officer review.**  
[Ord. No. 76-2001, 6-5-2001]

The City ~~e~~Code ~~e~~Enforcement ~~e~~Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route 141 and Mill Lane ~~Commercial~~ Mixed Use District:

- (1) Residential, single-family dwelling. Manufactured housing units are permitted.
- (2) Residential, two-family dwelling. Manufactured housing units are permitted.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Home occupations (expanded definition).
- (5) Bed and breakfast, including class 1, class 2 and class 3.
- (6) Craft fairs on no more than 10 days in any calendar year.
- (7) Essential services.
- (8) Municipal uses deemed necessary by the City Council, subject to the ~~e~~Council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (9) Public parks.
- (10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (11) Accessory uses for principal uses for which the CEO can issue a permit.
- (12) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (13) Accessory structures to uses and structures for which the CEO can issue a permit.
- (14) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (15) Solar Energy Systems, Large-Scale, roof-mounted.
- (16) Fill activities, including the removal or addition of fill, that exceed 50 cubic yards of material.**

**Sec. 102-~~781~~ 780.25. Permitted uses requiring Planning Board review.**  
[Ord. No. 76-2001, 6-5-2001; Ord. No. 19-2001, 11-7-2001; Ord. No. 21-2006, 2-7-2006]

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route 141 and Mill Lane **Commercial Mixed Use** District:

- (1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet.
- (2) Service businesses.
- (3) Movie theaters and performing arts centers.
- (4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet.
- (5) Hotels and motels.
- (6) Restaurants, excluding fast food restaurants and restaurants with drive-through windows.
- (7) Ice cream stands.
- (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) Warehouses and storage facilities.
- (15) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.
- (16) Motor vehicle fuel and service establishments.
- (17) Light industrial uses.
- (18) **Residential P**lanned unit development and cluster housing development (~~residential and nonresidential~~).
- (19) Non-municipal public and quasi-public uses.
- (20) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (21) **Residential, M**ultifamily housing, **if the property is connected to on**-public sewer, **and if property does not have road frontage on Mill Lane as its only road frontage, or the property's only access to a City road is via Mill Lane.**
- (22) Congregate retirement residential housing.
- (23) Indoor recreational activities and facilities.
- (24) Outdoor recreational activities and facilities.
- (25) Laundromats.
- (26) Retail and wholesale distribution establishments.
- (27) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.
- (28) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.
- (29) Manufactured housing communities. Such communities are permitted only in that portion of the Route 141 and Mill Lane Commercial District that is located northerly and westerly of Route 141 (Swan Lake Avenue). All proposals to establish a manufactured housing community are subject to requirements of **a**Article VIII, **d**Division 4 of this **e**Chapter.
- (30) Stealth telecommunications facilities.

- (31) Medical Marijuana caregiver retail stores, provided that the property has road frontage on either Route One (Searsport Avenue) or Swan Lake Avenue (Route 141).
- (32) Medical Marijuana manufacturing facilities.
- (33) Medical Marijuana testing facilities.
- (34) Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-~~782~~. 780.50 Prohibited uses.**

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

Only those uses specifically listed as permitted uses requiring ~~CEO~~ **Code Enforcement Officer** review or permitted uses requiring Planning Board review are allowed within the Route 141 and Mill Lane Commercial ~~D~~**d**istrict. All other uses are prohibited.

**Sec. 102-~~783~~782. Applicability of shoreland zoning and floodplain regulations.**

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

Provisions of ~~e~~**C**hapter 82, ~~pertaini~~**ng to s**Shoreland ~~z~~**Z**oning, and ~~e~~**C**hapter 78, ~~article II,~~ ~~pertaini~~**ng to floodplains** ~~Floods~~, may apply in the Route 141 and Mill Lane ~~Commercial~~ **Mixed Use** District. See the ~~adopted s~~**adopted** Shoreland maps and ~~the adopted~~ **FIRM f**lood maps.

**Sec. 102-~~784~~781. Dimensional and density standards for residential uses and structures in the Route 141 and Mill Lane Mixed Use district.**

[Ord. No. 76-2001, 6-5-2001]

**(a) The Route 141 and Mill Lane Mixed Use (formerly known as Route 141 and Mill Lane Commercial) zoning district was established on August 19, 2001. Any property or structure established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001, must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.**

**(a c) Minimum lot size and minimum frontage requirements for ~~R~~residential uses in the Route 141 and Mill Lane Mixed Use district are as follows:**

- (1) ~~Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family residence or two-family residential use, shall be a minimum of 15,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**
- (2) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used for a single-family residential use, shall be a minimum of 20,000~~**

~~square feet in size and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~

- ~~(3) Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used two-family residential use, shall be a minimum of 40,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- ~~(4) Any lot that was created before August 19, 2001, that does not comply with either or both the minimum lot size and minimum frontage requirements established in subsections (1) – (3), shall be considered a nonconforming lot of record, and may be used for a single-family residence or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal. Clause repealed on --- date ---.~~
- ~~(5) A lot, regardless of when it was created, that is used for a multi-family residential use established on or after August 19, 2001, shall be connected to public sewer, shall be a minimum of 21,780 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- ~~(6) A lot that does not comply with any one or all standards identified in subsection (5), and shall be considered a nonconforming use. This nonconforming use may continue, and may expand, subject to the requirements of article III, of this chapter. Clause repealed on --- date ---.~~

<u>(7) Type of Use on Sewer</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	15,000 sq ft.	150 lineal feet
Two-Family Residential	15,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	15,000 sq ft	150 lineal feet
Multi-Family Residential	21,780 net sq. ft.	150 lineal feet

<u>(8) Type of Use -Subsurface System</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	20,000 sq ft.	150 lineal feet
Two-Family Residential	30,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	30,000 sq ft	150 lineal feet
Multi-Family Residential	Note Allowed	Not Allowed

- ~~(9) If there are one or more types of residential uses on the lot (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 (7) and (8) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (f) or (g) below.~~

The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.

(b) ~~Minimum lot size and minimum frontage requirements-Nonresidential uses. Section repealed on --- date ---.~~

~~(1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of one acre (43,560 square feet) in size, and the lot shall have a minimum of 150 feet of road frontage. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b) and (c).~~

~~(2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in subsection (1), shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), (c), (d) and (e).~~

(e d) 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) ~~The minimum setback requirements for a single-family or two-family dwelling use or structure, and any accessory structure or use to these uses are as follows:~~

~~Front: 30 feet;~~

~~Side: 15 feet; and~~

~~Rear: 15 feet. Clause repealed on --- date ----.~~

(2) ~~The minimum setback requirements for a multi-family dwelling use or structure, and any accessory structure or use to this use are as follows:~~

~~Front: 30 feet;~~

~~Side: 25 feet; and~~

~~Rear: 25 feet. Clause repealed on --- date ----.~~

(3) ~~The minimum front, side and rear setback requirements for a nonresidential use or nonresidential structure are identified in the article IX, division 4 performance standards (reference section 102-1243, minimum front setback requirements for nonresidential structures; section 102-1244, minimum side setback requirements for nonresidential structures; and section 102-1245, minimum rear setback requirements for nonresidential structures). Clause repealed on --- date ----.~~

<b>(4) <u>Type of Use</u></b>	<b><u>Front Setback</u></b>	<b><u>Side Setback</u></b>	<b><u>Rear Setback</u></b>
Single Family	30 ft	15 ft	15 ft
Two-Family	30 ft	15 ft	15 ft
Single w/Detached Accessory Dwelling	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

**(5) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements shall be considered a nonconforming structure of record with respect to setbacks. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.**

**(4-6)** 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, **eCode eEnforcement eOfficer** or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine **the location of the property line and** minimum amount of setback required. The **eCode eEnforcement eOfficer** 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 e)** Structure height for residential structures. ~~The maximum height of any structure shall be 50 feet.~~

**The maximum height of the following types of residential 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 all of the above residential structures, 38 feet.**

**(e f) Density standard.**

The following density standards shall apply to all residential uses in the Route 141 and Mill Lane **Commercial Mixed Use** District. These density standards are subject to modification in accordance with the planned unit development requirements identified in subsection **(f g)**.

<p>1. <u>Type of Use</u></p> <p>Single-family Two-family <b>Single Family, Detached Accessory Dwelling Unit</b> Multifamily</p>	<p><u>Sewer</u></p>	<p>One unit in one structure per 15,000 square feet Two units in one structure per 15,000 square feet <b>Primary and detached unit structures per 15,000 square feet</b> <del>Three</del> <b>Six</b> units <del>in one structure</del> per 21,780 <del>net</del> square feet and an additional <del>7,260</del> <b>1,500 net</b> square feet for each additional unit</p>
<p>2. <u>Type of Use</u></p> <p>Single-family Two-family <b>Single Family, Detached Accessory Dwelling Unit</b> Multifamily</p>	<p><u>Subsurface wastewater disposal</u></p>	<p>One unit in one structure per 20,000 square feet Two units in one structure per <del>430,000</del> square feet <b>Primary and detached unit structures per 30,000 square feet</b> Prohibited as a new use after August 19, 2001.</p>

**(f g)** Residential ~~and nonresidential~~ planned unit development **and cluster housing development.**

In the case of a residential ~~or nonresidential~~ planned unit development **or cluster housing development**, the ~~above~~ **density** standards **identified in (f) above**, may be modified in accordance with the special provisions of ~~a~~Article VI of this ~~e~~Chapter, **and the following density requirements. In addition, A residential** planned unit developments **or cluster housing development** shall be reviewed under the ~~s~~Subdivision ~~e~~Ordinance, **Chapter 94, and Chapter 90, Site Plan.**

~~The following maximum density standards shall apply to a residential planned unit development:~~

<p>1. <u>Type of Use</u></p> <p>Single-family Two-family <b>Single family w/Detached Accessory Dwelling Unit</b> Multifamily</p>	<p><u>Sewer</u></p>	<p>One unit in one structure per 10,000 square feet Two units in one structure per <del>15,000</del> <b>10,000</b> square feet <b>Primary and detached unit structures per 10,000 square feet</b> <del>Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit.</del> <b>Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit</b></p>
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2. Type of Use

Subsurface Wastewater Disposal

Single-family	One unit in one structure per 20,000 square feet
Two-family	Two units in one structure per 30,000 square feet
<b>Single Family, Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 30,000 square feet</b>
Multifamily	Prohibited as a new use established after August 19, 2001.

**Sec. 102-781.5. Dimensional standards for nonresidential uses and structures in the Route 141 and Mill Lane Mixed Use district.**

**(a) Minimum lot size and minimum frontage requirements for nonresidential uses.**

- (1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), and (c).**
- (2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242(a), (b), (c), (d), and (e).**
- (3) 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 identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-781(c), and the respective density standards identified in Section 102-781(f) or (g), for each type of residential use that is proposed.**

**(b) Minimum structure setback requirements for nonresidential structures.**

**The minimum front, side and rear structure setback requirements for a nonresidential structure are identified in the following Article IX, Division 4, Performance Standards: Section 102-1243, Minimum Front Setback requirements for Nonresidential Structures; Section 102-1244, Minimum Side Setback Requirements for Nonresidential Structures; and Section 102-1245, Minimum Rear Setback Requirements for Nonresidential Structures.**

The measurement for the minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-781(d)(6).

(c) **Maximum structure height for a nonresidential structure.**

The maximum height of a nonresidential structure shall be 45 feet, and an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.

**Sec. 102-~~785~~783. Performance standards.**

[Ord. No. 76-2001, 6-5-2001]

~~All nonresidential uses proposed in the Route 141 and Mill Lane Commercial District shall comply with the article IX, division 4 nonresidential development performance standards. All residential uses proposed in the Route 141 and Mill Lane Commercial District shall comply with the article VIII, divisions 2 and 3, and article IX, division 2 performance standards.~~

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

All residential uses in the Route 141 and Mill Lane Mixed Use district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards..

(b) **Performance standards for nonresidential uses.**

All nonresidential uses proposed in the Route 141 and Mill Lane Mixed Use District shall comply with the Article IX, Division 4, Nonresidential Development Performance Standards, applicable requirements of the Chapter 98. Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 27. Route 137 ~~Commercial~~ Mixed Use District**

**Sec. 102-786. Permitted uses requiring ~~CEO~~ Code Enforcement Officer review.**

The City ~~e~~Code ~~e~~Enforcement ~~e~~Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route 137 ~~Commercial~~ Mixed Use District:

- (1) Residential, single-family dwelling. Manufactured housing units are prohibited in that portion of the district that is located southeasterly of Merriam Drive.
- (2) Residential, two-family dwelling. Manufactured housing units are prohibited in that portion of the district that is located southeasterly of Merriam Drive.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited in that portion of the district that is located southeasterly of Merriam Drive. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Home occupations (expanded definition).
- (5) Bed and breakfast, including class 1, class 2 and class 3.
- (6) Craft fairs on no more than 10 days in any calendar year.
- (7) Essential services.
- (8) Municipal uses deemed necessary by the City Council, subject to the ~~e~~Council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (9) Public parks.
- (10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (11) Accessory uses for principal uses for which the CEO can issue a permit.
- (12) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (13) Accessory structures to uses and structures for which the CEO can issue a permit.
- (14) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (15) Solar Energy Systems, Large-Scale, roof-mounted.
- (16) Fill activities, including the removal or addition of fill, that exceed 50 cubic yards of material.**

**Sec. 102-~~787~~786.25. Permitted uses requiring Planning Board review.**

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route 137 ~~Commercial~~ **Mixed Use** District:

- (1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet.
- (2) Service businesses.
- (3) Movie theaters and performing arts centers.
- (4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet.
- (5) Hotels and motels.
- (6) Restaurants, excluding fast food restaurants and restaurants with drive-through windows.
- (7) Ice cream stands.
- (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) Warehouses and storage facilities.
- (15) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.
- (16) Motor vehicle fuel and service establishments.
- (17) Light industrial uses.
- (18) **Residential P**lanned unit development (~~residential and nonresidential~~).
- (19) Non-municipal public and quasi-public uses.
- (20) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (21) Multifamily housing, ~~if on public sewer~~.
- (22) Congregate retirement residential housing.
- (23) Indoor recreational activities and facilities.
- (24) Laundromats.
- (25) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.
- (26) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.
- (27) Stealth telecommunications facilities.
- (28) Medical Marijuana caregiver retail stores, provided that the property is located southerly of Merriam Drive on the westerly side of Route 137 (Waldo Avenue) and a line parallel to Merriam Drive on the easterly side of Route 137.
- (29) Medical Marijuana manufacturing facilities.
- (30) Medical Marijuana testing facilities.
- (31) Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-~~787~~786.5. Prohibited uses.**

[Ord. No. 77-2001, 6-5-2001]

Only those uses specifically listed as permitted uses requiring ~~CEO~~ **Code Enforcement Officer** review or permitted uses requiring Planning Board review are allowed within the Route 137 ~~Commercial Mixed Use~~ District. All other uses are prohibited.

**Sec. 102-~~789~~ 788. Applicability of shoreland zoning and floodplain regulations.**

[Ord. No. 77-2001, 6-5-2001]

Provisions of ~~e~~Chapter 82, ~~pertainig to s~~Shoreland ~~z~~Zoning, and ~~e~~Chapter 78, ~~article II,~~ ~~pertainig to floodplains~~ **Floods**, may apply in the Route 137 ~~Commercial Mixed Use~~ District. See the ~~adopted s~~**adopted** ~~S~~Shoreland maps and ~~the adopted~~ **FIRM f**Flood maps.

**Sec. 102-~~790~~787. Dimensional and density standards for residential uses and structures in the Route 137 Mixed Use zoning district.**

[Ord. No. 77-2001, 6-5-2001]

**(a) The Route 137 Mixed Use (formerly known as Route 137 Commercial) zoning district was established on August 19, 2001. Any property or structure established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001, must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.**

**(ac) The ~~M~~minimum lot size and minimum ~~lot~~ frontage requirements for ~~R~~residential uses shall comply with the following standards.**

**(1) ~~Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family residence or two-family residential use, shall be a minimum of 15,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**

**(2) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used for a single-family residential use, shall be a minimum of 20,000 square feet in size and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**

**(3) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used two-family residential use, shall be a minimum of 40,000 square~~**

~~feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~

- (4) ~~Any lot that was created before August 19, 2001, that does not comply with either or both the minimum lot size and minimum frontage requirements established in subsections (1) -- (3), shall be considered a nonconforming lot of record, and may be used for a single family residence or two family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal. Clause repealed on --- date ---.~~
- (5) ~~A lot, regardless of when it was created, that is used for a multifamily residential use established on or after August 19, 2001, shall be connected to public sewer, shall be a minimum of 1/2 acre (21,780 square feet) in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (6) ~~A lot that does not comply with any one or all standards identified in subsection (5) above, and that was used for a multifamily residential use before August 19, 2001 shall be considered a nonconforming use. This nonconforming use may continue, and may expand, subject to the requirements of article III, of this chapter. Clause repealed on --- date ---.~~

<u>(7) Type of Use on Sewer</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	15,000 sq ft.	150 lineal feet
Two-Family Residential	15,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	15,000 sq ft	150 lineal feet
Multi-Family Residential	21,780 net sq. ft.	150 lineal feet

<u>(8) Type of Use -Subsurface System</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	20,000 sq ft.	150 lineal feet
Two-Family Residential	30,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	30,000 sq ft	150 lineal feet
Multi-Family Residential	43,560 net sq. ft.	150 lineal feet

- (9) ~~If there are one or more types of residential uses on the lot (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 (7) and (8) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (f) or (g) below. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.~~

(b) ~~Minimum lot size and minimum frontage requirements-Nonresidential uses-~~ **Section repealed on --- date ---.**

~~(1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of one acre (43,560 square feet) in size, and the lot shall have a minimum of 150 feet of road frontage. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b) and (c).~~

~~(2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in subsection (1), shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), (c), (d) and (e).~~

(ed) 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) ~~The minimum setback requirements for a single family or two family dwelling use or structure. and any accessory structure or use to these uses are as follows:~~  
~~Front: 30 feet;~~  
~~Side: 15 feet; and~~  
~~Rear: 15 feet. Clause repealed on --- date ---.~~

(2) ~~The minimum setback requirements for a multi family dwelling use or structure. and any accessory structure or use to this use are as follows:~~  
~~Front: 30 feet;~~  
~~Side: 25 feet; and~~  
~~Rear: 25 feet. Clause repealed on --- date ---.~~

(3) ~~The minimum front, side and rear setback requirements for a nonresidential use or nonresidential structure are identified in the article IX, division 4 performance standards (reference section 102-1243, minimum front setback requirements for nonresidential structures; section 102-1244, minimum side setback requirements for nonresidential structures; and section 102-1245, minimum rear setback requirements for nonresidential structures). Clause repealed on --- date ---.~~

<u>(4) Type of Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Single Family	30 ft	15 ft	15 ft
Two-Family	30 ft	15 ft	15 ft
Single w/Detached	30 ft	15 ft	15 ft

<b>Accessory Dwelling</b>			
<b>Multi-Family</b>	<b>30 ft</b>	<b>25 ft</b>	<b>25 ft</b>

(5) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements, shall be considered a nonconforming structure of record with respect to setback requirements. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.

(4) (6) 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, eCode eEnforcement eOfficer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine **the location of the property line and** minimum amount of setback required. The eCode eEnforcement eOfficer 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.

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

The maximum **structure** height ~~of any structure located within 200 feet of Route 137 shall be 38 feet. The maximum height of any structure located more than 200 feet from Route 137 shall be 50 feet.~~ **for the following types of residential structures and accessory structures to said residential structures are as follows**

- (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 all of the above residential structures, 38 feet.**

(ef) Density standard.

The following density standards shall apply to all residential uses in the Route 137 **Commercial Mixed Use** District. These density standards are subject to modification in accordance with the planned unit development requirements identified in sSubsection (g) below.

<u>1. Type of Use</u>	<u>Sewer</u>
Single-family	One unit in one structure per 15,000 square feet
Two-family	Two units in one structure per 15,000 square feet
<b>Single Family, Detached</b>	<b>Primary and detached unit structures per 15,000</b>

**Accessory Dwelling Unit**

Multifamily

**square feet**

~~Three~~ **Six** units ~~in one structure~~ per 21,780 **net** square feet and an additional ~~7,260~~ **1,500 net** square feet for each additional unit

**2. Type of Use**

Subsurface wastewater disposal

Single-family

One unit in one structure per 20,000 square feet

Two-family

Two units in one structure per ~~430,000~~ square feet

**Single Family, Detached**

**Primary and detached unit structures per 30,000 square feet**

**Accessory Dwelling Unit**

~~Prohibited as a new use after August 19, 2001.~~

Multifamily

**Four units per 43,560 net square feet and an additional 7,500 net square feet for each additional unit.**

~~(f g)~~ Residential ~~and nonresidential~~ planned unit development **and cluster housing development.**

In the case of a residential ~~or nonresidential~~ planned unit development **or cluster housing development**, the ~~above~~ **density** standards **identified in (f) above**, may be modified in accordance with the special provisions of ~~a~~Article VI of this ~~e~~Chapter, **and the following density requirements. In addition, A residential** planned unit developments **or cluster housing development** shall be reviewed under the ~~s~~Subdivision ~~e~~Ordinance, **Chapter 94, and Chapter 90, Site Plan.**

~~The following maximum density standards shall apply to a residential planned unit development:~~

**1. Type of Use**

Sewer

Single-family

One unit in one structure per 10,000 square feet

Two-family

Two units in one structure per ~~15,000~~ **10,000** square feet

**Single family w/Detached  
Accessory Dwelling Unit**

**Primary and detached unit structures per 10,000 square feet**

Multifamily

~~Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit.~~ **Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit**

**2. Type of Use**

Subsurface Wastewater Disposal

Single-family

One unit in one structure per 20,000 square feet

Two-family  
**Single Family, Detached  
Accessory Dwelling Unit**  
Multifamily

Two units in one structure per 30,000 square feet  
**Primary and detached unit structures per  
30,000 square feet**  
~~Prohibited as a new use established after August  
19, 2001.~~ **Four units per 43,560 net square feet  
and an additional 7,500 net square feet for each  
additional unit.**

**Sec. 102-798.5. Dimensional standards for nonresidential uses and structures in the Route 137 Mixed Use district.**

**(a) Minimum lot size and minimum frontage requirements for nonresidential uses.**

- (1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, reference Section 102-1242(a), (b), and (c).**
- (2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242(a), (b), (c), (d), and (e).**
- (3) 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 identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-787(c), and the respective residential density standards identified in Section 102-787(f) or (g), for each type of residential use that is proposed.**

**(b) Minimum structure setback requirements for nonresidential structures.**

**The minimum front, side and rear setback requirements for a nonresidential structure are identified in the following Article IX, Division 4, Nonresidential Performance Standards: Section 102- 1243, Minimum Front Setback Requirements for Nonresidential Structures; Section 102- 1244, Minimum Side Setback Requirements for Nonresidential Structures; and Section 102-1245, Minimum Rear Setback Requirements for Nonresidential Structures.**

The minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-787(d)(6).

(c) **Maximum structure height for a nonresidential structure.**

The maximum height of a nonresidential structure shall be 45 feet, and an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.

**Sec. 102-785-788.5. Performance standards.**  
[Ord. No. 76-2001, 6-5-2001]

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

All residential uses proposed in the Route 137 Mixed Use district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards.

(b) **Performance standards for nonresidential uses.**

All nonresidential uses proposed in the Route 137 ~~Commercial Mixed Use~~ district shall comply with the ~~a~~Article IX, ~~d~~Division 4 ~~n~~Nonresidential ~~d~~Development ~~p~~Performance ~~s~~Standards, applicable requirements of the Chapter 98. Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90. ~~All residential uses proposed in the Route 141 and Mill Lane Commercial District shall comply with the article VIII, divisions 2 and 3, and article IX, division 2 performance standards.~~

**Sec 102-789 - 790. Reserved.**

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 28. Route One South ~~Commercial~~ Mixed Use District**

**Sec. 102-~~792~~-791 Permitted uses requiring Code Enforcement Officer review.**

The City ~~e~~Code ~~e~~Enforcement ~~e~~Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route One South ~~Commercial~~ Mixed Use District:

- (1) Residential, single-family dwelling. Manufactured housing units are prohibited.
- (2) Residential, two-family dwelling. Manufactured housing units are prohibited.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Home occupations (expanded definition).
- (5) Bed and breakfast, including class 1, class 2 and class 3.
- (6) Craft fairs on no more than 10 days in any calendar year.
- (7) Essential services.
- (8) Municipal uses deemed necessary by the City Council, subject to the council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (9) Public parks.
- (10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (11) Accessory uses for principal uses for which the CEO can issue a permit.
- (12) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (13) Accessory structures to uses and structures for which the CEO can issue a permit.
- (14) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (15) Solar Energy Systems, Large-Scale, roof-mounted.
- (16) Fill activities, including the removal or addition of fill, that exceed 50 cubic yards of material.**

**Sec. 102-~~793~~ 791.25 Permitted uses requiring Planning Board review.**

[Ord. No. 81-2001, 6-7-2001; Ord. No. 21-2006, 2-7-2006]

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route One South ~~Commercial~~ Mixed Use District:

- (1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet. Reference ~~s~~Section ~~102-796.5(g)~~ **102-794(c)** regarding the expansion of existing retail stores that are 20,000 square feet or more in size.
- (2) Service businesses.
- (3) Movie theaters and performing arts centers.
- (4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet.
- (5) Hotels and motels.
- (6) Restaurants, excluding fast food restaurants and restaurants with drive-through windows.
- (7) Ice cream stands.
- (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) Warehouses and storage facilities.
- (15) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.
- (16) Motor vehicle fuel and service establishments.
- (17) Light industrial uses.
- (18) **Residential P**planned unit development (~~residential and nonresidential~~) **and cluster housing development**.
- (19) Non-municipal public and quasi-public uses.
- (20) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (21) **Residential, M**multi-family housing, if on public sewer.
- (22) Congregate retirement housing.
- (23) Laundromats.
- (24) Retail and wholesale distribution establishments.
- (25) Indoor recreational activities and facilities.
- (26) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.
- (27) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.
- (28) Stealth telecommunications facilities.
- (29) Boat building, boat repair, boat retrofitting, and boat storage, including the on-site sale of boats and accessory equipment.
- (30) Medical Marijuana caregiver retail stores.
- (31) Medical Marijuana manufacturing facilities.
- (32) Medical Marijuana testing facilities.
- (33) Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-~~793~~ 791.50 Prohibited uses.**

[Ord. No. 81-2001, 6-7-2001]

Only those uses specifically listed as permitted uses requiring **Code Enforcement Officer** ~~CEO~~ review or permitted uses requiring Planning Board review are allowed within the Route One South **Commercial-Mixed Use** District. All other uses are prohibited.

**Sec. 102-~~795~~ 793. Applicability of shoreland zoning and floodplain regulations.**

[Ord. No. 81-2001, 6-7-2001]

Provisions of **e**Chapter 82, ~~pertaining to s~~Shoreland ~~z~~Zoning, and **e**Chapter 78, ~~article II,~~ ~~pertaining to floodplains~~ **Floods**, may apply in the Route One South **Commercial-Mixed Use** District. See the **adopted s**Shoreland maps and **the adopted** FIRM ~~f~~Flood maps.

**Sec. 102-~~796~~ 792. Dimensional and density standards for residential uses in the Route One South Mixed Use district.**

[Ord. No. 81-2001, 6-7-2001]

**(a) The Route One South Mixed Use (formerly known as Route One South Commercial) zoning district was established on August 19, 2001. Any property or structure established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001, must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.**

**(a-c) The M**inimum lot size and minimum frontage requirements **for -R**esidential uses **shall comply with the following standards:**

- (1) ~~Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family residence or two-family residential use, shall be a minimum of 15,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**
- (2) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used for a single-family residential use, shall be a minimum of 20,000 square feet in size and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**
- (3) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used two-family residential use, shall be a minimum of 40,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**

- (4) ~~Any lot that was created before August 19, 2001, that does not comply with either or both the minimum lot size and minimum frontage requirements established in subsections (1) – (3), shall be considered a nonconforming lot of record, and may be used for a single-family residence or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal. Clause repealed on --- date ---.~~
- (5) ~~A lot, regardless of when it was created, that is used for a multi-family residential use established on or after August 19, 2001, shall be connected to public sewer, shall be a minimum of 21,780 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (6) ~~A lot that does not comply with any one or all standards identified in subsection (5), and shall be considered a nonconforming use. This nonconforming use may continue, and may expand, subject to the requirements of article III, of this chapter. Clause repealed on --- date ---.~~

(7) Type of Use on Sewer                      Lot Size                      Lot Frontage

Single Family Residential	15,000 sq ft.	150 lineal feet
Two-Family Residential	15,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	15,000 sq ft	150 lineal feet
Multi-Family Residential	21,780 net sq. ft.	150 lineal feet

(8) Type of Use -Subsurface System   Lot Size                      Lot Frontage

Single Family Residential	20,000 sq ft.	150 lineal feet
Two-Family Residential	30,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	30,000 sq ft	150 lineal feet
Multi-Family Residential	Not Allowed	Not Allowed

- (9) ~~If there are one or more types of residential uses on the lot (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 (7) and (8) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (f) or (g) below. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.~~

- (b) ~~Minimum lot size and minimum frontage requirements-Nonresidential uses. Section repealed on --- date ---.~~

- (1) ~~Any lot created on or after August 21, 2001, that is used for a nonresidential use shall be a minimum of one acre (43,560 square feet) in size, and the lot shall have a~~

~~minimum of 150 feet of road frontage. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b) and (c).~~

~~(2) A lot that was created before August 21, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in subsection (1), shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), (c), (d) and (e).~~

(e d) 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) The minimum setback requirements for a single-family or two-family dwelling use or structure, and any accessory structure or use to these uses are as follows:  
Front: 30 feet;  
Side: 15 feet; and  
Rear: 15 feet. Clause repealed on --- date ----.~~

~~(2) The minimum setback requirements for a multi-family dwelling use or structure, and any accessory structure or use to this use are as follows:  
Front: 30 feet;  
Side: 25 feet; and  
Rear: 25 feet. Clause repealed on --- date ----.~~

~~(3) The minimum front, side and rear setback requirements for a nonresidential use or nonresidential structure are identified in the article IX, division 4 performance standards (reference section 102-1243, minimum front setback requirements for nonresidential structures; section 102-1244, minimum side setback requirements for nonresidential structures; and section 102-1245, minimum rear setback requirements for nonresidential structures). Clause repealed on --- date ----.~~

<u>(4) Type of Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Single Family	30 ft	15 ft	15 ft
Two-Family	30 ft	15 ft	15 ft
Single w/Detached Accessory Dwelling	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

**(5) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements shall be considered a nonconforming structure of record with respect to setbacks. Said residential structure may continue and may expand, subject to requirements of article III, nonconformance, of this chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the article IX, division 6, supplemental performance standards.**

**(4-6)** 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, **eCode eEnforcement eOfficer** or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine **the location of the property line and** minimum amount of setback required. The **eCode eEnforcement eOfficer** 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-e)** Structure height **for residential structures.**

The maximum **structure** height ~~of any structure located within 200 feet of Route 137 shall be 38 feet. The maximum height of any structure located more than 200 feet from Route 137 shall be 50 feet for the following types of residential structures and accessory structures to said residential structures are as follows:~~

- (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 all of the above residential structures, 38 feet.**

**(e-f)** Density standard.

The following density standards shall apply to all residential uses in the Route One South **Commercial Mixed Use** District. These density standards are subject to modification in accordance with the planned unit development requirements identified in **sSubsection (g)** below.

**1. Type of Use**

Sewer

Single-family	One unit in one structure per 15,000 square feet
Two-family	Two units in one structure per 15,000 square feet
<b>Single Family, Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 15,000 square feet</b>
Multifamily	<del>Three</del> <b>Six</b> units <del>in one structure</del> per 21,780 <del>net</del> square feet and an additional <del>7,260</del> <b>1,500 net</b> square feet for each additional unit

2. Type of Use Subsurface wastewater disposal

Single-family	One unit in one structure per 20,000 square feet
Two-family	Two units in one structure per <del>430,000</del> square feet
<b>Single Family, Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 30,000 square feet</b>
Multifamily	Prohibited as a new use after August 19, 2001.

~~(f g)~~ Residential ~~and nonresidential~~ planned unit development **and cluster housing development.**

In the case of a residential ~~or nonresidential~~ planned unit development **or cluster housing development**, the ~~above~~ **density** standards **identified in (f) above**, may be modified in accordance with the special provisions of ~~a~~Article VI of this ~~e~~Chapter, **and the following density requirements. In addition, A residential** planned unit developments **or cluster housing development** shall be reviewed under the ~~s~~Subdivision ~~o~~Ordinance, **Chapter 94, and Chapter 90, Site Plan.**

~~The following maximum density standards shall apply to a residential planned unit development:~~

1. <u>Type of Use</u>	<u>Sewer</u>
Single-family	One unit in one structure per 10,000 square feet
Two-family	Two units in one structure per <del>15,000</del> <b>10,000</b> square feet
<b>Single family w/Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 10,000 square feet</b>
Multifamily	<del>Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit.</del> <b>Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit</b>

2. Type of Use Subsurface Wastewater Disposal

Single-family	One unit in one structure per 20,000 square feet
Two-family	Two units in one structure per 30,000 square feet
<b>Single Family, Detached Accessory Dwelling Unit</b>	<b>Primary and detached unit structures per 30,000 square feet</b>
Multifamily	Prohibited as a new use established after August 19, 2001.

- (g) ~~Expansion of a retail use that is greater than 15,000 square feet in size. Notwithstanding the provisions of nonresidential performance standard section 102-1277, entitled nonconforming size of use or size of structure, an existing retail use or structure that is located in the Route One South Commercial District that is greater than 15,000 square feet in size on August 21, 2001, may expand the size of the retail use or structure that existed on August 21, 2001, by a maximum of 50% or 10,000 square feet, whichever is greater, over the lifetime of the use or structure. Clause repealed on --- date ---.~~

**Sec. 102-792.5. Dimensional standards for nonresidential uses and structures in the Route One South Mixed Use district.**

- (a) **Minimum lot size and minimum frontage requirements for nonresidential uses.**

- (1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242 (a), (b), and (c).
- (2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242 (a), (b), (c), (d), and (e).
- (3) 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 identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-792(c), and the respective density standards identified in Section 102-792(f) or (g), for each type of residential use that is proposed.

- (b) **Minimum structure setback requirements for nonresidential structures.**

The minimum front, side and rear structure setback requirements for a nonresidential structure are identified in the following Article IX, Division 4, Performance Standards: Section 102- 1243, Minimum Front Setback requirements for Nonresidential Structures; Section 102- 1244, Minimum Side Setback Requirements for Nonresidential Structures; and Section 102-1245, Minimum Rear Setback Requirements for Nonresidential Structures.

The measurement for the minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-792(d)(6).

(c) Maximum structure height for a nonresidential structure.

The maximum height of a nonresidential structure shall be 45 feet, and an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.

**Sec. 102-797-794. Performance standards.**

[Ord. No. 81-2001, 6-7-2001]

(a) Performance standards for residential uses.

All residential uses in the Route 1 South Mixed Use district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards..

(b) Performance standards for nonresidential uses.

All nonresidential uses proposed in the Route One South ~~Commercial Mixed Use~~ District shall comply with the ~~a~~Article IX, ~~d~~Division 4, ~~n~~Nonresidential ~~d~~Development ~~p~~Performance ~~s~~Standards, applicable requirements of the Chapter 98. Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90. ~~All residential uses proposed in the Route One South Commercial District shall comply with the article VIII, divisions 2 and 3, and article IX, division 2 performance standards.~~

(c) Expansion of a retail use or structure that is greater than 20,000 square feet in size.

**Notwithstanding the provisions of Sec 102-1277 in the Article IX, Div 4, Nonresidential Performance Standards entitled 'Nonconforming size of use or size of structure', an existing retail use or structure that is located in the Route One South Mixed Use district that was greater than 20,000 square feet in size on August 21, 2001, may expand the size of the retail use or structure that existed on August 21, 2001, by a maximum of 100% or 20,000 square feet, whichever is greater, over the lifetime of the use or structure.**

**Sec. 102-795 to 796. Reserved.**

**PROPOSED ORDINANCE AMENDMENTS  
5/26/21 PLANNING BOARD PUBLIC HEARING**

**CHAPTER 102, ZONING**

**DIVISION 29. Searsport Avenue ~~Commercial~~ **Mixed Use** District**

**Sec. 102-~~798-797~~ Permitted uses requiring Code Enforcement Officer review.**

The City ~~e~~C~~e~~Code ~~e~~E~~n~~forcement ~~e~~O~~f~~ Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Searsport Avenue ~~Commercial~~ **Mixed Use** district:

- (1) Residential, single-family dwelling. Manufactured housing units are a permitted use.
- (2) Residential, two-family dwelling. Manufactured housing units are a permitted use.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are a permitted use. **Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.**
- (4) Home occupations (expanded definition).
- (5) Bed and breakfast, including class 1, class 2 and class 3.
- (6) Craft fairs on no more than 10 days in any calendar year.
- (7) Essential services.
- (8) Municipal uses deemed necessary by the City Council, subject to the ~~e~~C~~o~~ Council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (9) Public parks.
- (10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (11) Accessory uses for principal uses for which the CEO can issue a permit.
- (12) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (13) Accessory structures to uses and structures for which the CEO can issue a permit.
- (14) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (15) Solar Energy Systems, Large-Scale, roof-mounted.
- (16) Fill activities, including the removal or addition of fill, that exceed 50 cubic yards of material.**

**Sec. 102-~~799-797.25~~. Permitted uses requiring Planning Board review.**

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Searsport Avenue ~~Commercial~~ **Mixed Use** ~~D~~district:

- (1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 40,000 square feet.

- (2) Retail stores, both a single retail store (use) and a structure in which a retail store (use) or stores are located, that are greater than 40,000 square feet in size, but less than 75,000 square feet in size are permitted, subject to requirements of the floating zone, **s**Section 102-1382, and the contract rezoning process, **s**Section 102-1383 et seq. The maximum size retail store or structure that is permitted through this procedure is 75,000 square feet.
- (3) Service businesses.
- (4) Movie theaters and performing arts centers.
- (5) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet.
- (6) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet, but less than 75,000 square feet in size are permitted, subject to the floating zone, **s**Section 102-1382, and the contract rezoning process, **s**Section 102-1383 et seq. The maximum size structure that includes one or more retail uses that is permitted through this procedure is 75,000 square feet.
- (7) Hotels and motels.
- (8) Restaurants.
- (9) Fast food restaurants.
- (10) Ice cream stands.
- (11) Professional offices and **health care** offices.
- (12) Office complexes.
- (13) Funeral homes.
- (14) Health care facilities.
- (15) Veterinarians and veterinary clinics **and hospitals**.
- (16) Kennels for boarding and/or training of pets.
- (17) Warehouses and storage facilities.
- (18) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.
- (19) Motor vehicle fuel and service establishments.
- (20) Light industrial uses.
- (21) Planned unit development (residential and nonresidential).
- (22) Non-municipal public and quasi-public uses.
- (23) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (24) **Residential, M**ulti-family housing, **if on public sewer**.
- (25) Congregate retirement housing.
- (26) Laundromats.
- (27) Retail and wholesale distribution establishments.
- (28) Indoor and outdoor recreational activities and facilities.
- (29) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants, or similar items commonly associated with landscaping activities.
- (30) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.
- (31) Stealth telecommunications facilities.

- (32) Boat building, boat repair, boat retrofitting, and boat storage, including on-site sale of boats and accessory equipment.
- (33) Medical Marijuana caregiver retail stores.
- (34) Medical Marijuana manufacturing facilities.
- (35) Medical Marijuana testing facilities.
- (36) Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-~~800-797.5~~ Prohibited uses.**

[Ord. No. 75-2001, 6-5-2001]

Only those uses specifically listed as permitted uses requiring **CEO Code Enforcement Officer** review or permitted uses requiring Planning Board review are allowed within the Searsport Avenue **Commercial Mixed Use D** district. All other uses are prohibited.

**Sec. 102-~~799800.3~~ Applicability of shoreland zoning and floodplain regulations.**

Provisions of **e**Chapter 82, ~~pertaining to s~~Shoreland ~~z~~Zoning, and **e**Chapter 78, ~~article II,~~ ~~pertaining to floodplains~~ **Floods**, may apply in the Searsport Avenue **Commercial Mixed Use** District. See the **adopted s**Shoreland maps and **the adopted** FIRM **f**Flood maps.

**Sec. 102-~~800.5. 798~~ Dimensional and density standards for residential uses and structures in the Searsport Avenue Commercial Mixed Use district.**

**(a) The Searsport Avenue Mixed Use (formerly known as Route One South Commercial) zoning district was established on August 19, 2001. Any property or structure established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001, must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.**

**(a-c) Minimum lot size and minimum frontage requirements for ~~R~~residential uses are as follows:**

**(1) ~~Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family residence or two-family residential use, shall be a minimum of 15,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**

**(2) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used for a single-family residential use, shall be a minimum of 20,000 square feet in size and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~**

- (3) ~~Any lot created on or after August 19, 2001, that is not connected to City sewer and that is used two-family residential use, shall be a minimum of 40,000 square feet in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (4) ~~Any lot that was created before August 19, 2001, that does not comply with either or both the minimum lot size and minimum frontage requirements established in subsections (1) -- (3), shall be considered a nonconforming lot of record, and may be used for a single-family residence or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal. Clause repealed on --- date ---.~~
- (5) ~~A lot, regardless of when it was created, that is used for a multifamily residential use established on or after August 19, 2001, shall be connected to public sewer, shall be a minimum of 1/2 acre (21,780 square feet) in size, and shall have a minimum of 150 feet of road frontage. Clause repealed on --- date ---.~~
- (6) ~~A lot that does not comply with any one or all standards identified in subsection (5) above, and that was used for a multifamily residential use before August 19, 2001 shall be considered a nonconforming use. This nonconforming use may continue, and may expand, subject to the requirements of article III, of this chapter. Clause repealed on --- date ---.~~

(7) Type of Use on Sewer                      Lot Size                      Lot Frontage

Single Family Residential	15,000 sq ft.	150 lineal feet
Two-Family Residential	15,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	15,000 sq ft	150 lineal feet
Multi-Family Residential	21,780 net sq. ft.	150 lineal feet

(8) Type of Use -Subsurface System   Lot Size                      Lot Frontage

Single Family Residential	20,000 sq ft.	150 lineal feet
Two-Family Residential	30,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	30,000 sq ft	150 lineal feet
Multi-Family Residential	43,560 net sq. ft.	150 lineal feet

- (9) ~~If there are one or more types of residential uses on the lot (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 (7) and (8) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (f) or (g) below. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property~~

(b) ~~Minimum lot size and minimum frontage requirements-Nonresidential uses-~~ **Section repealed on --- date ---.**

~~(1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of one acre (43,560 square feet) in size, and the lot shall have a minimum of 150 feet of road frontage. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b) and (c).~~

~~(2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in subsection (1), shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), (c), (d) and (e).~~

(e d) 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) ~~The minimum setback requirements for a single family or two family dwelling use or structure. and any accessory structure or use to these uses are as follows:~~  
~~Front: 30 feet;~~  
~~Side: 15 feet; and~~  
~~Rear: 15 feet. Clause repealed on --- date ---.~~

(2) ~~The minimum setback requirements for a multi family dwelling use or structure. and any accessory structure or use to this use are as follows:~~  
~~Front: 30 feet;~~  
~~Side: 25 feet; and~~  
~~Rear: 25 feet. Clause repealed on --- date ---.~~

(3) ~~The minimum front, side and rear setback requirements for a nonresidential use or nonresidential structure are identified in the article IX, division 4 performance standards (reference section 102-1243, minimum front setback requirements for nonresidential structures; section 102-1244, minimum side setback requirements for nonresidential structures; and section 102-1245, minimum rear setback requirements for nonresidential structures). Clause repealed on --- date ---.~~

<u>(4) Type of Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Single Family	30 ft	15 ft	15 ft
Two-Family	30 ft	15 ft	15 ft
Single w/Detached	30 ft	15 ft	15 ft

<b>Accessory Dwelling</b>			
<b>Multi-Family</b>	<b>30 ft</b>	<b>25 ft</b>	<b>25 ft</b>

(5) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements, shall be considered a nonconforming structure of record with respect to setback requirements. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.

(4 6) All **structure** setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, **eCode eEnforcement eOfficer** or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine **the location of the property line and** minimum amount of setback required. The **eCode eEnforcement eOfficer** 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 e) Structure height **for residential structures..**

The maximum **structure** height ~~of any structure located within 200 feet of Searsport Avenue shall be 38 feet. The maximum height of any structure located more than 200 feet from Searsport Avenue shall be 50 feet for the following types of residential structures and accessory structures to said residential structures are as follows:~~

- (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 all of the above residential structures, 38 feet.

~~Notwithstanding the above requirements, the maximum height of a structure for a nonresidential use or nonresidential structure that qualifies as a retail use or structure pursuant to section 102-799(2) or a shopping center pursuant to section 102-799(6), shall be determined in accordance with the floating zone, section 102-1382, and contract rezoning process, section 102-1383 et seq.~~

(e-f) Density standard.

The following density standards shall apply to all residential uses in the Searsport Avenue **Commercial Mixed Use** District. These density standards are subject to modification in accordance with the planned unit development requirements identified in **s**Subsection (g) below.

<p>1. <u>Type of Use</u></p> <p>Single-family Two-family <b>Single Family, Detached Accessory Dwelling Unit</b> Multifamily</p>	<p><u>Sewer</u></p>	<p>One unit in one structure per 15,000 square feet Two units in one structure per 15,000 square feet <b>Primary and detached unit structures per 15,000 square feet</b> <del>Three</del> <b>Six</b> units <del>in one structure</del> per 21,780 <b>net</b> square feet and an additional <del>7,260</del> <b>1,500 net</b> square feet for each additional unit</p>
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<p>2. <u>Type of Use</u></p> <p>Single-family Two-family <b>Single Family, Detached Accessory Dwelling Unit</b> Multifamily</p>	<p><u>Subsurface wastewater disposal</u></p>	<p>One unit in one structure per 20,000 square feet Two units in one structure per <del>430,000</del> square feet <b>Primary and detached unit structures per 30,000 square feet</b> <del>Prohibited as a new use after August 19, 2001.</del> <b>Four units per 43,560 net square feet and an additional 7,500 net square feet for each additional unit.</b></p>
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~~(f g)~~ Residential ~~and nonresidential~~ planned unit development **and cluster housing development.**

In the case of a residential ~~or nonresidential~~ planned unit development **or cluster housing development**, the ~~above~~ **density standards identified in (f) above**, may be modified in accordance with the special provisions of ~~a~~Article VI of this ~~e~~Chapter, **and the following density requirements. In addition, A residential planned unit developments or cluster housing development shall be reviewed under the s**Subdivision ~~e~~**Ordinance, Chapter 94, and Chapter 90, Site Plan.**

~~The following maximum density standards shall apply to a residential planned unit development:~~

<p>1. <u>Type of Use</u></p> <p>Single-family Two-family <b>Single family w/Detached Accessory Dwelling Unit</b> Multifamily</p>	<p><u>Sewer</u></p>	<p>One unit in one structure per 10,000 square feet Two units in one structure per <del>15,000</del> <b>10,000</b> square feet <b>Primary and detached unit structures per 10,000 square feet</b> <del>Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit.</del> <b>Six units per 21,780 net square</b></p>
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**feet and an additional 1,500 net square feet for each additional unit**

**2. Type of Use**

**Subsurface Wastewater Disposal**

Single-family

One unit in one structure per 20,000 square feet

Two-family

Two units in one structure per 30,000 square feet

**Single Family, Detached  
Accessory Dwelling Unit**

**Primary and detached unit structures per  
30,000 square feet**

Multifamily

~~Prohibited as a new use established after August 19, 2001.~~ **Four units per 43,560 net square feet and an additional 7,500 net square feet for each additional unit.**

**Sec. 102-798.5. Dimensional standards for nonresidential uses and structures in the Searsport Avenue Mixed Use district.**

**(a) Minimum lot size and minimum frontage requirements for nonresidential uses.**

**(1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), and (c).**

**(2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the article IX, division 4 performance standards, section 102-1242(a), (b), (c), (d), and (e).**

**(3) 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 identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-798(c), and the respective density standards identified in Section 102-798(f) and (g), for each type of residential use that is proposed.**

**(b) Minimum structure setback requirements for nonresidential structures.**

The minimum front, side and rear setback requirements for a nonresidential structure are identified in the following article IX, division 4 performance standards: section 102- 1243, minimum front setback requirements for nonresidential structures; section 102- 1244, minimum side setback requirements for nonresidential structures; and section 102-1245, minimum rear setback requirements for nonresidential structures.

Notwithstanding the above requirements, the minimum front, side and rear setback requirements for a nonresidential use or nonresidential structure that qualifies as a retail use or structure pursuant to section 102-799(2), or a shopping center pursuant to section 102-799(6), shall be determined in accordance with the floating zone, section 102-1382 and the contract rezoning process, section 102-1383 et seq.

The minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-798(c)(6).

(c) **Maximum structure height for a nonresidential structure.**

- 1) The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure that is located within 250 feet of Searsport Avenue or any other public road shall be 38 feet. The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure that is located more than 250 feet from Searsport Avenue or any other public road shall be 50 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.
- 2) Notwithstanding the above requirements, the maximum height of a structure for a nonresidential use or nonresidential structure that qualifies as a retail use or structure pursuant to Section 102-799(2) or a shopping center pursuant to Section 102-799(6), shall be determined in accordance with the floating zone, Section 102-1382, and contract rezoning process, Section 102-1383 et seq.

**Sec. 102-~~800.7.~~799.25 Performance standards.**

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

All residential uses in the Searsport Avenue Mixed Use district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards.

(b) **Performance Standards for Nonresidential Uses.**

All nonresidential uses proposed in the Searsport Avenue ~~Commercial-Mixed Use~~ District shall comply with the ~~a~~Article IX, ~~d~~Division 4 ~~n~~Nonresidential ~~d~~Development ~~p~~Performance ~~s~~Standards, **applicable requirements of the Chapter 98. Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.** ~~All residential uses proposed in the Searsport Avenue Commercial District shall comply with the article VIII, divisions 2 and 3, and article IX, division 2 performance standards.~~