

NOTE TO COUNCIL AND PUBLIC
FIRST READING - JULY 6, 2021
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATION AMENDMENTS

This document includes the proposed amendments to the following 6 zoning districts:

- Division 3, General Purpose B. - Pages 2 - 11
- Division 13, Searsport Avenue Waterfront - Pages 12 - 25
- Division 26, Route 141 and Mill Lane Commercial - Pages 26 - 40
- Division 27, Route 137 Commercial - Pages 41 - 54
- Division 28, Route One South Commercial - Pages 55 - 67
- Division 29, Searsport Avenue Commercial - Pages 68 - 81

**CITY OF BELFAST COUNCIL
FIRST READING PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 3. GENERAL PURPOSE-B ZONING DISTRICT
JULY 6, 2021 COUNCIL MEETING**

NOTES TO PUBLIC:

- 1) The Belfast Planning Board is recommending revisions to a number of the City's zoning districts. One of the key purposes of the revisions is to consider ways to increase opportunities for multi-family housing in Belfast.

That said, the General Purpose B (GP-B) zoning district is the only district that currently allows multi-family housing in which the Board is recommending that multi-family housing be a prohibited use. The Board is making this recommendation because a significant amount of the GP-B zoning district is located within the flight path of the Belfast Airport. The Board is recommending that the City prohibit multi-family housing as a permitted use in the GP-B zone until the City determines how best to regulate activities near airport operations. At present, there is no timetable for the City to consider the establishment of an 'airport overlay district'. The Board also notes that there are no existing multi-family housing developments in the GP-B zone.

The proposed amendments also incorporate a number of formatting changes to the current dimensional and density requirements for the zoning district, as well as making changes to the type of uses that are allowed.

- 2) The City of Belfast Planning Board, at its meeting of June 9, 2021, voted to recommend the amendments to the Chapter 102, Zoning, Article V, District Regulations, Division 3, General Purpose-B (GP-B) zoning district identified in this proposal to the City Council. The Planning Board conducted a duly noticed public hearing on the proposed amendments at its meeting of May 26, 2021. The role of the Planning Board is to consider potential amendments and to offer its recommendations to the City Council.
- 3) The proposed amendments are scheduled for First Reading at the July 6, 2021 City Council meeting. The Council, at the First Reading, will decide if the proposed amendments warrant revisions, and if the proposal should be scheduled for Second Reading and public hearing. The Council has the authority to adopt proposed amendments after conducting a Second Reading.
- 4) 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. All text shown in **Bold and Green Font and Underlined** is an informational note to the public that is intended to help provide an understanding of the proposed Ordinance provision. Said text is not part of the adopted Ordinance.

- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, cityofbelfast.org, reference planning and codes link, Multi-Family Housing amendments, July 6 Council meeting. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at wmarshall@cityofbelfast.org, or by calling 338-1417, ext 125.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V, DISTRICT REGULATIONS

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.

- (13) Fill activities that involve the removal or addition of fill that exceeds 50 cubic yards of material.**
- (14) Bed and breakfast, including class 1, class 2 and class 3.**

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**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 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.~~ **Clause (17) repealed on --- date ---. Reserved.**
- (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. Applicability of shoreland zoning and floodplain regulations. Section 102-343 repealed on --- (Insert date of Council vote) ---.

[Ord. No. 28-1997, § 601.3, 3-4-1997]

~~Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains, may apply in the General Purpose "B" District. See the shoreland zoning maps and FIRM flood maps.~~

Sec. 102-344. Standards. Sec. 102-344 repealed on --- (Insert date of Council Action) ---.

[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. 102-344.25. 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) Minimum lot size and lot frontage requirements for a property connected to public sewer.

<u>Type of Use on Sewer</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	14,520 sq ft.	100 lineal feet
Two-Family Residential	14,520 sq ft.	100 lineal feet
Single Family with Detached Accessory Dwelling Unit	14,520 sq ft.	100 lineal feet
Multi-Family Residential	Prohibited Use. 21,780 net sq ft for a nonconforming use of record	Prohibited Use. 150 ft for a nonconforming use of record

2) Minimum lot size and lot frontage requirements for a property that uses a subsurface wastewater disposal system for managing wastewater.

<u>Type of Use - Subsurface System</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	43,560 sq ft.	150 lineal feet
Two-Family Residential	43,560 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	43,560 sq ft.	150 lineal feet
Multi-Family Residential	Prohibited Use. 43,560 net sq ft for a nonconforming use of record	Prohibited Use. 150 ft for a nonconforming use of record

(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. 102-344.5. 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.

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

<u>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 Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi-Family	Prohibited Use. 30 ft for a nonconforming use of record	Prohibited Use. 25 ft for a nonconforming use of record	Prohibited Use. 25 ft for a nonconforming use of record

(2) The minimum amount of front setback for all structures identified in (1) 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) 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 residential structures shall comply with the following standards:

<u>Type of Structure</u>	<u>Maximum Height</u>
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Single Family	38 ft
Two Family	38 ft
Single Family with Detached Accessory Dwelling Unit	38 ft
Multi-Family	Prohibited Use. 38 ft for a nonconforming use of record.

Sec. 102-344.5. 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 by the following type of residential use:

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 14,520 sq. ft
Two Family	Two units in one structure per 14,520 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 14,520 sq. ft. Also reference Article IX, Div 6 Supplemental Performance Standards
Multi-Family	Prohibited Use. For a nonconforming use of record: 3 units per 21,780 net square feet and an additional 7,260 net sq ft for each additional unit.

- (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:

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 43,560 sq. ft
Two Family	Two units in one structure per 43,560 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 43,560 sq. ft. Also reference Article IX, Div 6, Supplemental Performance Standards.

Multi-Family	Prohibited Use. For a nonconforming use of record: 3 units per 43,560 net sq ft, and an additional 14,520 net sq ft for each additional unit.
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(c) Residential planned unit development and cluster housing development.

A residential planned unit development or cluster housing development is a permitted use in the General Purpose B zoning district. The dimensional standards identified in Sec. 344.25, and the density standards identified in (a) and (b) of this Section, may be modified in accordance with the special provisions of Article VI of this Chapter. In addition, 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. A residential planned unit development and cluster housing development shall be subject to review pursuant to requirements of the Subdivision Ordinance (Chapter 94) and Chapter 90, Site Plan.

(d) 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 residential lot size standards identified in Sec. 102-344.25 for each type of residential use, and the respective residential density standards identified in (a) and (b) of this Section for each type of residential use. 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.

(e) 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 in Sec. 102-345.5 for the nonresidential use, the respective residential lot size standards identified in Sec. 102-344.25 for each type of residential use, and the respective residential density standards identified in (a) and (b) of this Section for each type of residential use. 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.

Sec. 102-347. Residential planned unit development and cluster housing development. Section repealed on --- (Insert date of Council action) ---.

[Ord. No. 28-1997, § 601.5, 3-4-1997]

~~**In the case of planned unit development and cluster housing development in the General Purpose "B" District, the standards in section 102-344 may be modified in accordance with the special provisions of article VI of this chapter. In addition, planned unit development and cluster housing development shall be reviewed under the subdivision ordinance.**~~

Sec. 102-345.5. 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 200 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 200 feet of road frontage, if the lot has frontage on a road.**
- (3) Refer to Sec. 102-344.5(e) for lot size requirements for a lot that is occupied by both a nonresidential use and one or more types of residential uses.**

(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 102-344.25(b)(2).

(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 fuel 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. ~~102-346~~ 342.50. Prohibited uses.

[Ord. No. 28-1997, § 601.6, 3-4-1997]

Only those uses specifically listed as permitted uses **requiring Code Enforcement Officer review, Sec. 102-341**, or permitted uses requiring Planning Board review, **Sec. 102-342**, are allowed within the General Purpose "B" District. All other uses are ~~excluded~~ **prohibited**.

Sec. 102-347. Performance standards for the General Purpose 'B' district.

- (a) 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 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.**
- (b) Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the General Purpose B district. See the adopted Shoreland map and the adopted FIRM Flood maps.**

Sec. 102-~~347-348~~ - 102-360. (Reserved).

**CITY OF BELFAST COUNCIL
FIRST READING PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 13. SEARSPORT AVENUE WATERFRONT
ZONING DISTRICT
JULY 6, 2021 COUNCIL MEETING**

NOTES TO PUBLIC:

- 1) The Belfast Planning Board is recommending revisions to a number of the City's zoning districts. One of the key purposes of the proposed revisions is to consider ways to increase opportunities for multi-family housing in Belfast.

A key revision to the Searsport Avenue Waterfront zoning district is to significantly increase the number of multi-family dwelling units that could be constructed on a net acre of ground if the property is connected to public sewer. The current standard would allow the construction of 6 multi-family dwelling units per net acre. The proposed standard would allow 19 units of multi-family dwelling units per net acre. It is noted that this density standard would not apply to the significant amount of property located in the Shoreland Zone; property located within 250 feet of Belfast Bay. The Board also is recommending that the current standard that requires all multi-family housing to be connected to public sewer remain in effect. The main reason for retaining this requirement is because most properties in the Searsport Avenue Waterfront district have access to public sewer.

The proposed amendments also incorporate a number of formatting changes to the current dimensional and density requirements for the zoning district, and a limited number of changes to the type of uses that are allowed.

- 2) The City of Belfast Planning Board, at its meeting of June 9, 2021, voted to recommend the amendments to the Chapter 102, Zoning, Article V, District Regulations, Division 13, Searsport Avenue Waterfront (SAW) zoning district identified in this proposal to the City Council. The Planning Board conducted a duly noticed public hearing on the proposed amendments at its meeting of May 26, 2021. The role of the Planning Board is to consider potential amendments and to offer its recommendations to the City Council.
- 3) The proposed amendments are scheduled for First Reading at the July 6, 2021 City Council meeting. The Council, at the First Reading, will decide if the proposed amendments warrant revisions, and if the proposal should be scheduled for Second Reading and public hearing. The Council has the authority to adopt proposed amendments after conducting a Second Reading.

- 4) The City has used the following format to identify the proposed amendments to Chapter 102, Zoning. 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. All text shown in **Bold and Green Font and Underlined** is an informational note to the public that is intended to help provide an understanding of the proposed Ordinance provision. Said text is not part of the adopted Ordinance.
- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, cityofbelfast.org, reference planning and codes link, Multi-Family Housing amendments, July 6 Council meeting. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at wmarshall@cityofbelfast.org, or by calling 338-1417, ext 125.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V. DISTRICT REGULATIONS

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 ~~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 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 that involve the removal or addition of fill that exceeds 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 **in size**.
- (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 **in size**.
- (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 connected to** public sewer.
- (13) **Residential P**planned unit development (~~residential and nonresidential~~) **and cluster housing development**.
- (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, **Freshwater or Marine.**
- (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, **Section 102-561**, or permitted uses requiring Planning Board review, **Section 102-562**, are allowed within the Searsport Avenue Waterfront District. All other uses are prohibited.

Sec. 102-564. Applicability of shoreland zoning and floodplain regulations. Section 102-564 repealed by Council on --- (Insert date of Council action) ---.

~~Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains, may apply in the Searsport Avenue Waterfront District. See the shoreland maps and FIRM flood maps.~~

Sec. 102-565 Dimensional and density standards. Section 102-565 repealed by Council on --- (Insert date of Council action) ---.
[Ord. No. 78-2001, 6-5-2001]

~~(a) Minimum lot size and minimum frontage requirements—Residential uses.~~

- ~~(1) Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family 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.~~
- ~~(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.~~
- ~~(3) Any lot created on or after August 19, 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.~~

- ~~(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 or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal.~~
- ~~(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.~~
- ~~(6) A lot that does not comply with any one or all standards identified in subsection (5), 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, Nonconformance, of this chapter.~~

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

- ~~(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).~~

~~(c) Minimum setback requirements.~~

- ~~(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.~~
- ~~(2) The minimum setback requirements for a multifamily 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.~~

~~(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). The amount of front, side or rear setback required in sections 102-1243, 102-1244 and 102-1245, 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.~~

~~(4) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, code enforcement officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required. The code enforcement officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

~~(d) Structure height. The maximum height of any structure shall be 35 feet.~~

~~(e) 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).~~

Type of Use

Single-family

Two-family

Multifamily

Sewer

One unit in one structure per 15,000 square feet

Two units in one structure per 15,000 square feet

Three units in one structure per 21,780 square feet and an additional 7,260 square feet for each additional unit

Type of Use

Single-family

Two-family

Subsurface Wastewater Disposal

One unit in one structure per 20,000 square feet

Two units in one structure per 40,000 square feet

Type of Use
Multifamily

Sewer
Prohibited as a new use established after August 19, 2001

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

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

Type of Use
Single-family

Sewer
One unit in one structure per 10,000 square feet

Two-family

Two units in one structure per 15,000 square feet

Multifamily

Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit

Type of Use
Single-family

Subsurface Wastewater Disposal
One unit in one structure per 20,000 square feet

Two-family

Two units in one structure per 30,000 square feet

Multifamily

Prohibited as a new use established after August 19, 2001

- (g) ~~Lot coverage standards. Residential and nonresidential structures shall have a maximum lot coverage of 30% of the property. Lot coverage is defined as the amount of footprint of all structures, buildings only, and not including 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 the Shoreland Zone, shall apply to the portions of the property that are in 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.

~~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. 102-564.5 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, and do not satisfy current dimensional requirements shall be considered a nonconforming lot of record, and 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, and do not satisfy current dimensional requirements, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.
- (b) The minimum lot size and minimum frontage requirements for residential uses in the Searsport Avenue Waterfront district shall comply with the following standards.
 - (1) Minimum lot size and lot frontage requirements for a property connected to public sewer.

<u>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

- (2) Minimum lot size and lot frontage requirements for a property that uses a subsurface wastewater disposal system for managing wastewater.

<u>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
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(3) 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 (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. 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.**

(1) The minimum setback requirements for following types of residential structures and accessory structures to said residential structures shall comply with the standards in the following table.

<u>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 Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

(2) 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.

(3) All structure setbacks shall be measured from the property lines, 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 the property lines and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and

setback requirements if either deems that a survey is necessary to verify the applicant's representations.

(d) Structure height for residential structures.

The maximum structure height for the following types of residential structures and accessory structures to said residential structures shall comply with the standards in the following table.

<u>Type of Structure</u>	<u>Maximum Height</u>
Single Family	35 ft
Two Family	35 ft
Single Family with Detached Accessory Dwelling Unit	35 ft
Multi-Family	35 ft

(e) Density standard.

(1) The following density standards shall apply to all residential uses in the Searsport Avenue Waterfront district that are connected to public sewer. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft
Two Family	Two units in one structure per 15,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

2. The following density standards shall apply to all residential uses in the Searsport Avenue Waterfront district that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 30,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi-Family	Prohibited as a new use after August 19, 2001. Four units per 43,560 net square feet and an additional 10,890 net square feet for each additional unit

(f) Residential planned unit development and cluster housing development.

In the case of a residential planned unit development or cluster housing development, the density standards identified in (e) of this Section may be modified in accordance with the special provisions of Article VI of this Chapter, and the following density requirements. A residential planned unit development or cluster housing development shall be reviewed pursuant to standards in the Subdivision Ordinance, Chapter 94, and Chapter 90, Site Plan.

- (1) A residential planned unit development or cluster housing development that is connected to public sewer in the Searsport Avenue Waterfront district shall comply with the following density standards.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft
Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.

Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit
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- (2) A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Searsport Avenue Waterfront district shall comply with the following density standards.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.
Multi-Family	Multi-family is a prohibited use, however, a planned unit development may include multi-family as a housing option, subject to a density standard of 20,000 sq ft of land area for the first 2 units, and 10,000 sq ft for each additional unit.

- (g) Lot coverage standards for residential uses.

Residential structures 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, parking areas, in-ground patios, and similar features that are present on a property. However, if all or a portion of a property is located in a Shoreland Zoning district, the more inclusive 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 Zoning district.

Sec. 102-565.5. 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 (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 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 (1) or (2) above, and the respective residential lot size standards identified in Section 102-564.5(b), and the respective density standards identified in Section 102-564.5(e) and (f), for each type of residential use that is on the property.

(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 102-564.5(c)(3).

(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, in which case the respective Shoreland District maximum height standard shall apply. This maximum 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. The 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 inclusive 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. In addition, the amount of lot coverage for a nonresidential use may vary in accordance with the Article IX, Performance Standards, Division 4, Section 102-1276 view protection standards for the Searsport Avenue Waterfront district, for the purposes of preserving public views of the water.

Sec. 102-566. 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 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.

(c) Shoreland zoning and floodplain regulations.

Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Searsport Avenue Waterfront district, reference the adopted Shoreland map and the adopted FIRM Flood maps.

Sec. 102-~~566~~-567 through Sec. 102-580. (Reserved)

**CITY OF BELFAST COUNCIL
FIRST READING PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 26. ROUTE 141 & MILL LANE
COMMERCIAL ZONING DISTRICT
JULY 6, 2021 COUNCIL MEETING**

NOTES TO PUBLIC:

- 1) The Belfast Planning Board is recommending revisions to a number of the City's zoning districts. One of the key purposes of the proposed revisions is to consider ways to increase opportunities for multi-family housing in Belfast.

The proposed revisions to the Route 141 & Mill Lane Commercial zoning district would implement the following major changes regarding multi-family housing:

- a) If a property is connected to public sewer, the number of multi-family housing units that could be constructed on a net acre of ground would increase from 6 units to 19 units. The section of the Route 141 district that has access to public sewer is the area adjacent to Searsport Avenue and the area adjacent to Swan Lake Avenue. There is no public sewer on Mill Lane.
- b) The City would continue the current prohibition on multi-family housing that uses a subsurface wastewater disposal system to manage wastewater. This means that multi-family housing could not be developed on Mill Lane.

The proposed amendments also incorporate a number of formatting changes to the current dimensional and density requirements for the zoning district, and a limited number of changes to the type of uses that are allowed.

- 2) The City of Belfast Planning Board, at its meeting of June 9, 2021, voted to recommend the amendments to the Chapter 102, Zoning, Article V, District Regulations, Division 26, Route 141 & Mill Lane Commercial (Rte 141) zoning district identified in this proposal to the City Council. The Planning Board conducted a duly noticed public hearing on the proposed amendments at its meeting of May 26, 2021. The role of the Planning Board is to consider potential amendments and to offer its recommendations to the City Council.
- 3) The proposed amendments are scheduled for First Reading at the July 6, 2021 City Council meeting. The Council, at the First Reading, will decide if the proposed amendments warrant revisions, and if the proposal should be scheduled for Second Reading and public hearing. The Council has the authority to adopt proposed amendments after conducting a Second Reading.

- 4) The City has used the following format to identify the proposed amendments to Chapter 102, Zoning. 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. All text shown in **Bold and Green Font and Underlined** is an informational note to the public that is intended to help provide an understanding of the proposed Ordinance provision. Said text is not part of the adopted Ordinance.
- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, cityofbelfast.org, reference planning and codes link, Multi-Family Housing amendments, July 6 Council meeting. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at wmarshall@cityofbelfast.org, or by calling 338-1417, ext 125.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V. DISTRICT REGULATIONS.

DIVISION 26. Route 141 and Mill Lane Commercial 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 that involve the removal or addition of fill that exceeds 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 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, Multifamily housing, if the property is connected to a 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 **Article VIII, Division 4** of this **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**istrict. All other uses are prohibited.

Sec. 102-783. Applicability of shoreland zoning and floodplain regulations. Section repealed by Council on --- (Insert date of Council action) ---.

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

~~Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains, may apply in the Route 141 and Mill Lane Commercial District. See the shoreland maps and FIRM flood maps.~~

Sec. 102-784. Dimensional and density standards. Section repealed by Council action on --- (Insert date of Council action) ---.

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

~~(a) Minimum lot size and minimum frontage requirements Residential uses.~~

- ~~(1) Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family 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.~~
- ~~(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.~~
- ~~(3) Any lot created on or after August 19, 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.~~
- ~~(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 or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal.~~
- ~~(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.~~
- ~~(6) A lot that does not comply with any one or all standards identified in subsection (5), 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.~~

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

- ~~(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) Minimum setback requirements.~~

~~(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.~~

~~(2) The minimum setback requirements for a multifamily 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.~~

~~(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).~~

~~(4) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, code enforcement officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required. The code enforcement officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

~~(d) Structure height. The maximum height of any structure shall be 50 feet.~~

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

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

Type of Use	Sewer
Multifamily	Three units in one structure per 21,780 square feet and an additional 7,260 square feet for each additional unit

Type of Use	Subsurface Wastewater Disposal
Single-family	One unit in one structure per 20,000 square feet
Two-family	One units in one structure per 40,000 square feet
Multifamily	Prohibited as a new use established after Aug 2001

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

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

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 square feet
Multifamily	Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit

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
Multifamily	Prohibited as a new use established after August 19, 2001

Sec. 102-782.2 Dimensional and density standards for residential uses and structures in the Route 141 and Mill Lane Commercial district.

(a) The Route 141 and Mill Commercial zoning district was established on August 19, 2001. Any property or structure used for residential purposes that is 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, and they do not comply with current requirements, shall be considered nonconforming lots of record and 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, and do not satisfy all current dimensional requirements, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.

(b) Minimum lot size and minimum frontage requirements for residential uses, are as follows:

(1) Minimum lot size and lot frontage requirements for a property connected to public sewer.

<u>Type of Use - 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 with road frontage on Swan Lake Ave or Searsport Ave, or which uses either road for access to property.	21,780 net sq. ft.	150 lineal feet
Multi-family with road frontage on Mill Lane or which uses Mill Lane for main road access to property.	Prohibited use after August 19, 2001. 43,560 net sq. ft. for a nonconforming use of record.	150 lineal feet for a use that is a nonconforming use of record.

(2) Minimum lot size and lot frontage requirements for a property that uses a subsurface wastewater disposal system for managing wastewater.

<u>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 with road frontage on Swan Lake Ave or Searsport Ave, or which uses either road as its main access.	Prohibited use after August 19, 2001. 43,560 net sq. ft. for a nonconforming use of record.	150 lineal feet for a use that is a nonconforming use of record.
Multi-family with road frontage on Mill Lane or which uses Mill Lane for access to property.	Prohibited use after August 19, 2001. 43,560 net sq. ft. for a nonconforming use of record.	150 lineal feet for a use that is a nonconforming use of record.

(3) 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 (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. The total amount of lot frontage, however, must only satisfy the minimum amount of lot frontage required for the most intensive use on the property.

(c) Minimum structure setback requirements for residential structures.

(1) The setback requirements identified in the following table shall apply to the following types of residential structures and accessory structures to said residential structures.

<u>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 Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

(2) 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.

- (3) 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, 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 location of the property line and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.

(d) Structure height for residential structures.

The maximum structure height for the following types of residential structures and accessory structures to said residential structures are as follows:

<u>Type of Structure</u>	<u>Maximum Height</u>
Single Family	38 ft
Two Family	38 ft
Single Family with Detached Accessory Dwelling Unit	38 ft
Multi-Family	45 ft

(e) Density standard.

- (1) The following density standards shall apply to all residential uses that are connected to public sewer in the Route 141 and Mill Lane Commercial district. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in (f) of this Section.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft

Two Family	Two units in one structure per 15,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.
Multi-family with road frontage on Swan Lake Ave or Searsport Ave, or which uses either road as its main access.	Six units per the initial 21,780 net sq. ft. and 1,500 net sq. ft. for each additional unit.
Multi-family with road frontage on Mill Lane or which uses Mill Lane for access to property.	Prohibited use after August 19, 2001. 43,560 net sq ft. for the initial 4 units for a nonconforming use of record and 10,890 net sq. ft. for each additional unit

- (2) The following density standards shall apply to all residential uses in the Route 141 and Mill Lane Commercial District that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in (f) of this Section.

<u>Type of Use</u>	<u>Subsurface System to Manage Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 30,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi-family with road frontage on Swan Lake Ave or Searsport Ave, or which uses either road as its main access.	Prohibited use after August 19, 2001. For a nonconforming use of record, 4 units per 43,560 net sq ft, and an additional 10,890 net square feet for each additional unit.
Multi-family with road frontage on Mill Lane or which uses Mill Lane for access to property.	Prohibited use after August 19, 2001. 43,560 net sq ft. for the initial 4 units for a nonconforming use of record and 10,890 net sq. ft. for each additional unit

- (f) Residential planned unit development and cluster housing development.

In the case of a residential planned unit development or cluster housing development in the Route 141 and Mill Lane Commercial district, the density standards identified in (e) of this Section, may be modified in accordance with the special provisions of Article VI of this Chapter, and the following density requirements. A residential

planned unit development or cluster housing development shall be reviewed pursuant to standards in the Subdivision Ordinance, Chapter 94, and Chapter 90, Site Plan.

- (1) A residential planned unit development or cluster housing development that is connected to public sewer in the Route 141 and Mill Lane Commercial zoning district shall comply with the following density standards.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft
Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.
Multi-family with road frontage on Swan Lake Ave or Searsport Ave, or which uses either road as its main access.	Six units per the initial 21,780 net sq. ft. and 1,500 net sq. ft. for each additional unit.
Multi-family with road frontage on Mill Lane or which uses Mill Lane for access to property.	Prohibited use after August 19, 2001. 43,560 net sq ft. for the initial 8 units for a nonconforming use of record and 5,445 net sq. ft. for each additional unit. Notwithstanding this prohibition, a planned unit development that is connected to public sewer may include multi-family housing as a housing option provided the development complies with the above density standard.

- (2) A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Route 141 and Mill Lane Commercial district shall comply with the following density standards.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.

<p style="text-align: center;">Multi-family with road frontage on Swan Lake Ave or Searsport Ave, or which uses either road as its main access.</p>	<p style="text-align: center;">Prohibited use after August 19, 2001. 43,560 net sq ft. for the initial 4 units for a nonconforming use of record and 10,890 net sq. ft. for each additional unit. Notwithstanding this standard, a planned unit development that uses a subsurface system to manage wastewater may include multi-family housing as a housing option subject to the above density standard.</p>
<p style="text-align: center;">Multi-family with road frontage on Mill Lane or which uses Mill Lane for access to property.</p>	<p style="text-align: center;">Prohibited use after August 19, 2001. 43,560 net sq ft. for the initial 4 units for a nonconforming use of record and 10,890 net sq. ft. for each additional unit. Notwithstanding this standard, a planned unit development that uses a subsurface system to manage wastewater may include multi-family housing as a housing option subject to the above density standard.</p>

Sec. 102-782.4. 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 102-782.2(b), and the respective density standards identified in Section 102-782.2(e) or (f), 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 102-782.2(c)(3).

(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~~782.6. Performance standards.

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

~~All nonresidential uses proposed in the Route 141 and Mill Lane Commercial Ddistrict 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 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.

(c) Shoreland zoning and floodplain regulations.

Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Route 141 and Mill Lane Commercial district, reference the adopted Shoreland map and the adopted FIRM Flood maps.

**CITY OF BELFAST COUNCIL
FIRST READING PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 27. ROUTE 137 COMMERCIAL ZONING DISTRICT
JULY 6, 2021 COUNCIL MEETING**

NOTES TO PUBLIC:

- 1) The Belfast Planning Board is recommending revisions to a number of the City's zoning districts. One of the key purposes of the proposed revisions is to consider ways to increase opportunities for multi-family housing in Belfast.

The proposed revisions to the Route 137 Commercial zoning district would implement the following major changes regarding multi-family housing:

- a) If a property is connected to public sewer, the number of multi-family housing units that could be constructed on a net acre of ground would increase from 6 units to 19 units.
- b) Current standards do not allow multi-family housing that uses a subsurface (septic) system for wastewater disposal. This proposal would eliminate that prohibition, and would allow the construction of multi-family housing at a density of 4 units per net acre if the housing uses a subsurface system to manage wastewater.

The proposed amendments also incorporate a number of formatting changes to the current dimensional and density requirements for the zoning district, and a limited number of changes to the type of uses that are allowed.

- 2) The City of Belfast Planning Board, at its meeting of June 9, 2021, voted to recommend the amendments to the Chapter 102, Zoning, Article V, District Regulations, Division 27, Route 137 Commercial (Rte 137 Comm) zoning district identified in this proposal to the City Council. The Planning Board conducted a duly noticed public hearing on the proposed amendments at its meeting of May 26, 2021. The role of the Planning Board is to consider potential amendments and to offer its recommendations to the City Council.
- 3) The proposed amendments are scheduled for First Reading at the July 6, 2021 City Council meeting. The Council, at the First Reading, will decide if the proposed amendments warrant revisions, and if the proposal should be scheduled for Second Reading and public hearing. The Council has the authority to adopt proposed amendments after conducting a Second Reading.
- 4) The City has used the following format to identify the proposed amendments to Chapter 102, Zoning. 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. All text shown in **Bold and Green Font and Underlined** is an informational note to the public that is intended to help provide an understanding of the proposed Ordinance provision. Said text is not part of the adopted Ordinance.

- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, cityofbelfast.org, reference planning and codes link, Multi-Family Housing amendments, July 6 Council meeting. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at wmarshall@cityofbelfast.org, or by calling 338-1417, ext 125.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V. DISTRICT REGULATIONS

DIVISION 27. Route 137 Commercial District

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

The City **eCode eEnforcement eOfficer** shall review and make decisions regarding applications for a use permit for the following types of uses in the Route 137 Commercial 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 the portion of the district that is located southeasterly of Merriam Drive, **and are allowed in the portion of the district that is located northwesterly 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 **eCouncil** 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 that involve the removal or addition of fill that exceeds 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 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 **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 **in size**.
- (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~~) **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) Multifamily housing, ~~if on public sewer~~. **Also reference the Article IX, Division 7, Supplemental Performance Standards for Multi-family Dwelling Units and Structures.**

- (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. 102-788786.5. Prohibited uses.

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

Only those uses specifically listed as permitted uses requiring ~~CEO~~ **Code Enforcement Officer** review, **Sec 102-786**, or permitted uses requiring Planning Board review, **Sec 102-786.25**, are allowed within the Route 137 Commercial District. All other uses are prohibited.

Sec. 102-789. Applicability of shoreland zoning and floodplain regulations. Section 102.789 repealed on --- (Date of Council Action) ---.

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

~~Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains, may apply in the Route 137 Commercial District. See the shoreland maps and FIRM flood maps.~~

Sec. 102-790. Dimensional and density standards. Section 102.790 repealed on --- (Date of Council Action) ---.

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

~~(a) Minimum lot size and minimum frontage requirements-Residential uses.~~

- ~~(1) Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single family 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.~~

- ~~(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.~~
- ~~(3) Any lot created on or after August 19, 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.~~
- ~~(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 or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal.~~
- ~~(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.~~
- ~~(6) A lot that does not comply with any one or all standards identified in subsection (5), 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.~~

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

- ~~(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).~~

~~(c) — Minimum setback requirements.~~

- ~~(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.

~~(2) The minimum setback requirements for a multifamily 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.~~

~~(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).~~

~~(4) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, code enforcement officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required. The code enforcement officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

~~(d) Structure height. The maximum 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.~~

~~(e) Density standard. The following density standards shall apply to all residential uses in the Route 137 Commercial District. These density standards are subject to modification in accordance with the planned unit development requirements identified in subsection (f).~~

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
Multifamily	Three units in one structure per 21,780 square feet and an additional 7,260 square feet for each additional unit

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 40,000 square feet
Multifamily	Prohibited as a new use established on or after August 19, 2001

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

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

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 square feet
Multifamily	Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit

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
Multifamily	Prohibited as a new use established on or after August 19, 2001

Sec. 102-787.25. Dimensional and density standards for residential uses and structures in the Route 137 Commercial zoning district.

(a) The 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 and do not satisfy applicable dimensional requirements, shall be considered nonconforming lots of record, and 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 and do not satisfy all dimensional requirements, may continue to

exist, 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.

(1) Minimum lot size and lot frontage requirements for a property connected to public sewer.

<u>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

(2) Minimum lot size and lot frontage requirements for a property that uses a subsurface wastewater disposal system for managing wastewater.

<u>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

(3) 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 (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. 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) Structure setback requirements for residential structures.

- (1) The minimum setback requirements for following types of residential structures and accessory structures to said residential structures shall comply with the standards in the following table.

<u>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 Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

- (2) 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.

- (3) All structure setbacks shall be measured from the property lines, 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 the property lines and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.

- (d) Structure height for residential structures.

The maximum structure height for the following types of residential structures and accessory structures to said residential structures shall comply with the standards in the following table.

<u>Type of Structure</u>	<u>Maximum Height</u>
Single Family	38 ft
Two Family	38 ft

Single Family with Detached Accessory Dwelling Unit	38 ft
Multi-Family	45 ft

(e) Density standard.

- (1) The following density standards shall apply to all residential uses in the Route 137 Commercial District that are connected to public sewer. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.**

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft
Two Family	Two units in one structure per 15,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

- 2. The following density standards shall apply to all residential uses in the Route 137 Commercial district that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.**

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 30,000 sq. ft.

Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi-Family	Four units per 43,560 net square feet and an additional 10,890 net square feet for each additional unit

(f) Residential planned unit development and cluster housing development.

In the case of a residential planned unit development or cluster housing development, the density standards identified in (e) above may be modified in accordance with the special provisions of Article VI of this Chapter, and the following density requirements. A residential planned unit development or cluster housing development shall be subject to review pursuant to requirements of the Subdivision Ordinance, Chapter 94, and Chapter 90, Site Plan.

- (1) A residential planned unit development or cluster housing development that is connected to public sewer in the Route 137 Commercial district shall comply with the following density standards.**

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft
Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

- (2) A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Route 137 Commercial district shall comply with the following density standards.**

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft

Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.
Multi-Family	Four units per 43,560 net square feet and an additional 7,500 net square feet for each additional unit

Sec. 102-788.25. Dimensional standards for nonresidential uses and structures in the Route 137 Commercial 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 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 Section 102-787.25(b), and the respective residential density standards identified in Section 102-787.25(e) or (f), for each type of residential use that is located on the property.**

(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 102-787.25(c)(3).

(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~~-789.25. Performance standards.
[Ord. No. 76-2001, 6-5-2001]**

(a) Performance standards for residential uses.

All residential uses proposed in the Route 137 Commercial 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 ~~D~~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.~~

(c) Shoreland zoning and floodplain regulations.

Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Route 137 Commercial District. See the adopted Shoreland map and the adopted FIRM Flood maps.

Sec 102-789 - 790. Reserved.

**CITY OF BELFAST COUNCIL
FIRST READING PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 28. ROUTE ONE SOUTH COMMERCIAL
ZONING DISTRICT
JULY 6, 2021 COUNCIL MEETING**

NOTES TO PUBLIC:

- 1) The Belfast Planning Board is recommending revisions to a number of the City's zoning districts. One of the key purposes of the proposed revisions is to consider ways to increase opportunities for multi-family housing in Belfast.

A key revision to the Route One South Commercial zoning district is to significantly increase the number of multi-family dwelling units that could be constructed on a net acre of ground if the property is connected to public sewer. The current standard would allow the construction of 6 multi-family dwelling units per net acre. The proposed standard would allow 19 units of multi-family dwelling units per net acre. The Board, however, is recommending that the current standard that requires any multi-family housing to be connected to public sewer remain in effect. The main reason for this approach is because all properties in the Route One South Commercial district have access to public sewer.

The proposed amendments also incorporate a number of formatting changes to the current dimensional and density requirements for the zoning district, and a limited number of changes to the type of uses that are allowed.

- 2) The City of Belfast Planning Board, at its meeting of June 9, 2021, voted to recommend the amendments to the Chapter 102, Zoning, Article V, District Regulations, Division 28, Route One South Commercial (ROS) zoning district identified in this proposal to the City Council. The Planning Board conducted a duly noticed public hearing on the proposed amendments at its meeting of May 26, 2021. The role of the Planning Board is to consider potential amendments and to offer its recommendations to the City Council.
- 3) The proposed amendments are scheduled for First Reading at the July 6, 2021 City Council meeting. The Council, at the First Reading, will decide if the proposed amendments warrant revisions, and if the proposal should be scheduled for Second Reading and public hearing. The Council has the authority to adopt proposed amendments after conducting a Second Reading.
- 4) The City has used the following format to identify the proposed amendments to Chapter 102, Zoning. 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. All text shown in **Bold and Green Font and Underlined** is an informational note to the public that is intended to help provide an understanding of the proposed Ordinance provision. Said text is not part of the adopted Ordinance.

- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, cityofbelfast.org, reference planning and codes link, Multi-Family Housing amendments, July 6 Council meeting. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at wmarshall@cityofbelfast.org, or by calling 338-1417, ext 125.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V. DISTRICT REGULATIONS

DIVISION 28. Route One South Commercial District

Sec. 102-~~792~~791.25 Permitted uses requiring Code Enforcement Officer review.

The City eCode eEnforcement eOfficer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route One South Commercial 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 that involve the removal or addition of fill that exceeds 50 cubic yards of material.**

Sec. 102-793 791.50 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 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 **amount of structure expansion allowed for of** the existing retail stores ~~that are 20,000 square feet or more in size located at Map 30, Lot 37A.~~
- (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**ulti-family housing, if ~~on~~ **connected to** 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. 102-793 791.75 Prohibited uses.

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

Only those uses specifically listed as permitted uses requiring ~~CEO~~ **Code Enforcement Officer** review, **Sec 102-791.25**, or permitted uses requiring Planning Board review, **Sec. 102-791.50**, are allowed within the Route One South Commercial District. All other uses are prohibited.

Sec. 102-795. Applicability of shoreland zoning and floodplain regulations. Section repealed by Council on --- (Insert date of Council action) ---.

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

~~Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains may apply in the Route One South Commercial District. See the shoreland maps and FIRM flood maps.~~

Sec. 102-796 Dimensional and density standards. Section repealed by Council on --- (Insert date of Council vote) ---.

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

~~(a) Minimum lot size and minimum frontage requirements-Residential uses.~~

- ~~(1) Any lot created on or after August 21, 2001, that is connected to City sewer and that is used for a single-family 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.~~

- ~~(2) Any lot created on or after August 21, 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.~~
- ~~(3) Any lot created on or after August 21, 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.~~
- ~~(4) Any lot that was created before August 21, 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 or two-family residential use, subject to the provisions of the Maine State Plumbing Code for subsurface wastewater disposal.~~
- ~~(5) A lot, regardless of when it was created, that is used for a multifamily residential use established on or after August 21, 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.~~
- ~~(6) A lot that does not comply with any one or all standards identified in subsection (5), and that was used for a multifamily residential use before August 21, 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.~~

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

- ~~(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).~~

~~(c) Minimum setback requirements.~~

- ~~(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.

~~(2) The minimum setback requirements for a multifamily 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.~~

~~(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).~~

~~(4) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, code enforcement officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required. The code enforcement officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

~~(d) Structure height. The maximum 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.~~

~~(e) Density standard. The following density standards shall apply to all residential uses in the Route 1 South Commercial District. These density standards are subject to modification in accordance with the planned unit development requirements identified in subsection (f).~~

<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
Multifamily	Three units in one structure per 21,780 square feet and an additional 7,260 square feet for each additional unit.

<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 40,000 square feet
Multifamily	Prohibited as a new use after August 19, 2001.

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

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

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

<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 15,000 square feet
Multifamily	Four units in one structure per 21,780 square feet and an additional 5,445 square feet for each additional unit.

<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
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.~~

Sec. 102-792.25. Dimensional and density standards for residential uses in the Route One South Commercial district.

- (a) The 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 and do not satisfy applicable dimensional requirements, shall be considered nonconforming lots of record, and 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 and do not satisfy all dimensional requirements, may continue to exist, and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.
- (b) The minimum lot size and minimum frontage requirements for residential uses shall comply with the following standards:
- (1) Minimum lot size and lot frontage requirements for a property connected to public sewer.

<u>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

- (2) Minimum lot size and lot frontage requirements for a property that uses a subsurface wastewater disposal system for managing wastewater.

<u>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	Prohibited Use. 43,560 net sq. ft. for a nonconforming use of record.	Prohibited Use. 150 lineal feet for a nonconforming use of record.

(3) 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 (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. 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.

(1) The setback requirements identified in the following table shall apply to the following types of residential structures and accessory structures to said residential structures.

<u>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 Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

(2) 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.

(3) All structure setbacks shall be measured from the property lines, 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 the property lines and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.

(d) Structure height for residential structures.

The maximum structure height for the following types of residential structures and accessory structures to said residential structures are as follows:

<u>Type of Structure</u>	<u>Maximum Height</u>
Single Family	38 ft
Two Family	38 ft
Single Family with Detached Accessory Dwelling Unit	38 ft
Multi-Family	45 ft

(e) Density standard.

(1) The following density standards shall apply to all residential uses that are connected to public sewer in the Route One South Commercial District. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in (f) of this Section.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft
Two Family	Two units in one structure per 15,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

(2) The following density standards shall apply to all residential uses in the Route One South Commercial District that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in

accordance with the planned unit development and cluster housing development requirements identified in (f) of this Section.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft.
Two Family	Two units in one structure per 30,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi-Family	Prohibited Use. For a nonconforming use of record, 4 units per 43,560 net square feet and an additional 10,890 net square feet for each additional unit.

(f) Residential planned unit development and cluster housing development.

In the case of a residential planned unit development or cluster housing development, the density standards identified in (e) of this Section, may be modified in accordance with the special provisions of Article VI of this Chapter, and the following density requirements. A residential planned unit development or cluster housing development shall be reviewed pursuant to standards in the Subdivision Ordinance, Chapter 94, and Chapter 90, Site Plan.

- (1) A residential planned unit development or cluster housing development that is connected to public sewer in the Route One South Commercial zoning district shall comply with the following density standards.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft.
Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

- (2) A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Route One South Commercial district shall comply with the following density standards.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft.
Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.
Multi-Family	Multi-family is a prohibited use, however, a planned unit development may include multi-family as a housing option, subject to the above density standards for two-family uses.

Sec. 102-793.25. Dimensional standards for nonresidential uses and structures in the Route One South Commercial 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 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)

cited above, the respective residential lot size standards identified in Section 102-792.25(b), and the respective density standards identified in Section 102-792.25(e) or (f), for each type of residential use that is located on the property.

(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 102-792.25(b)(3).

(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. 102-797 794.25. Performance standards.

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

(a) Performance standards for residential uses.

All residential uses in the Route 1 South Commercial 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 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. 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', and pursuant to the enabling provisions in Sec. 791.50, the total amount of square feet allowed for all structures located on Map 30, Lot 37A, shall be 40,000 square feet. In enacting this provision, the City found that the existing retail use located at Map 30, Lot 37A was created before the City established the 20,000 square feet size cap on retail uses, and that the total size of all structure(s) located on this property on August 19, 2001 exceeded 20,000 square feet. The City determined that it was appropriate to allow a greater expansion of the structures located on this property than would be permitted pursuant to the provisions of Sec. 102-1277.

- (d) **Shoreland zoning and floodplain regulations.**

Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Route One South Commercial District. See the adopted Shoreland map and the adopted FIRM Flood maps.

Sec. 102-795 to 796. Reserved.

**CITY OF BELFAST COUNCIL
FIRST READING PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 29. SEARSPORT AVENUE COMMERCIAL ZONING
DISTRICT
JULY 6, 2021 COUNCIL MEETING**

NOTES TO PUBLIC:

- 1) The Belfast Planning Board is recommending revisions to a number of the City's zoning districts. One of the key purposes of the proposed revisions is to consider ways to increase opportunities for multi-family housing in Belfast.

The proposed revisions to the Searsport Avenue Commercial zoning district would implement the following major changes regarding multi-family housing:

- a) If a property is connected to public sewer, the number of multi-family housing units that could be constructed on a net acre of ground would increase from 6 units to 19 units.
- b) Current standards do not allow multi-family housing that uses a subsurface (septic) system for wastewater disposal. This proposal would eliminate that prohibition, and would allow the construction of multi-family housing at a density of 4 units per net acre if the housing uses a subsurface system to manage wastewater.

The proposed amendments also incorporate a number of formatting changes to the current dimensional and density requirements for the zoning district, and a limited number of changes to the type of uses that are allowed.

- 2) The City of Belfast Planning Board, at its meeting of June 9, 2021, voted to recommend the amendments to the Chapter 102, Zoning, Article V, District Regulations, Division 29, Searsport Avenue Commercial (SAC) zoning district identified in this proposal to the City Council. The Planning Board conducted a duly noticed public hearing on the proposed amendments at its meeting of May 26, 2021. The role of the Planning Board is to consider potential amendments and to offer its recommendations to the City Council.
- 3) The proposed amendments are scheduled for First Reading at the July 6, 2021 City Council meeting. The Council, at the First Reading, will decide if the proposed amendments warrant revisions, and if the proposal should be scheduled for Second Reading and public hearing. The Council has the authority to adopt proposed amendments after conducting a Second Reading.

- 4) The City has used the following format to identify the proposed amendments to Chapter 102, Zoning. 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. All text shown in **Bold and Green Font and Underlined** is an informational note to the public that is intended to help provide an understanding of the proposed Ordinance provision. Said text is not part of the adopted Ordinance.
- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, cityofbelfast.org, reference planning and codes link, Multi-Family Housing amendments, July 6 Council meeting. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at wmarshall@cityofbelfast.org, or by calling 338-1417, ext 125.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102, ZONING

ARTICLE V. DISTRICT REGULATIONS.

DIVISION 29. Searsport Avenue Commercial District

Sec. 102-798 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 Searsport Avenue Commercial 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~~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.
- ~~(12-13)~~ Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- ~~(13-12)~~ 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 that involve the removal or addition of fill that exceeds 50 cubic yards of material.**

Sec. 102-~~799~~798.25. 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 ~~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 5)~~ Service businesses.
- ~~(4 6)~~ Movie theaters and performing arts centers.
- ~~(5 3)~~ 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 4)~~ 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~~) **and cluster housing development.**
- (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**multi-family housing, ~~if on public sewer~~. **Also reference the Article IX, Division 7, Supplemental Performance Standards for Multi-family Dwelling Units and Structures.**
- (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. 102-800-798.50 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 **D**istrict. All other uses are prohibited.

Sec. 102-800.3 Applicability of shoreland zoning and floodplain regulations. Section repealed by Council on --- (Insert date of Council action) ---.

~~Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains, may apply in the Searsport Avenue Commercial District. See the shoreland maps and FIRM flood maps.~~

**Sec. 102-800.5 Dimensional and density standards. Section repealed by Council on ---
(Insert date of Council action) ---.**

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

(a) ~~Minimum lot size and minimum frontage requirements-Residential uses.~~

- ~~(1) Any lot created on or after August 19, 2001, that is connected to City sewer and that is used for a single-family 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.~~
- ~~(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.~~
- ~~(3) Any lot created on or after August 19, 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.~~
- ~~(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 or two-family residential use, subject to the provisions of the state plumbing code for subsurface wastewater disposal.~~
- ~~(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.~~
- ~~(6) A lot that does not comply with any one or all standards identified in subsection (5), 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.~~

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

- ~~(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) Minimum setback requirements.~~

~~(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.~~

~~(2) The minimum setback requirements for a multifamily 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.~~

~~(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).~~

~~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.~~

~~(4) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, code enforcement officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the minimum amount of setback required. The code enforcement officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

~~(d) Structure height. The maximum 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.~~

~~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) Density standard. The following density standards shall apply to all residential uses in the Searsport Avenue Commercial District. These density standards are subject to modification in accordance with the planned unit development requirements identified in subsection (f).~~

<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
Multifamily	Three units in one structure per 21,780 square feet and an additional 7,260 square feet for each additional unit

<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 40,000 square feet
Multifamily	Prohibited as a new use after August 19, 2001.

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

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

<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 15,000 square feet

~~Multifamily~~

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

Type of Use

Subsurface Wastewater Disposal

~~Single-family~~

~~One unit in one structure per 20,000 square feet~~

~~Two-family~~

~~One unit in one structure per 30,000 square feet~~

~~Multi-family~~

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

Sec. 102-798.2 Dimensional and density standards for residential uses and structures in the Searsport Avenue Commercial district.

- (a) The Searsport Avenue Commercial zoning district was established on August 19, 2001. Any property or structure used for residential purposes that is 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, and they do not comply with current requirements, shall be considered nonconforming lots of record and 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, and do not satisfy all current dimensional requirements, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.
- (b) Minimum lot size and minimum frontage requirements for residential uses, are as follows:
 - (1) Minimum lot size and lot frontage requirements for a property connected to public sewer.

<u>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

- (2) Minimum lot size and lot frontage requirements for a property that uses a subsurface wastewater disposal system for managing wastewater.

<u>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

(3) 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 (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. The total amount of lot frontage, however, must only satisfy the minimum amount of lot frontage required for the most intensive use on the property.

(c) Minimum structure setback requirements for residential structures.

(1) The setback requirements identified in the following table shall apply to the following types of residential structures and accessory structures to said residential structures.

<u>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 Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

(2) 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.

- (3) 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, 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 location of the property line and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.

(d) Structure height for residential structures..

The maximum structure height for the following types of residential structures and accessory structures to said residential structures shall comply with the standards identified in the following table.

<u>Type of Structure</u>	<u>Maximum Height</u>
Single Family	38 ft
Two Family	38 ft
Single Family with Detached Accessory Dwelling Unit	38 ft
Multi-Family	45 ft

(e) Density standard.

- (1) The following density standards shall apply to all residential uses in the Searsport Avenue Commercial District that are connected to public sewer. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft
Two Family	Two units in one structure per 15,000 sq. ft.

Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

(2) The following density standards shall apply to all residential uses in the Searsport Avenue Commercial District that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 30,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi-Family	Four units per 43,560 net square feet and an additional 10,890 net square feet for each additional unit

(f) Residential planned unit development and cluster housing development.

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

(1) A residential planned unit development or cluster housing development that is connected to public sewer in the Searsport Avenue Commercial zoning district shall comply with the following density standards.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft.
Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

- (2) A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Searsport Avenue Commercial district shall comply with the following density standards.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft.
Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.
Multi-Family	Four units per 43,560 net square feet and an additional 7,500 net square feet for each additional unit

Sec. 102-799.4. Dimensional standards for nonresidential uses and structures in the Searsport Avenue Commercial 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 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, and the respective residential lot size standards identified in Section 102-799.2(b), and the respective density standards identified in Section 102-799.2(e) or (f), for each type of residential use that is on the property.

(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 102-798.25(2), or a shopping center pursuant to Section 102-798.25(4), 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 102-798.25(c)(3).

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

- 1) 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.

- 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 102-798.25(2) or a shopping center pursuant to Section 102-798.25(4), shall be determined in accordance with the floating zone, Section 102-1382, and contract rezoning process, Section 102-1383 et seq.

Sec. 102-~~800.7-799.6~~ Performance standards.

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

All residential uses in the Searsport Avenue Commercial 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 ~~D~~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.~~

- (c) **Shoreland zoning and floodplain regulations.**

Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Searsport Avenue Commercial district; reference the adopted Shoreland map and the adopted FIRM Flood maps.