

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

CHAPTER 102, ZONING

DIVISION 4. Residential/Agricultural I District

**Sec. 102-361. Permitted uses requiring Code Enforcement Officer review.
[Ord. of 4-6-2010(2)]**

Permitted uses requiring Code Enforcement Officer review in the Residential/Agricultural I 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. The Belfast Curling Club, which is located at Map 2, Lot 87A, is specifically exempt from this provision.
- (6) Municipal uses deemed necessary by the City Council, but, prior to taking such action thereon, the 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 CEO 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 exceeds 50 cubic yards of material.**

**Sec. 102-362 Permitted uses requiring Planning Board review.
[Ord. of 4-6-2010(2)]**

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

- (1) Home occupation (expanded definition).
- (2) Farm stand, crafts sales.
- (3) Small convenience stores. In the case of a convenience store which operates a restaurant, the hours of operation of the restaurant to the public do not begin before 5:00 a.m. and end no later than 10:00 p.m. The Belfast 52 Variety Convenience Store that is located at Map 1, Lot 72, is specifically exempt from

- the **above** hours of operation restriction on a restaurant.
- (4) Boat building, boat repair, **boat retrofitting** and boat storage.
 - (5) Car/**vehicle** repairs.
 - (6) Restaurants, provided that the hours of operation to the public do not begin before 5:00 a.m. and end no later than 10:00 p.m. The ~~Boots and Britches Restaurant/Lounge, which is~~ **restaurant** located at Map 6, Lot 87A, is specifically exempt from the **above** hours of operation restriction on a restaurant.
 - (7) Funeral homes.
 - (8) Bed and breakfast, including class 1, class 2 and class 3.
 - (9) Group home, hospice, nursing home, and congregate retirement residential housing provided the owner resides on the lot and maintains the residence as his primary residence.
 - (10) Day nurseries, and institutions of an educational, religious, philanthropic, fraternal, political or social nature. In the case of any such organization 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. The Belfast Curling Club, located at Map 2, Lot 29A, is specifically exempt from the **above** hours of operation restriction on a restaurant.
 - (11) Boarding/lodging establishments, provided the owner resides on the lot and maintains the residence as his primary residence.
 - (12) Kennels, stables, and veterinary hospitals.
 - (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, no matter what the size of the nonvegetated area).
 - (16) Wood lot management and on-site firewood processing.
 - (17) Residential planned unit development and cluster housing development project, including the following types of such development:
 - a) Planned unit development and cluster housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 1; or
 - b) Rural affordable housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 2.
 - (18) Recreational activities 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.
 - (19) Storage facilities.
 - (20) Laundromat facilities.
 - (21) Professional offices, provided that the maximum floor area of any new structure (structure built on or after March 16, 2005) in which a professional office is located is 4,000 square feet, and provided that a maximum of one new structure in which a professional office or other non-residential use is operated is located on the minimum lot size specified in **this Division (b)(4)**. A structure built on or before March 15, 2005, regardless of its size or floor area, can be used for a professional office, provided there is no increase in the amount of usable floor area for a structure that has 4,000 square feet or more of floor area. Also, an existing structure is exempt from the minimum lot size specified in (b)(4) below.
 - (22) Medical Marijuana manufacturing facilities.
 - (23) Medical Marijuana testing facilities.
 - ~~(2224)~~ Solar Energy Systems, Large-Scale, ground-mounted.
 - (25) Residential, multi-family. **Property must comply with the following: minimum lot size and dimensional standards in Sec. 102-365; minimum density standards in 102-366; 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-~~363~~ 369 Applicability of shoreland zoning and floodplain regulations.
[Ord. of 4-6-2010(2)]

Provisions of Chapter 82, ~~pertaining to s~~Shoreland ~~z~~Zoning, and Chapter 78, ~~Article II, pertaining to floodplains~~ Floods, may apply in the Residential/Agricultural I District; ~~reference~~ See the ~~s~~Shoreland ~~z~~Zoning maps and FIRM ~~f~~Flood maps.

Sec. 102-364 Standards. ~~Sec. 102-364 repealed on --- (date) ---.~~
[Ord. of 4-6-2010(2)]

~~(a) The general performance standards of Article IX of this chapter shall apply in the Residential/Agricultural I District.~~

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

~~(1) Maximum density is one net acre per dwelling structure, or two net acres per dwelling structure for subdivisions. Subdivision developments must submit two concept plans prior to the submission of a preliminary plan.~~

~~(2) Minimum lot frontage is 100 feet.~~

~~(3) The minimum side and rear setback is 15 feet.~~

~~(4) The minimum lot size for a property that is used for a nonresidential use shall be two net acres for each nonresidential structure located on the property. Further, a maximum of one nonresidential structure shall be located on any two-acre section of a property. Agricultural uses, subsection 102-361(2), municipal uses, subsection 102-361(5), boat building, storage and repair uses, subsection 102-362(4), and storage facilities, subsection 102-362(19), shall be exempt from this standard.~~

~~(c) The minimum front setback shall be 30 feet. 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 and the code enforcement officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required. In cases where the right-of-way width and the specific location of the property boundaries are unavailable or uncertain, the minimum front setback shall be 35 feet from the center of the traveled way. The code enforcement officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

Sec 102-365. Dimensional standards, for residential uses and residential structures in the Residential/Agricultural I district.

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

The minimum lot size and minimum lot frontage requirement for the Residential Agricultural I zoning district was amended on --- date ---, 2021. Any property or structure established on or after --- date ---, 2001 must comply with all applicable dimensional and density standards in this Division. Lots that may be rendered nonconforming because they do not satisfy one or more dimensional requirements, and that were created prior to --- date ----, 2021, are considered

nonconforming lots of record, and must satisfy all standards that apply to a nonconforming lot of record. All structures constructed prior to --- date ---, 2021, that may rendered nonconforming because they do not comply with the adopted dimensional requirements shall be considered nonconforming structures of record and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.

- (b) The minimum lot size and minimum lot frontage requirements for residential uses shall comply with the following standards:

<u>(1) Type of Use on Sewer</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	43,560 sq ft.	200 lineal feet
Two-Family Residential	43,560 sq ft.	200 lineal feet
Single Family with Detached Accessory Dwelling Unit	43,560 sq ft	200 lineal feet
Multi-Family Residential	65,340 net sq. ft.	200 lineal feet

<u>(2) Type of Use on Sewer if road frontage or access on Crocker Road</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>(3) Type of Use -Subsurface System</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	65,340 sq ft.	200 lineal feet
Two-Family Residential	65,340 sq ft.	200 lineal feet
Single Family with Detached Accessory Dwelling Unit	65,340 sq ft	200 lineal feet
Multi-Family Residential	87,120 net sq ft (2 net acres) or 108,900 net sq ft. 2.5 net acres	Maximum of 1 triplex (3 units) Maximum of 1 four-plex (4 units)

<u>(4) Type of Use -Subsurface System</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
<u>If road frontage or access on Crocker Road</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

- (5) 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 (1) and (4) above, and the amount of use (density) on the lot must comply with the residential density standards identified in Section 102-365.5. 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.

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

<u>(1) 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

(2) The minimum amount of structure setback for multi-family housing on a subsurface system may need to increase to comply with requirements in Article IX, Division 7.

(3) Determination and verification of structure setbacks. The minimum amount of structure setback for all structures identified in (1) above shall be determined as follows:

- a. All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed, or similar information to assist in determining the location of property lines and the minimum amount of setback required. The Code Enforcement Officer or Planning Board shall have the authority to require the applicant to provide a survey to identify the location of property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.
- b. The minimum front 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.
- c. Notwithstanding the front structure setback requirement identified in (b) 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.

(d) **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. 102-365.5. Density standards for residential uses.

- (a) **The following density standards shall apply to all residential uses in the Residential/Agricultural I zoning district, subject to the exception identified in Sec 102-365.5(b) for a property that either has a frontage on Crocker Road or that uses a driveway that accesses directly onto Crocker Road.**

1. Type of Use

Sewer

Single-family	One unit per 43,560 square feet
Two-family	Two units in one structure per 43,560 square feet
Single Family, Detached Accessory Dwelling Unit	Primary and detached unit structures per 43,560 square feet
Multifamily	A maximum of four units for the initial 65,340 net square feet and an additional 10,000 net square feet for each additional unit.

2. Type of Use

Subsurface wastewater disposal

Single-family	One unit in one structure per 65,340 square feet
Two-family	Two units in one structure per 65,340 square feet
Single family & detached accessory dwelling unit	One primary structure and one detached unit structure per 65,340 square feet
Multi-family	Maximum of 1 tri-plex (3 units in 1 structure) per 87,120 net sq ft (2 net acres); or
	Maximum of 1 four-plex (4 units in 1 structure) per 108,900 net sq ft. (2.5 net acres).

- (b) **The following density standards shall apply to residential uses in the Residential/Agricultural I zoning district that either have road frontage on Crocker Road or that use a driveway that accesses directly onto Crocker Road.**

1. Type of Use

Sewer

**if road frontage or
access on Crocker Road**

Single Family Residential	One single-family unit per 15,000 square feet.
Two-Family Residential	One duplex structure per 15,000 square feet.
Single Family with Detached Accessory Dwelling Unit	One primary and 1 detached unit per 15,000 sq ft
Multi-Family Residential	A maximum of 6 multi-family dwelling units on the first 21,780 net square feet (one-half net acre) and an 1,500 net square feet for each additional unit.

2. Type of Use

Subsurface wastewater disposal

**if road frontage or access
on Crocker Road**

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	One primary structure and one detached unit structure per 30,000 square feet.
Multi-family	Maximum of 3 multi-family dwelling units located in one or more structures on the first 43,560 net square feet of land area, and an additional 10,890 net square feet (one-quarter net acre) of land area for each additional multi-family dwelling unit. Said units must be located in a structure that has 3 or more dwelling units to be considered a multi-family dwelling.

**Sec. 102-~~365~~ 367 Residential Pplanned unit development and cluster housing development proposal.
~~proposed pursuant to Article VI, Division 1.~~
[Ord. of 4-6-2010(2)]**

**(a) Residential planned unit development and cluster housing development proposed pursuant to
Article VI, Division 1.**

In the case of **a residential** planned unit development and cluster housing development in the Residential Agricultural I District, the standards in ~~sSections~~ **102-~~364~~ 365 and 366** may be modified in accordance with the special provisions of Article VI, Division 1 of this ~~eChapter~~. **The maximum density for the total number of units on the project site shall comply with the applicable density standards identified in Sec. 102-366, however, there is no specific limit on the number of multi-family dwelling units that can be constructed in a multi-family structure. In addition, a A residential** planned unit development and cluster housing development project shall be reviewed under the ~~sSubdivision eOrdinance, Chapter 94, and Chapter 90, Site Plan. A cluster housing project 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.~~

(b) Rural Affordable Housing Development project.

In the case of a rural affordable housing development project subject to review pursuant to the Article VI, Division 2 process and requirements. the Planning Board shall apply the Division 2 standards to determine the lay-out of the project and maximum number of dwelling units permitted. The Board may allow multi-family housing as an alternative lay-out option, with no specific limit on the number of dwelling units in a multi-family dwelling. In no case, however, may the maximum number of dwelling units allowed in a rural affordable housing development project exceed seven units. (NOTE TO BOARD - This provision requires an additional amendment to the Article IV, Division 2, standards).

**Sec. 102-366 ~~Rural affordable housing development project proposed pursuant to Article VI, Division 2.~~
[Ord. of 4-6-2010(2)]—Section repealed on --- date ---.**

~~In the case of a rural affordable housing development project 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 project exceed seven.~~

Sec. 102-~~367~~ 363 Prohibited uses.
[Ord. of 4-6-2010(2)]

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

Sec. 102-368. Dimensional standards for nonresidential uses and nonresidential structures in the Residential Agricultural I 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. 102-365, and the residential density standard identified in Sec. 102-65.5, 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. 102-365(c)(3).

(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. 102-369.5. Performance standards for Residential Agricultural I zoning district.

All uses in the Residential Agricultural I 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 also shall 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. 102-368 through Sec. 102-380. (Reserved)