

**CITY OF BELFAST COUNCIL
SECOND READING AND PUBLIC HEARING
PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 3. GENERAL PURPOSE-B ZONING DISTRICT
AUGUST 3, 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 Second Reading and Public Hearing at the August 3, 2021 City Council meeting. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments. The Council conducted the First Reading of the proposed amendments at its meeting of July 6, 2021.
- 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, August 3 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 **e**Chapter 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 **e**Chapter 90, **Site Plan**, no matter what the size of the non-vegetated area), commercial piggeries, and commercial poultry raising.
- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) **Residential P**lanned unit development and cluster housing development.
- (7) Congregate residential retirement housing.
- (8) Health **services care** offices and professional offices.
- (9) Health care facilities.
- (10) 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 **e**Chapter 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>
--------------------------	-----------------------

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.
---------------------	--

(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).