

DOCUMENT 3-A

**CITY OF BELFAST COUNCIL
SECOND READING & PUBLIC HEARING ON APRIL 5, 2022
ADOPTED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
DIVISION 16, OUTSIDE RURAL ZONING DISTRICTS**

NOTE TO DEPARTMENT STAFF:

This document identifies the final language for the amendments to Chapter 102, Zoning, Article V, District Regulations, Division 16, Outside Rural Districts, that was adopted by the Belfast City Council at its meeting of April 5, 2022.

The amendments to Chapter 102, Zoning, that resulted in the establishment of Division 16, Outside Rural Districts, includes 4 separate documents. The documents include:

- Document 3A - This document. This document includes the Footnotes that apply to the Use Table (Doc 3B) and the Dimensional Standards Table 9 (Doc 3C).
- Document 3B - The Table of Uses that is Section 102-624 of Document 3A, above.
- Document 3C - The Dimensional Standards Table that is Section 102-633 of Document 3A, above.
- Document 3D - Is a map that is identified in the Dimensional Standards Table that identifies front structure setback requirements for the Residential 5 zoning district. .

**TEXT OF ADOPTED AMENDMENTS
FOR THE SECOND READING AND PUBLIC HEARING
CITY CODE OF ORDINANCES**

CHAPTER 102, ZONING

ARTICLE V, DISTRICT REGULATIONS

DIVISION 16. OUTSIDE RURAL ZONING DISTRICTS

Sec. 102-621. Council adoption of Outside Rural Zoning District Regulations.

The City Council, at its meeting of April 5, 2022, adopted the District Regulations for the following zoning districts identified in this Division: Residential-4 (Res-4), Residential-5 (Res-

5), Route 3 Rural (Rte 3-R), Swan Lake Avenue Mixed Use (SLAMU), Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), Residential 6 (Res-6), and certain Special Use Areas (SUA) that are located in the Outside Rural-1 and Outside Rural-2 zoning districts. The location of the above districts are identified on the Official City Zoning Map, as such was amended on April 5, 2022, and the boundaries of these same districts are described in Article IV, Description of Districts, in this Chapter. The Council, in adopting the regulations for the above zoning districts, concurrently repealed the standards for the following Zoning Districts identified in Article V of this Chapter: Division 2, General Purpose-A (GP-A), Division 4, Residential Agricultural I (RA-I), Division 5, Residential Agricultural II (RA-II), Division 20, Protection Rural (PR), Division 20.5, Protection Rural-2 (PR-2), Division 22, Residential Growth, and Division 26, Route 141 and Mill Lane Commercial. The Council also adopted amendments to the standards or district boundaries for the following zoning districts identified in Article V: Division 7, Residential II, Division 21, Airport Growth, Division 27, Route 137 Commercial, and Division 29, Searsport Avenue Commercial.

Sec. 102-622. Standards that apply to the Outside Rural zoning districts.

- a) City Code of Ordinances, Subpart B, Land Use Regulations that apply to the Outside Rural zoning districts.
 - 1) Chapter 66, General Provisions. This Chapter identifies the definitions for terms used in the City Code of Ordinances, Subpart B, Land Use Regulations.
 - 2) Chapter 74, Buildings and Building Regulations. This Chapter identifies requirements of the City Building Code that apply to the construction of buildings that are permitted in Division 16.
 - 3) Chapter 78, Floods. Provisions of Chapter 78, Floods, may apply to properties located in the zoning districts identified in this Division. Properties subject to requirements of Chapter 78 are identified on the Official Flood Insurance Rate Maps (FIRM) adopted by the City.
 - 4) Chapter 82, Shoreland. Provisions of Chapter 82, Shoreland, may apply to properties located in the zoning districts identified in this Division. The adopted Official City Shoreland Zoning Map in Chapter 82 identifies properties that are subject to Chapter 82 requirements.
 - 5) Chapter 86, Signs. The provisions of Chapter 86, Signs, apply to any person who proposes to install a sign on any property in any zoning district located in any Outside Rural zoning district.
 - 6) Chapter 90, Site Plan. The provisions of Chapter 90, Site Plan, apply to any use in any Outside Rural zoning district that requires a Site Plan permit.

- 7) Chapter 94, Subdivisions (Ordinance provisions not codified). The provisions of Chapter 94, Subdivisions, apply to any use or property in any Outside Rural zoning district that qualifies as a subdivision.
- 8) Chapter 98, Technical Standards. The provisions of the Chapter 98, Technical Standards, apply to all new or expanded development of any use in any Outside Rural zoning district.
- 9) Chapter 102, Zoning. Applicable provisions of Chapter 102, Zoning, apply to all new or expanded development of any use or property in any Outside Rural zoning district.

b) Nonconforming Uses of Record.

A use located in any of the Outside Rural zoning districts that existed prior to April 5, 2022, (date of adoption of Division 16, Outside Rural amendments) that is rendered nonconforming by the adoption of the Table of Uses in this Division shall be considered a legally established nonconforming use of record. A legally established nonconforming use of record may continue and may expand, subject to compliance with the standards in this Division, the standards in Article III, Nonconformance in this Chapter, and other applicable requirements in the City Code of Ordinances.

c) Prohibited uses.

Only those uses specifically listed in the Section 102-624, Table of Uses, as a permitted use requiring Code Enforcement Officer review or a permitted use requiring Planning Board review are allowed in any Outside Rural zoning district identified in Division 16. All other uses are prohibited.

Sec. 102-623. Introduction to Table of Uses.

The Table of Uses in this Division, reference Section 102-624, identifies uses that are permitted in the following zoning districts for the Outside Rural area as such are shown on the Official City Zoning Map: Residential-4 (Res-4), Residential-5 (Res-5), Route 3 Rural (Rte 3-R), Swan Lake Avenue Mixed Use (SLAMU), Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), Residential-6 (Res-6), and certain Special Use Areas (SUA) that are located in the Outside Rural-1 or Outside Rural-2 zoning districts. Section 102-625 identifies Footnotes to the Use Table. The Footnotes, as such are described in Section 102-625, identify additional requirements that apply to certain uses identified in the Use Table. Footnotes are identified in the Table of Uses by the following designation: * [letter].

Section 102-626, Special Use Areas (SUA), identifies certain properties located in the Outside Rural-1 or Outside Rural-2 zoning districts that the City has determined qualify to be used for certain potential additional uses compared to the underlying zoning district in which the properties are located. The identified properties were selected for designation as a Special Use Area (SUA) primarily because of the current or past use of the respective properties, and said uses not being a permitted use in the entirety of the respective zoning district.

Sec. 102-624. Table of Uses for Outside Rural zoning districts.

(Reference Attached Table of Uses - Document 3B)

Sec. 102-625. Footnotes to Use Table for Outside Rural zoning districts.

The Footnotes in Sec 102-625 apply to the Use Table for the Outside Rural area; reference Sec 102-624, Table of Uses. The Footnotes identify specific provisions that apply to certain uses identified in the Use Table, and are intended to make persons aware of said provisions. The respective Footnotes, however, do not identify all Ordinance standards that may apply to a specific use, and all persons must review all provisions in the City Code of Ordinances to determine the applicability of other requirements. The Footnotes appear next to the information that is subject to the Footnote, and are shown in the Use Table as follows: *[letter].

- *[a] Reference performance standards for an accessory dwelling unit in a detached structure. Chapter 102, Zoning, Article IX, Performance Standards, Division 6, Supplemental Performance Standards for an Accessory Dwelling Unit in a Detached Structure.
- *[b] Footnote *[b] references density standards that apply to a Dwelling, Flex Housing project that are identified in the Dimensional Standards Table (Section 102-633) for each respective zoning district. The density standard establishes a formula based on the size (area) of the lot (as calculated based on net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system, to identify the amount and type of housing development that can occur on a property. In all cases, the maximum number of dwelling units that can be located in any single structure in a flex housing project is four dwelling units. Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project, identifies the process for Board review of a Flex Housing project, and all Flex Housing projects must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project. Certain Flex Housing projects are also subject to Planning Board review pursuant to the Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing Development standards. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.
- *[c] Also reference performance standards for multi-family housing; Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project.
- *[d] Multi-family housing is limited to the construction of tri-plex (3 units in 1 structure) or four-plex (4 units in 1 structure) structures. The density standards for Dwelling, Multi-family that use a subsurface system to manage wastewater are identified in the Dwelling,

Flex Housing standard; reference lot size and density standards in the Dimensional Standards Table in this Division for the respective Outside Rural zoning district.

- *[e] Multi-family housing shall be considered a distinct and separate use from Flex Housing. Multi-family housing shall be regulated pursuant to the density standards in the Dimensional Standards Table for each respective zoning district, and other provisions in the City Code of Ordinances that apply to a Multi-family housing project. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.
- *[f] Reference Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing Development, Division 1, Residential Planned Unit Development and Cluster Housing Development and Nonresidential Planned Unit Development.
- *[g] Flexibility is permitted regarding the types of Multi-family housing and Flex Housing that can be constructed in a residential Planned Unit Development or Cluster Housing Development. Reference the density standards in the Dimensional Standards Table for each respective zoning district, and reference standards in Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing Development, Division 1, Residential Planned Unit Development and Cluster Housing Development and Nonresidential Planned Unit Development.
- *[h] Reference Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing Development, Division 2, Rural Affordable Housing Communities. A maximum of 4 dwelling units is permitted in any single structure located in a Rural Affordable Housing Planned Unit Development.
- *[i] A manufactured housing community must comply with standards identified in Chapter 102, Article VIII, Supplemental District Regulations, Division 4, Manufactured Housing Communities, and other applicable requirements in the City Code of Ordinances.
- *[j] Residential development in the upper stories of a structure is permitted if the amount of development complies with density standards identified in the Dimensional Standards Table in this Division for a respective zoning district.
- *[k] Reference the Division (YTBD), Performance Standards for Home Occupations, identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations.
- *[l] Reference standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments.
- *[m] The maximum size of a professional office or health care office shall be as follows in the following zoning districts. If footnote *[m] is not identified for a district in which a professional office or health care office is permitted, there is no maximum size limit on the size of a professional office or health care office building.

- 1) In the Outside Rural-1 and Outside Rural-2 zoning districts, a professional office or health care office can be a maximum of 2,000 square feet in size.
- 2) In the Route 3 Rural, Residential 4, and Swan Lake Avenue Mixed Use District, a professional office or health care office can be a maximum of 4,000 square feet in size.

Notwithstanding the above, if a professional office is located in a building that is used for multiple uses (a shopping center), and there is a limit on the size of a structure in which said uses are located, this standard could affect the total amount of professional office or health care office space that can be developed in that building, and in some cases, on that property. Reference footnote *[o] below that establishes certain limits on the maximum size of a building in a shopping center occupied by multiple uses in certain zoning districts.

*[n] The maximum size of a retail use shall be as follows in the following identified zoning districts. If Footnote *[n] is not identified for a district in which a retail store is a permitted use, there is no maximum size limit on the size of a building in which a retail use is located.

- 1) In the Swan Lake Avenue Mixed Use zoning district, a retail use can have a maximum total floor sales area of 4,000 square feet, and an additional 4,000 square feet of warehouse/storage area in any single structure. This amount of retail development is the maximum amount of retail use that can occur on a property that satisfies the minimum lot size requirement for a nonresidential use.

Notwithstanding the above, if a retail use is located in a building that is used for multiple uses (a shopping center), and there is a limit on the size of a structure in which such uses are located, this requirement could affect the total amount of space for a retail use that can be developed in that building, and in some cases, on that property. Reference footnote *[o] below that establishes certain limits on the maximum size of a building (a shopping center) occupied by multiple uses in certain zoning districts.

*[o] The maximum size of a shopping center shall be as follows in the following identified zoning districts. If Footnote *[o] is not identified for a district in which a shopping center is a permitted use, there is no maximum size limit on the size of a building in which a retail use is located.

- 1) No zoning districts in the Outside Rural area allow a shopping center.

*[p] The maximum size of a personal services business shall be as follows in the following zoning districts. If footnote *[p] is not identified for a district in which a personal service business is permitted, there is no maximum size limit on the size of a building in which personal services are offered.

- 1) In the Outside Rural-1 and Outside Rural-2 zoning districts, a personal service business can be a maximum of 2,000 square feet in size.
- 2) In the Route 3 Rural, Residential 4, and Swan Lake Avenue Mixed Use District, a personal service business can be a maximum of 4,000 square feet in size.

Notwithstanding the above, if a personal service is located in a building (a shopping center) that is used for multiple uses, and there is a limit on the size of a structure in which such uses are located, this requirement could affect the total amount of space for personal services that can be developed in that building, and in some cases, on that property. Reference footnote *[o] that establishes certain limits on the maximum size of a building occupied by multiple uses in certain zoning districts.

- *[q] The maximum size of a convenience store shall be as follows in the following zoning districts. If footnote *[q] is not identified for a district in which a convenience store is permitted, there is no maximum size limit on the size of a building in which a convenience store is located.
- 1) In the Swan Lake Avenue Mixed Use zoning district, a convenience store can be a maximum of 4,000 square feet in size.
- *[r] The maximum size of all storage/warehouse buildings on a property shall be as follows in the following zoning districts. If footnote *[r] is not identified for a district in which a storage/warehouse building(s) is permitted, there is no maximum size limit on the size of a storage/warehouse building.
- 1) In the Residential-4, Route 3 Rural, Swan Lake Avenue Mixed Use, Outside Rural-1, and Outside Rural-2 zoning districts, the total size of all storage/warehouse buildings on a property shall not exceed 8,000 square feet (for each 2 acres of lot size), and the property on which a storage/warehouse facility is located shall be a minimum of 2 acres in size.
- *[s] The maximum size of a light manufacturing facility on a property shall be as follows in the following zoning districts. If footnote *[s] is not identified for a district in which a light manufacturing facility is a permitted use, there is no maximum size limit on the size of a light manufacturing facility.
- 1) In the Route 3 Rural, Swan Lake Avenue Mixed Use, Outside Rural-1, and Outside Rural-2 zoning districts, a light manufacturing facility is limited to 4,000 square feet of active manufacturing use, and an additional 4,000 square feet of interior storage space. No exterior storage of materials is allowed.
- *[t] The maximum size of a manufacturing, processing, or industrial facility, including one that allows accessory retail sales, shall be as follows in the following identified zoning districts. If Footnote *[t] is not identified for a district in which a manufacturing, processing, or industrial facility is a permitted use, there is no maximum size limit on the size of a building in which said use can be located.
- 1) No zoning districts in the Outside Rural area allow a manufacturing, processing, or industrial facility.
- *[u] A property that is used for contractor operations, including the interior or exterior storage of construction equipment and materials by a construction contractor shall be a minimum of 1 acre in size. The exterior storage area may be located on the same property as one or more dwelling units.

- *[v] A property that is used for an Animal Kennel, Class 1, or an Animal Kennel, Class 2, shall be a minimum of 2 acres in size, regardless of the zoning district in which it is located, and all facilities used for boarding animals shall be located a minimum of 100 feet from any side or rear property line. An Animal Kennel, Class 1, or an Animal Kennel, Class 2, that was permitted by the City prior to the adoption of the Division 16, Outside Rural Zoning District standards, (Division 16 adopted on April 5, 2022), that does not comply with the 2 acre minimum lot size or 100 foot structure setback requirement, may continue, and an existing structure that is used for animal kennel operations may expand, provided that none of the expansion is located closer to the property line than the existing nonconforming structure. All new structures constructed after April 5, 2022 ((Division 16 adopted on April 5, 2022) used for animal kennel operations shall comply with applicable structure setback requirements.
- *[w] Any business that sells and dispenses fuel shall be limited to a maximum of 4 fuel dispensers (pumps) on the property.
- *[x] Reference the Performance Standards for Campgrounds and Recreational Vehicle (RV) Parks identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD).
- *[y] A property that is used for commercial boat building, retrofitting, storage, and/or repair shall be a minimum of 2 acres in size. This standard applies to any property that initially applies for a permit to perform any of the above activities after April 5, 2022 (date of adoption of the Division 16 standards). A property that was used for boat building, retrofitting, storage, and/or repair prior to April 5, 2022 (date of adoption of Division 16 standards), that does not comply with this lot size requirement, may continue, and existing structures that were used for the above activities may expand, provided that any structure expansion complies with structure setback requirements identified in Division 16, and applicable performance standards in Chapter 102.
- *[z] A quasi-public or non-municipal use that qualifies as a Minor or Major Site Plan Development shall require review by the Planning Board. Other quasi-public or non-municipal facilities and uses shall require a permit from the CEO.
- *[aa] A fill, loam, sand, and gravel extraction operation shall require review by the Planning Board pursuant to the provisions of Chapter 90, Site Plan, regardless of the size of the non-vegetated area. The Board, in its review, shall consider applicable Department of Environmental Protection (DEP) regulations for such operations; reference Title 38, Chapter 3: Protection and Improvement of Waters, Subchapter 1, Environmental Protection Board, Article 7, Performance Standards for Excavations of Borrow, Clay, Topsoil or Silt, and Article 8-A, Performance Standards for Quarries. The Board, in its review, may apply the DEP regulations, as its deems appropriate, to adopt City Permit conditions for the operation.

- *[bb] An outdoor theater or event facility that is permitted as an accessory use to a residential use or an agricultural use is limited to a maximum of 100 seats or guests and a maximum of 8 events per year, and no more than 2 events in any single month. This use is subject to review by the Planning Board and compliance with specific performance standards in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD), Performance Standards for Event Facilities and Outdoor Theaters.

- *[cc] A Medical Marijuana facility or operation must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 8, Medical Marijuana Regulations.

- *[dd] An Adult Use Marijuana facility or operation must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 10, Adult Use Marijuana Regulations.

- *[ee] A Solar Energy System must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 9, Solar Energy Systems.

- *[ff] A Telecommunications Facility must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunications Facilities.

- *[gg] Power Substations and Generator Facilities shall be subject to review pursuant to Chapter 90, Site Plan, and the performance standards that may apply to a specific zoning district.

- *[hh] An application for a Significant Groundwater Well must comply with Ordinance requirements identified in Article VIII, Supplementary District Regulations, Division 7, Significant Groundwater Well Permit, and Article IX, Performance Standards, Division 2, Environmental Standards, Section 102-1137, Significant Groundwater Well, in this Chapter.

- *[ii] An application for a Significant Water Intake or a Significant Water Discharge/Outfall Pipe must comply with the Article IX, Performance Standards, Division 2, Environmental Standards, Sec 102-1138, Significant Water Intake or Significant Water Discharge/Outfall Pipe in this Chapter.

- *[jj] The Outside Rural 1 and Outside Rural 2 zoning districts identify the establishment of Special Use Areas for certain properties; reference Section 102-626, Special Use Areas, Outside Rural-1 and Outside Rural-2 zoning districts in this Division (Division 16, Outside Rural areas).

- *[kk] In the Residential 5 zoning district, multi-family housing and flex housing is permitted in the section of the district located on the northerly side of Robbins Road, and is prohibited in the section of the district located on the southerly side of Robbins Road. In addition, density and lot size requirements identified in Chapter

82, Shoreland, may affect the opportunity for certain properties on the northerly side of Robbins Road to construct multi-family housing or flex housing.

*[ll] Reserved for this Division.

*[mm] Reserved for this Division.

*[nn] Reserved for this Division.

*[oo] Bituminous asphalt plants are limited to plants that existed as of (insert date), the date of Council adoption of the Division 16 standards, subject to the operation being in compliance with all Site Plan and/or Use Permit standards adopted by the City.

*[pp] Notwithstanding the standard in Use # 287 that prohibits a fill, loam, sand, and gravel extraction operation from the removal of bedrock material through blasting or any other mechanical means, or the crushing or further processing of such bedrock material, an operation that received a permit from the City prior to April 1, 2022 to conduct activities that involved the removal of bedrock material through blasting or any other mechanical means, and the crushing or processing of such bedrock material, may continue as a nonconforming use of record, provided the operation is in compliance with permit conditions established in City permits.

*[qq] A junkyard, including an auto graveyard, is a permitted use only the property that is designated as a Special Use Area 2 property; reference Section 102-626 of this Division. A junkyard is subject to review by the Planning Board and compliance with specific performance standards in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD), Performance Standards for Junkyards.

*[rr] Notwithstanding the prohibition on motor vehicle, snowmobile, utility-terrain vehicle (UTV) and all-terrain vehicle (ATV) and similar repair businesses (Use # 78) in the Residential 5 zoning district, the property identified as Map 18, Lot 9, has been used for auto repair for many years prior to adoption of the Division 16 standards. The existing use shall be considered a legally established nonconforming use and the property may continue to be used for activities identified in Use # 78. Existing structures on the property may be expanded for activities allowed in Use # 78, provided any structure expansion complies with structure setback requirements for the Residential 5 zoning district. The continuation of this legally established nonconforming use of record shall be subject to requirements of Article III, Nonconformance of this Chapter.

*[ss] Reserved in this Division.

*[tt] Lumber Yards and Building Supply Stores. The size of a lumber yard and building supply retail store is subject to the following restrictions regarding the total size of the operation on the property in the following respective zoning districts.

(1) None of the Division 16, Outside Rural districts, allow a lumber yard and building supply store.

*[uu] A motor vehicle, snowmobile, utility terrain vehicle (UTV), all-terrain vehicle (ATV) vehicle, and similar repair business shall be allowed to display the following number of vehicles on the property as an accessory use to the repair business in the following respective zoning districts in which this use is a permitted activity:

- (1) In the Residential-4, Route 3 Rural, Swan Lake Avenue Mixed Use, Outside Rural-1, and Outside Rural-2 districts, a repair business may display a maximum of 6 vehicles for sale on the property at any point in time.

Sec. 102-626 Special Use Areas, Outside Rural-1 and Outside Rural-2 zoning districts.

Section 102-626, Special Use Areas (SUA), identifies certain properties located in the Outside Rural-1 or Outside Rural-2 zoning districts that the City has determined qualify to be used for certain potential additional uses compared to the underlying zoning district in which the properties are located. The identified properties were selected for designation as a Special Use Area (SUA) primarily because of the current or past use of the respective properties, and said uses not being a permitted use through-out the entirety of the respective zoning district.

a) Special Use Area 1

Section 102-624, Table of Uses, identifies the Uses allowed in the Outside Rural-1 and Outside Rural-2 zoning districts, and Section 102-632, Dimensional Tables, identifies the Dimensional Standards that apply to properties, structures and uses in these respective zoning districts. The City hereby designates the following properties located in either the Outside Rural-1 (OR-1) zoning district or the Outside Rural-2 (OR-2) zoning district as a 'Special Use Area 1 (SUA-1)'. This designation allows the respective property to be used for any permitted use identified in the Section 102-624, Table of Uses, for the respective zoning district in which such is located (either OR-1 or OR-2), provided the use complies with applicable City standards, and to be used for any of the following additional uses that are identified as a Prohibited Use (NO) in the Table of Uses, again, subject to compliance with applicable City standards.

A property owner must obtain a permit from the Planning Board to conduct any of the following uses on the property, to expand an existing use on the property that is identified in this list of uses, or to change from an existing use identified in this list of uses to a different use identified on this list. The additional uses (reference Section 102-624, Table of Uses), that apply to the 'Special Use Area 1' designation are as follows:

- 70) Retail store, limited scale. Per Footnote *[n], a Retail store that has a maximum of 4,000 square feet of active floor sales and 4,000 sq. ft. of storage area (all structures on property).
- 76) Convenience store. Per Footnote *[q], a Convenience Store up to 4,000 sq. ft in size, and per Footnote *[w], a maximum of 4 fuel dispensers (pumps) on-site.
- 77) Redemption centers for beverage containers.
- 79) Motor vehicle fuel sales, subject to footnote *[p], maximum of 4 fuel dispensers (pumps) on-site.

- 84) Laundromat
- 115) Restaurant with indoor seating
- 116) Restaurant with outdoor seating
- 117) Restaurant, take-out
- 119) Restaurant, ice cream stand
- 148) Research laboratory

The properties in the Outside Rural 1 zoning district that have 'Special Use Area 1' (SUA-1) designation include the following:

1. Map 6, Lot 87A, 181 Waterville Road, that City records identify as being about 2.74 acres in size.
2. Map 6, Lot 87B, 177 Waterville Road, that City records identify as being about 1 acre in size.
3. Map 6, Lot 87C, 177 Waterville Road, that City records identify as being about 6.23 acres in size.
4. Map 6, Lot 9A, 79 Waterville Road, that City records identify as being about 3.52 acres in size.
5. Map 6, Lot 9D, 85 Waterville Road, that City records identify as being about 4.18 acres in size.
6. Map 7, Lot 2, 51 Back Searsport Road, that City records identify as being about 80.58 acres in size.

The properties in the Outside Rural 2 zoning district that have 'Special Use Area 1' (SUA-1) designation include the following:

1. Map 1, Lot 72, 6 Back Belmont Road, that City records identify as being about 2.07 acres in size.

b) Special Use Area 2

Section 102-624, Table of Uses, identifies the Uses allowed in the Outside Rural-1 and Outside Rural-2 zoning districts, and Section 102-632, Dimensional Tables, identifies the Dimensional Standards that apply to properties, structures and uses in these respective zoning districts. The City hereby designates the following properties located in the Outside Rural-1 (OR-1) zoning district as a 'Special Use Area 2 (SUA-2)'. This designation allows the respective property to be used for any permitted use identified in the Section 102-624, Table of Uses, for the Outside Rural-1 zoning district, provided the use complies with applicable City standards, and to be used for the following additional uses that are identified as a Prohibited Use (NO) in the Table of Uses, again, subject to compliance with applicable City standards.

A property owner must obtain a permit from the Planning Board to conduct any of the following uses on the property, or to expand an existing use on the property that is identified in this list of uses. The additional uses (reference Section 102.624, Table of Uses) that apply to the 'Special Use Area 2' (SUA-2) designation are as follows:

- 292) Junkyards, including auto graveyards

The properties in the Outside Rural 1 zoning district that have 'Special Use Area 2' designation include the following:

1. Map 1, Lot 18, 50 Back Belmont Road, that City records identify as being about .46 acres in size.
2. Map 1, Lot 61, 46 Back Belmont Road, that City records identify as being about 1.34 acres in size.
3. A portion of Map 1, Lot 15-B, 52 Back Belmont Road, that City records identify as being about 34.14 acres in size. The portion of this property that is subject to 'Special Use Area 2' designation is about 418 feet in width, and is conterminous with the rear property lines of Map 1, Lot 18, and Map 1, 61, and is about 400 feet in depth from the rear property lines to the above two properties. This area is about 167,200 square feet (3.838 acres) in size and the lay-out and location of this area is generally depicted on the Official City Zoning Map.

Secs. 627 - 630. Reserved.

Sec. 102-631. Introduction to Dimensional Standards and Dimensional Standards Table.

The Dimensional Standards Table in this Division, reference Section 102-633, identifies dimensional standards that apply to the following zoning districts for the Outside Rural area as such are shown on the Official City Zoning Map: Residential-4 (Res-4), Residential-5 (Res-5), Route 3 Rural (Rte 3-R), Swan Lake Avenue Mixed Use (SLAMU), Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), Residential-6, and certain Special Use Areas (SUA) that are located in the Outside Rural-1 and Outside Rural-2 zoning districts. Section 102-634 identifies Footnotes to the Dimensional Standards Table. The Footnotes identify additional requirements that apply to certain dimensional standards identified in the Dimensional Standards Table, and are more fully described in Section 102-634. Footnotes are identified in the Dimensional Standards Table by the following designation: * [letter].

Sec. 102-632. Standards that apply to Dimensional requirements in the Outside Rural area.

a) Applicability of dimensional standards.

Any property or structure established on or after April 5, 2022 (date of adoption of Division 16, Outside Rural amendments) shall comply with all applicable dimensional and density standards in this Division.

b) Nonconformance with dimensional standards.

- 1) Nonconforming lot of record. A lot that was created prior to April 5, 2022 (date of adoption of Division 16, Outside Rural amendments) that does not comply with minimum lot size or minimum lot frontage requirements identified in Sec 102-633, the Dimensional Standards Table, shall be considered a legally established nonconforming lot of record, and shall be considered a developable lot, subject to compliance with

standards in this Division, the Article III, Nonconformance provisions in this Chapter, applicable standards in the Code of Ordinances, and if the property uses a subsurface wastewater disposal system for managing wastewater, can obtain a subsurface wastewater disposal system permit.

- 2) Nonconformance with structure setbacks, lot coverage, or structure height requirements. A structure(s) that was legally constructed prior to April 5, 2022 (date of adoption of Division 16, Outside Rural amendments), that does not comply with any of the following Sec 102-633 (Dimensional Standards Table) requirements shall be considered a legally established nonconforming structure of record: one or more minimum structure setbacks, maximum lot coverage, or maximum structure height. A legally established nonconforming structure of record may remain and may be expanded, subject to compliance with standards in this Division, the Article III, Nonconformance provisions in this Chapter, and applicable standards in the Code of Ordinances.
- 3) Nonconformance with density standards. A property that was developed prior to April 5, 2022 (date of adoption of Division 16, Outside Rural amendments) that does not comply with density standards identified in Sec 102-633, the Dimensional Standards Table, shall be considered a legally established nonconforming use of record with respect to density standards. Such a use may continue and may expand, subject to compliance with the standards in this Division, the Article III, Nonconformance provisions in this Chapter, and applicable standards in the Code of Ordinances.

c) Multiple uses on single property.

- 1) If there are one or more types of residential uses on a lot (property), the total size (area) of the lot must be no less than the amount of area needed to satisfy the minimum lot size requirement in Sec 102-633, the Dimensional Standards Table, and if applicable, minimum Chapter 82, Shoreland requirements, for each of the respective residential uses on the lot. Further, the amount of residential use (density) on the lot must comply with residential density standards identified in Sec 102-633. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required in Sec 102-633 for the most intensive use on the property.
- 2) If there is a residential use and a nonresidential use (note: home occupations are considered a residential use) located on the same lot (property), the size of the lot must satisfy the combined minimum lot size requirement in Sec 102-633, the Dimensional Standards Table, for the respective residential use and the respective nonresidential use. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required in Sec 102-633 for the most intensive use on the property.

d) Determination of property lines and structure setbacks.

The applicant or property owner shall be responsible for verifying the dimensions of the property and that all required structure setbacks are met. All structure setbacks shall be measured from the respective property lines. The applicant, property owner, Code

Enforcement Officer, or Planning Board may use a property survey, property deed, a Maine Department of Transportation or City road layout or right-of-way, or similar information to assist in determining the location of property lines and the required minimum amount of structure setback. The Code Enforcement Officer or Planning Board shall have the authority to require an applicant or property owner to provide a survey to identify property lines and structure setback requirements if either deems that a survey is necessary to verify the applicant's or owner's representations and that City Ordinance standards are met.

Sec. 102-633. Dimensional Standards Table.

(Reference Attached Dimensional Standards Table - Document 3C)

Sec. 102-634. Footnotes to the Dimensional Standards Table.

The Footnotes in Sec. 102-634 apply to the Dimensional Standards Table for the Outside Rural area; reference Sec 102-633, Dimensional Standards Table. The Footnotes identify specific provisions that apply to certain dimensional requirements identified in the Dimensional Standards Table. The Footnotes appear next to the information that is subject to the Footnote, and are shown in the Dimensional Standards Table as follows: *[letter].

*[A] The minimum amount of lot size and lot frontage, if the lot has frontage on a road, identified for a respective zoning district, shall increase in accordance with the following table based on the amount of traffic generated by the use on the property:

- A.1 50 or less Vehicle Trips Per Peak Hour (VTPH). Minimum lot size and lot frontage identified in the Dimensional Table
- A.2 More than 51 VTPH, but less than 100 VTPH. Property must satisfy the minimum lot size, and, the amount of lot frontage must increase by 15% more than the minimum amount of lot frontage identified in the Dimensional Table.
- A.3 More than 100 VTPH, but less than 200 VTPH. Size of property must be 25% greater than the minimum lot size, and the amount of lot frontage must increase by 25% more than the minimum amount of lot frontage identified in the Dimensional Table.
- A.4 More than 200 VTPH, but less than 300 VTPH. Size of property must be 50% greater than the minimum lot size, and the amount of lot frontage must increase by 50% more than the amount of lot frontage identified in the Dimensional Table.
- A.5 More than 300 VTPH. Size of property and amount of lot frontage must be 100% greater than the minimum lot size and minimum lot frontage identified in the Dimensional Table.

*[B] The amount of front setback for structures in the Residential 5 zoning district shall comply with the setback standards identified in the map entitled 'Residential 5 Zoning District, Front Setback Map', that is included in Sec. 102-633, Dimensional Standards Table, Subsection 3a., Footnote *[B].

- *[C] The amount of structure setback identified in the Dimensional Standards Table for the respective zoning district shall apply to structures constructed after April 5, 2022 (date of adoption of Division 16, Outside Rural amendments). Structures constructed prior to April 5, 2022 (date of adoption of Division 16, Outside Rural amendments) shall, at a minimum, comply with the following standards: front setback - 30 feet, side setback - 15 feet, and rear setback - 15 feet. Also reference Sec. 102-632, 2)b).
- *[D] The limit on the maximum number of dwelling units that can be constructed in a single multi-family housing structure in either the Residential 4 or Swan Lake Avenue Mixed Use zoning district zoning is 30, and the maximum number of bedrooms in a structure is 60, regardless is a property is connected to public sewer or uses a subsurface system to manage wastewater.
- *[E] Reserved.
- *[F] A property that is proposed to be developed as a single family residence with a detached accessory dwelling unit must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 6, Supplemental Performance Standards for an Accessory Dwelling Unit in a Detached Structure.
- *[G] A property that is proposed to be developed as a multi-family dwelling structure or a flex housing project must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Multi-family housing and Flex Housing. Said standards shall apply to any structure in a flex housing project, even if the respective structure(s) has less than three units.
- *[H] Reserved.
- *[I] A property that is proposed to be developed for a nonresidential use after April 5, 2022 (date of adoption of Division 16, Outside Rural amendments) must satisfy the minimum lot size and minimum lot frontage requirement specified in the Dimensional Standards Table. A property that was developed for a nonresidential use on or before April 5, 2022 (date of adoption of Division 16, Outside Rural amendments) that does not satisfy either or both the minimum lot size and minimum lot frontage requirement for the respective zoning district shall be considered a legally established use that is located on a nonconforming lot of record.
- *[J] Dwelling, Flex housing, Residential 4, Residential 5 (Northerly side of Robbins Road only), and the Swan Lake Avenue Mixed Use zoning districts, if property is connected to public sewer.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage),

the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of proposed development involves the construction of 9 or more dwelling units and/or 6 or more dwelling structures, the Flex Housing project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than 5 acres. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Residential 4, Residential 5 (Northerly side of Robbins Road Only) and Swan Lake Avenue Mixed Use zoning districts for the Flex Housing approach if the property is connected to public sewer. -

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
21,780 SF (.5 Net Acre)	4	3
32,670 SF (.75 Net Acre)	6	4
43,560 SF (1 Net Acre)	8	5
54,450 SF (1.25 Net Acre)	10	6
65,340 SF (1.5 Net Acre)	12	7

If a proposed Flex Housing project involves the development of a property that is greater than 1.5 Net Acres in Size, and the development of 13 or more dwelling units and/or 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each

increment of .25 Net acres. However, in no case may a single structure have more than 4 dwelling units.

*[K] Residential, Flex housing, Route 3 Rural, Outside Rural 1, Outside Rural 2 zoning districts, if the property is connected to public sewer.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of proposed development involves the construction of 9 or more dwelling units and/or 6 or more dwelling structures, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than 5 acres. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Route 3 Rural, Outside Rural 1, and Outside Rural 2 zoning districts for the Flex Housing approach if the property is connected to public sewer.

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
65,340 SF (1.5 Net Acre)	4	3
87,120 SF (2 Net Acre)	6	4
108,900 SF (2.5 Net Acre)	8	5
130,680 SF (3 Net Acre)	10	6

152,460 SF (3.5 Net Acre)	12	7
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If a proposed Flex Housing project involves the development of a property that is greater than 3.5 Net Acres in Size, and the development of 13 or more dwelling units in 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of .5 Net acres. However, in no case shall a single structure have more than 4 dwelling units.

*[L] Residential, Flex housing, Residential 4 or Swan Lake Avenue Mixed Use zoning districts, if property uses a subsurface system to manage wastewater.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of development proposed involves the development of 9 or more dwelling units and/or 6 or more dwelling structures, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than 5 acres. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Residential 4 and Swan Lake Avenue Mixed Use zoning districts for the Flex Housing approach if the property uses a subsurface system to manage wastewater disposal.

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
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43,560 SF (1 Net Acre)	4	3
65,340 SF (1.5 Net Acre)	6	4
87,120 SF (2 Net Acre)	8	5
109,900 SF (2.5 Net Acre)	10	6
130,680 SF (3 Net Acre)	12	7

If a proposed Flex Housing project involves the development of a property that is greater than 3 Net Acres in Size, and the development of 13 or more dwelling units, in 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of .5 Net acres. However, in no case shall a single structure have more than 4 dwelling units.

*[M] Residential, Flex housing, Route 3 Rural, Outside Rural 1, Outside Rural 2 zoning districts, if the property uses a subsurface system to manage wastewater.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units will require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property will require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of proposed development involves the construction of 9 or more dwelling units and/or 6 or more dwelling structures, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than 5 acres. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts if the property uses a subsurface wastewater disposal system for managing wastewater.

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
87,120 SF (2 Net Acre)	4	3
108,900 SF (2.5 Net Acre)	6	4
130,680 SF (3 Net Acre)	8	5
152,460 SF (3.5 Net Acre)	10	6
174,240 SF (4 Net Acre)	12	7

If a proposed Flex Housing project involves the development of a property that is greater than 4 Net Acres in Size, and the development of 13 or more dwelling units or 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of .5 Net acres. However, in no case shall a single structure have more than 4 dwelling units.

Sec. 102-635 to 640. Reserved.