

# **DOCUMENT # 8**

**CITY OF BELFAST COUNCIL  
SECOND READING & PUBLIC HEARING  
ADOPTED AMENDMENTS  
CITY CODE OF ORDINANCES  
CHAPTER 102, ZONING  
ARTICLE V, DISTRICT REGULATIONS  
PROPOSAL TO REPEAL EXISTING ZONING DISTRICTS  
TUESDAY, APRIL 5, 2022 CITY COUNCIL MEETING**

## **NOTE TO DEPARTMENT STAFF**

I have not included the text of the current zoning districts that were repealed on April 5. That said, as of April 6, 2022, everyone should recognize that the following zoning districts have been repealed in their entirety. You should refer to the new zoning districts; reference Documents 3A, 3B, and 3C, and the zoning map included in Document 4.

- Division 2, General Purpose A.
- Division 4, Residential Agricultural I.
- Division 5, Residential Agricultural II.
- Division 20, Protection Rural.
- Division 20.5, Protection Rural-2.
- Division 22, Residential Growth.
- Division 26, Route 141 & Mill Lane Commercial.

## CHAPTER 102, ZONING

### ARTICLE V. DISTRICT REGULATIONS.

#### **DIVISION 2. General Purpose "A" District. The City Council, at its meeting of April 5, 2022, voted to repeal Division 2, General Purpose "A" District.**

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

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

~~[Ord. No. 28-1997, § 601.1, 3-4-1997]~~

- ~~(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.~~
- ~~(4) Home occupations (expanded definition).~~
- ~~(5) Agricultural uses, including the keeping of farm animals and pleasure animals, forestry and horticultural uses (also see 102-322(4) below).~~
- ~~(6) Recreational or community activities except those operated for profit.~~
- ~~(7) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council 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) Adult Use Cultivation Facility Tier 1~~

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

~~[Ord. No. 28-1997, § 601.2, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 21-2006, 2-7-2006; Ord. No. 32-2006, 3-21-2006; Amd. of 5-3-2006]~~

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

- ~~(1) Fill, loam, sand, and gravel extraction operations (subject to site review under the provisions of chapter 90, 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 chapter 90, no matter what the size of the nonvegetated area), commercial piggeries and commercial poultry raising.~~
- ~~(5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.~~

- ~~(6) Planned unit development and cluster housing development.~~
- ~~(7) Congregate residential retirement housing.~~
- ~~(8) Health services offices and professional offices.~~
- ~~(9) Health care facilities.~~
- ~~(10) Non-municipal public and quasipublic uses.~~
- ~~(11) Veterinarians and veterinary clinics and hospitals.~~
- ~~(12) Kennels for boarding of pets.~~
- ~~(13) Mobile home parks, which may be located only within a Manufactured Housing Overlay District.~~
- ~~(14) Boat storage for profit.~~
- ~~(15) Commercial structures and uses, including but not limited to funeral homes, small scale retail and wholesale business establishments, multifamily housing, hotels, motels, restaurants, motor vehicle sales and services, mobile home and equipment sales and services, small scale retail motor fuel and service establishments, shopping centers, drive-in theaters, warehouses, storage facilities, light industrial uses, marine-related activities, boat storage, office complexes, and crafts production.~~
- ~~(16) Expansion of facilities used for the spreading of septic sludge, provided such expansion is found to be in compliance with the provisions of chapter 90, pertaining to site plan review, and the site is used exclusively for properties located in the City, is approved by the City Council, and is in compliance with all state, federal and City laws, rules, regulations and codes.~~
- ~~(17) Shopping centers, provided the shopping center is an extension of a project in the Highway Commercial zone that needs up to an additional 1,000 feet in depth to allow for parking in front of the building.~~
- ~~(18) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(19) Telecommunications facilities and stealth telecommunications facilities, except in that portion of the General Purpose A zoning district that is located between Robbins Road to the northeast and the Passagassawakeag River to the southwest.~~
- ~~(23) Medical Marijuana manufacturing facilities.~~
- ~~(24) Medical Marijuana testing facilities.~~
- ~~(25) Solar Energy Systems, Large Scale, ground-mounted.~~
- ~~(26) Reserved.~~
- ~~(27) Reserved.~~
- ~~(28) Reserved.~~
- ~~(29) Reserved.~~
- ~~(30) Adult Use Cultivation Facility Tier 2.~~
- ~~(31) Adult Use Cultivation Facility Nursery.~~
- ~~(32) Adult Use Testing Facility.~~
- ~~(33) Adult Use Manufacturing Facility.~~

**~~Sec. 102-323 Applicability of shoreland zoning and floodplain regulations.~~**  
~~{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 "A" District. See the shoreland zoning maps and FIRM flood maps.~~

**Sec. 102-324 Standards.**

[Ord. No. 28 1997, § 601.4, 3-4-1997]

- (a) ~~The general standards of performance of article IX of this chapter shall be observed in the General Purpose "A" District.~~
- (b) ~~The following standards shall also apply:~~
  - (1) ~~Residential uses.~~
    - a. ~~Maximum residential density for one or two family dwelling structures is one dwelling structure per net acre.~~
    - b. ~~Maximum net residential density for one family dwelling structures with City sewer shall be one dwelling structure per one third acre.~~
    - c. ~~Maximum residential density for three or more family dwelling structures is three dwelling units per net acre.~~
    - d. ~~Minimum lot frontage is 100 feet.~~
    - e. ~~The minimum rear and side yard setback is 15 feet.~~
  - (2) ~~Commercial, industrial and other nonresidential uses.~~
    - a. ~~Minimum lot size is one net acre. A commercial or nonresidential use may be located on the same one net acre lot as a dwelling structure.~~
    - b. ~~Minimum lot frontage is 150 feet.~~
    - c. ~~The minimum rear and side yard setback is 20 feet.~~
  - (3) ~~Setback from, right of way. The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals 1/2 the right of way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet. Where the right-of-way width is unavailable or uncertain, the setback shall be 60 feet from the center of the traveled way.~~

**Sec. 102-325. Planned unit development and cluster housing development.**

[Ord. No. 28 1997, § 601.5, 3-4-1997]

~~In the case of planned unit development and cluster housing development in the General Purpose "A" District, the standards in section 102-324 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. 102-326 Prohibited uses.**

[Ord. No. 28 1997, § 601.6, 3-4-1997]

~~Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the General Purpose "A" District. All other uses are excluded.~~

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

## CHAPTER 102, ZONING

### ARTICLE V. DISTRICT REGULATIONS.

#### **DIVISION 4. Residential Agricultural I District. The City Council, at its meeting of April 5, 2022, voted to repeal Division 4, Residential Agricultural I District.**

##### **Sec. 102-361. Permitted uses requiring Code Enforcement Officer review.**

{Ord. of 4-6-2010(2)}

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

- ~~(1) Residential, (single family dwelling. Manufactured housing units are permitted.~~
- ~~(2) Residential, two family dwelling. Manufactured housing units are permitted.~~
- ~~(3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted as an accessory dwelling unit.~~
- ~~(4) Agricultural uses, including the keeping of farm animals and pleasure animals, agricultural processing, and horticultural uses, excluding slaughter houses and factories, piggeries or raising of poultry for commercial purposes.~~
- ~~(5) Recreational or community activities except those operated for profit. In the case of any such activity which operates a restaurant, the hours of operation of the restaurant do not begin before 5:00 a.m. and end no later than 10:00 p.m. The Belfast Curling Club, which is located at Map 2, Lot 87A, is specifically exempt from this provision.~~
- ~~(6) Municipal uses deemed necessary by the City Council, but, prior to taking such action thereon, the council shall hold a public hearing for which 10 days' notice shall be given.~~
- ~~(7) Essential services.~~
- ~~(8) Accessory uses to principal uses for which the CEO can issue a permit, including yard sales on no more than 10 days in any calendar year.~~
- ~~(9) Accessory structures.~~
- ~~(10) Forest management, timber harvesting, woodlot management and on site firewood processing activities.~~
- ~~(11) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- ~~(12) Solar Energy Systems, Large Scale, roof mounted.~~
- ~~(13) Adult Use Cultivation Facility Tier 1~~

##### **Sec. 102-362 Permitted uses requiring Planning Board review.**

{Ord. of 4-6-2010(2)}

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

- ~~(1) Home occupation (expanded definition).~~
- ~~(2) Farm stand, crafts sales.~~
- ~~(3) Small convenience stores. In the case of a convenience store which operates a restaurant, the hours of operation of the restaurant to the public do not begin before 5:00 a.m. and end no later than 10:00 p.m. The Belfast 52 Variety Convenience Store that is located at Map 1, Lot 72, is specifically exempt from the hours of operation restriction on a restaurant.~~
- ~~(4) Boatbuilding, boat repair and boat storage.~~

- ~~(5) Car repairs.~~
- ~~(6) Restaurants, provided that the hours of operation to the public do not begin before 5:00 a.m. and end no later than 10:00 p.m. The Boots and Britches Restaurant/Lounge, which is located at Map 6, Lot 87A, is specifically exempt from the hours of operation restriction on a restaurant.~~
- ~~(7) Funeral homes.~~
- ~~(8) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(9) Group home, hospice, nursing home, and congregate retirement residential housing provided the owner resides on the lot and maintains the residence as his primary residence.~~
- ~~(10) Day nurseries, and institutions of an educational, religious, philanthropic, fraternal, political or social nature. In the case of any such organization which operates a restaurant, the hours of operation of the restaurant do not begin before 5:00 a.m. and end no later than 10:00 p.m. The Belfast Curling Club, located at Map 2, Lot 29A, is specifically exempt from the hours of operation restriction on a restaurant.~~
- ~~(11) Boarding/lodging establishments, provided the owner resides on the lot and maintains the residence as his primary residence.~~
- ~~(12) Kennels, stables, and veterinary hospitals.~~
- ~~(13) Telecommunications facilities and stealth telecommunications facilities.~~
- ~~(14) Cemeteries.~~
- ~~(15) Fill, loam, sand, gravel extraction, excluding bedrock, with restrictions on extent of area to be extracted at one time, and establishment of a continuing reclamation and reforestation program (subject to review under the provisions of Chapter 90, no matter what the size of the nonvegetated area).~~
- ~~(16) Wood lot management and on site firewood processing.~~
- ~~(17) Residential planned unit development and cluster housing development project, including the following types of such development:
  - ~~a) Planned unit development and cluster housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 1; or~~
  - ~~b) Rural affordable housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 2.~~~~
- ~~(18) Recreational activities operated for profit. In the case of any such activity which operates a restaurant, the hours of operation of the restaurant do not begin before 5:00 a.m. and end no later than 10:00 p.m.~~
- ~~(19) Storage facilities.~~
- ~~(20) Laundromat facilities.~~
- ~~(21) Professional offices, provided that the maximum floor area of any new structure (structure built on or after March 16, 2005) in which a professional office is located is 4,000 square feet, and provided that a maximum of one new structure in which a professional office or other non-residential use is operated is located on the minimum lot size specified in (b)(4). A structure built on or before March 15, 2005, regardless of its size or floor area, can be used for a professional office, provided there is no increase in the amount of usable floor area for a structure that has 4,000 square feet or more of floor area. Also, an existing structure is exempt from the minimum lot size specified in (b)(4) below.~~
- ~~(22) Medical Marijuana manufacturing facilities.~~
- ~~(23) Medical Marijuana testing facilities.~~
- ~~(24) Solar Energy Systems, Large Scale, ground-mounted.~~
- ~~(25) Reserved.~~
- ~~(26) Reserved.~~
- ~~(27) Reserved.~~
- ~~(28) Reserved.~~
- ~~(29) Reserved.~~

- ~~(30) Adult Use Cultivation Facility Tier 2.~~
- ~~(31) Adult Use Cultivation Facility Nursery.~~
- ~~(32) Adult Use Testing Facility.~~
- ~~(33) Adult Use Manufacturing Facility.~~

**~~Sec. 102-363 Applicability of shoreland zoning and floodplain regulations.~~**  
~~{Ord. of 4-6-2010(2)}~~

~~Provisions of Chapter 82, pertaining to shoreland zoning, and Chapter 78, Article II, pertaining to floodplains, may apply in the Residential/Agricultural I District. See the shoreland zoning maps and FIRM flood maps.~~

**~~Sec. 102-364 Standards.~~**  
~~{Ord. of 4-6-2010(2)}~~

- ~~(a) The general performance standards of Article IX of this chapter shall apply in the Residential/Agricultural I District.~~
- ~~(b) The following standards shall apply:
 
  - ~~(1) Maximum density is one net acre per dwelling structure, or two net acres per dwelling structure for subdivisions. Subdivision developments must submit two concept plans prior to the submission of a preliminary plan.~~
  - ~~(2) Minimum lot frontage is 100 feet.~~
  - ~~(3) The minimum side and rear setback is 15 feet.~~
  - ~~(4) The minimum lot size for a property that is used for a nonresidential use shall be two net acres for each nonresidential structure located on the property. Further, a maximum of one nonresidential structure shall be located on any two acre section of a property. Agricultural uses, subsection 102-361(2), municipal uses, subsection 102-361(5), boat building, storage and repair uses, subsection 102-362(4), and storage facilities, subsection 102-362(19), shall be exempt from this standard.~~~~
- ~~(c) The minimum front setback shall be 30 feet. All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant and the code enforcement officer or Planning Board may use a MDOT or City road layout or right of way, a property deed or similar information to determine the minimum amount of setback required. In cases where the right of way width and the specific location of the property boundaries are unavailable or uncertain, the minimum front setback shall be 35 feet from the center of the traveled way. The code enforcement officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

**~~Sec. 102-365 Planned unit development and cluster housing development proposed pursuant to Article VI, Division 1.~~**  
~~{Ord. of 4-6-2010(2)}~~

~~In the case of planned unit development and cluster housing development in the Residential/Agricultural I District, the standards in section 102-364 may be modified in accordance with the special provisions of Article VI, Division 1 of this chapter. In addition, a planned unit development and cluster housing development project shall be reviewed under the subdivision ordinance. A cluster housing project will~~

~~limit construction to an overall maximum density of two dwelling units per net acre with a minimum of 30% of the total project area reserved for open space.~~

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

~~In the case of a rural affordable housing development project subject to review pursuant to the Article VI, Division 2 process and requirements, the Planning Board shall determine the maximum number of dwelling units permitted. In no case, however, may the maximum number of dwelling units allowed for a project exceed seven.~~

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

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

~~**Sec. 102-368 through Sec. 102-380. (Reserved)**~~

## CHAPTER 102, ZONING

### ARTICLE V, DISTRICT REGULATIONS

#### **DIVISION 5, Residential/Agricultural II District.      The City Council, at its meeting of April 5, 2022, voted to repeal Division 5, Residential Agricultural II District.**

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

~~{Ord. No. 28 1997, § 604.1, 3-4-1997; Ord. No. 57 1997, 6-17-1997; Ord. No. 10 2001, 9-4-2001}~~

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

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

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

~~{Ord. No. 28 1997, § 604.2, 3-4-1997; Ord. No. 1 1999, 7-6-1999; Ord. No. 10 2001, 9-4-2001; Ord. No. 21 2006, 2-7-2006}~~

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

- ~~(1) Home occupation (expanded definition).~~
- ~~(2) Farm stand, craft sales.~~
- ~~(3) Small convenience stores (stores less than 4,000 square feet in size with a maximum of two fuel dispensers).~~
- ~~(4) Boat building, repair and storage.~~

- ~~(5) Car repairs (maximum of three vehicles offered for sale on the property as an accessory use).~~
- ~~(6) Restaurants, excluding fast food restaurants.~~
- ~~(7) Funeral homes.~~
- ~~(8) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(9) Group home or hospice, provided the owner resides on the lot and maintains said residence as his or her primary residence.~~
- ~~(10) Day nursery or an institution of an educational, religious, philanthropic, fraternal, political or social nature.~~
- ~~(11) Boarding/lodging establishment, provided the owner resides on the lot and maintains said residence as his or her primary residence.~~
- ~~(12) Kennel, stable, veterinary hospital.~~
- ~~(13) Telecommunications facilities and stealth telecommunications facilities.~~
- ~~(14) Cemeteries.~~
- ~~(15) Fill, loam, sand, gravel extraction, excluding bedrock, with restrictions on extent of area to be extracted at one time, and establishment of a continuing reclamation and reforestation program (subject to review under the provisions of chapter 90).~~
- ~~(16) Wood lot management and on-site fire wood processing.~~
- ~~(17) Planned unit development and cluster housing development.~~
- ~~(18) Recreational activities operated for profit.~~
- ~~(19) Storage facilities.~~
- ~~(20) Hospitals.~~
- ~~(21) Health care facilities, nursing homes.~~
- ~~(22) Multifamily housing.~~
- ~~(23) Professional offices, office complexes.~~
- ~~(24) Schools.~~
- ~~(25) Congregate care retirement housing.~~
- ~~(26) Solar Energy Systems, Large Scale, ground-mounted.~~
- ~~(27) Medical Marijuana manufacturing facilities.~~
- ~~(28) Medical Marijuana testing facilities.~~
- ~~(29) Reserved.~~
- ~~(30) Adult Use Cultivation Facility Tier 2.~~
- ~~(31) Adult Use Cultivation Facility Nursery.~~
- ~~(32) Adult Use Testing Facility.~~
- ~~(33) Adult Use Manufacturing Facility.~~

**~~Sec. 102-383 Applicability of shoreland zoning and floodplain regulations.~~**

~~{Ord. No. 28-1997, § 604.3, 3-4-1997}~~

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

**~~Sec. 102-384 Dimensional and density standards.~~**

~~{Ord. No. 28-1997, § 604.4, 3-4-1997; Ord. No. 10-2001, 9-4-2001}~~

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

- ~~(1) Any lot created on or after September 4, 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 September 4, 2001, that is not connected to City sewer and that is used for a single family residential use, shall be a minimum of 20,000 square feet in size and shall have a minimum of 150 feet of road frontage.~~
- ~~(3) Any lot created on or after September 4, 2001, that is not connected to City sewer and that is used for a two family residential use, shall be a minimum of 40,000 square feet in size, and shall have a minimum of 150 feet of road frontage.~~
- ~~(4) Any lot that was created on or before September 3, 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 (if applicable).~~
- ~~(5) A lot, regardless of when it was created, that is used for a multifamily residential use established on or after September 4, 2001, shall be connected to public sewer, shall be a minimum of 1/2 acre (21,780 square feet) in size, and shall have a minimum of 150 feet of road frontage.~~
- ~~(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 on or before September 3, 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 September 4, 2001, that is used for a nonresidential use shall be a minimum of one acre (43,560 square feet) in size, and the lot shall have a minimum of 150 feet of road frontage.~~
- ~~(2) A lot that was created on or before September 3, 2001, that does not comply with the minimum lot size and minimum lot frontage requirements identified in subsection (1) shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use.~~

~~(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 shall be as follows:~~

Front: 30 feet;  
 Side: 25 feet; and  
 Rear: 25 feet.

- (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 Crocker Road or Marsh Road shall be 38 feet. The maximum height of any structure located more than 200 feet from Crocker Road or Marsh Road shall be 50 feet.~~
- (e) ~~Density standard. The following density standards shall apply to all residential uses in this zoning district. These density standards are subject to modification in accordance with the planned unit development requirements identified in section 102-385.~~

<b>Type of Use</b>	<b>Sewer</b>
Single family	One unit in one structure per 15,000 square feet
Two family	Two units in one structure per 15,000 square feet
Multifamily	Three units in one structure per 21,780 square and an additional 7,260 square feet for each additional unit

<b>Type of Use</b>	<b>Subsurface Wastewater Disposal</b>
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 September 4, 2001

**Sec. 102-385 Residential and nonresidential planned unit development.**  
 [Ord. No. 28-1997, § 604.5, 3-4-1997; Ord. No. 10-2001, 9-4-2001]

In the case of a residential or nonresidential planned unit development 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:

<b>Type of Use</b>	<b>Sewer</b>
Single family	One unit in one structure per 10,000 square feet

<b>Type of Use</b>	<b>Sewer</b>
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

<b>Type of Use</b>	<b>Subsurface Wastewater Disposal</b>
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 September 4, 2001

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

**Sec. 102-386 Prohibited uses.**  
 [Ord. No. 28-1997, § 604.6, 3-4-1997]

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

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

## CHAPTER 102, ZONING

### ARTICLE V, DISTRICT REGULATIONS

#### **DIVISION 20, Protection Rural District. The City Council, at its meeting of April 5, 2022, voted to repeal Division 20, Protection Rural District.**

##### **Sec. 102-701 Permitted uses requiring CEO review.**

~~{Ord. of 4-6-2010(2)}~~

~~Permitted uses which require Code Enforcement Officer review in the Protection Rural 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.~~
- ~~(4) Essential services.~~
- ~~(5) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.~~
- ~~(6) Agricultural uses, agricultural processing including the keeping of farm animals and pleasure animals, and horticultural uses, except commercial piggeries or the raising of poultry for commercial uses and slaughterhouses and factories.~~
- ~~(7) Farm stands.~~
- ~~(8) Animal breeding/care.~~
- ~~(9) Forest management, timber harvesting, woodlot management and on site firewood processing activities.~~
- ~~(10) Accessory use to residential uses or agricultural uses for which the CEO can issue a permit, and yard sales on no more than 10 days in any calendar year.~~
- ~~(11) Accessory structures to a principal structure associated with a residential or agricultural use for which the CEO can issue a permit.~~
- ~~(12) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- ~~(13) Solar Energy Systems, Large Scale, roof mounted.~~
- ~~(14) Reserved~~
- ~~(15) Adult Use Cultivation Facility Tier 1~~

##### **Sec. 102-702 Permitted uses requiring Planning Board review.**

~~{Ord. of 4-6-2010(2)}~~

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

- ~~(1) Residential planned unit development and cluster housing development project, including the following types of such development:
  - ~~a) Planned unit development and cluster housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 1; or~~~~

- ~~b) Rural affordable housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 2.~~
- ~~(2) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(3) Veterinary hospital.~~
- ~~(4) Kennel or stable.~~
- ~~(5) Telecommunications facilities and stealth telecommunications facilities.~~
- ~~(6) Churches.~~
- ~~(7) Community centers/clubs.~~
- ~~(8) Day care facilities.~~
- ~~(9) Cemeteries.~~
- ~~(10) Fill, loam, sand, and gravel extraction, excluding bedrock, with restrictions on the extent of area to be extracted at one time and the establishment of a continuing reclamation and reforestation program (subject to the provisions of Chapter 90, no matter what the size of the nonvegetated area).~~
- ~~(11) Parks and recreation facilities.~~
- ~~(12) Raising of poultry for commercial uses.~~
- ~~(13) Home occupation (expanded definition).~~
- ~~(14) Essential services.~~
- ~~(15) Fire/police stations.~~
- ~~(16) Accessory uses for commercial, educational, institutional or public activities and outdoor resource-based uses/activities.~~
- ~~(17) Storage and spreading of septage provided such storage and spreading is found to be in compliance with Chapter 90, the site is approved by the City Council and storage and spreading of septage is in compliance with all state, federal, and City laws, rules, regulations and codes.~~
- ~~(19) Medical Marijuana manufacturing facilities.~~
- ~~(20) Medical Marijuana testing facilities.~~
- ~~(21) Solar Energy Systems, Large Scale, ground-mounted.~~
- ~~(22) Reserved.~~
- ~~(23) Reserved.~~
- ~~(24) Reserved.~~
- ~~(25) Reserved.~~
- ~~(26) Reserved.~~
- ~~(27) Reserved.~~
- ~~(28) Reserved.~~
- ~~(29) Reserved.~~
- ~~(30) Adult Use Cultivation Facility Tier 2.~~
- ~~(31) Adult Use Cultivation Facility Nursery.~~
- ~~(32) Adult Use Testing Facility.~~
- ~~(33) Adult Use Manufacturing Facility.~~

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

Provisions of the Chapter 82, pertaining to shoreland zoning, and Chapter 78, Article II, pertaining to floodplains, may apply in the Protection Rural District. See the shoreland zoning maps and FIRM flood maps.

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

- (a) ~~The general performance standards of Article IX of this chapter shall be observed in the Protection Rural District.~~
- (b) ~~The following standards shall also apply:~~
- ~~(1) Maximum residential density is one dwelling structure per two net acres.~~
  - ~~(2) Minimum lot frontage is 200 feet.~~
  - ~~(3) The minimum rear and side yard setback is 15 feet.~~
- (c) ~~The lot size requirement for subdivisions shall be two acres. Prior to the submission of a preliminary plan, a conceptual development plan and a cluster housing development plan must be submitted. Cluster housing plans will limit construction to an overall maximum density of two dwelling units per net acre, with a minimum of 30% of the total project area reserved for open space.~~
- (d) ~~The minimum setback shall be 30 feet from the road right of way line as determined by either measuring a distance from the center of the traveled way that equals 1/2 the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at owner's expense and adding 30 feet. Where the right-of-way width is unavailable or uncertain, the set back shall be 60 feet from the center of the traveled way.~~

**~~Sec. 102-705 Planned unit development and cluster housing development proposed pursuant to Article VI, Division 1.~~**  
~~{Ord. of 4-6-2010(2)}~~

~~In the case of a planned unit development and cluster housing development in the Protection Rural District, the standards in Section 102-704 may be modified in accordance with the special provisions of Article VI, Division 1, of this chapter. In addition, a planned unit development and cluster housing development project shall be reviewed under the subdivision ordinance. A cluster housing project shall limit construction to an overall maximum density of two dwelling units per net acre with a minimum of 30% of the total project area reserved for open space.~~

**~~Sec. 102-706 Rural affordable housing development project proposed pursuant to Article VI, Division 2.~~** ~~{Ord. of 4-6-2010(2)}~~

~~In the case of a rural affordable housing development project subject to review pursuant to the Article VI, Division 2 process and requirements, the Planning Board shall determine the maximum number of dwelling units permitted. In no case, however, may the maximum number of dwelling units allowed for a project exceed seven.~~

**~~Sec. 102-707 Prohibited uses.~~**  
~~{Ord. of 4-6-2010(2)}~~

~~Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the Protection Rural District. All other uses are excluded.~~

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

## CHAPTER 102, ZONING

### ARTICLE V, DISTRICT REGULATIONS

#### **DIVISION 20.5, Protection Rural-2 District. The City Council, at its meeting of April 5, 2022, voted to repeal Division 20.5, Protection Rural-2 District.**

##### **Sec. 102-711. Permitted uses requiring Code Enforcement Officer review.**

[Ord. No. 1-2000, 7-5-2000]

Permitted uses which require code enforcement officer review in the Protection Rural-2 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.~~
- ~~(4) Home occupations (expanded definition).~~
- ~~(5) Agricultural, including the keeping of farm animals and pleasure animals, and horticulture uses.~~
- ~~(6) Municipal uses deemed necessary by the City Council, but prior to taking action thereon, the council shall hold a public hearing for which 10 days public notice shall be given.~~
- ~~(7) Essential services.~~
- ~~(8) Accessory uses to uses for which the CEO can issue a permit and yard sales on no more than 10 days in a calendar year.~~
- ~~(9) Accessory structures to uses for which the CEO or Planning Board can issue a permit.~~
- ~~(10) Forest management, timber harvesting, woodlot management and on site firewood processing activities.~~
- ~~(11) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- ~~(12) Solar Energy Systems, Large Scale, roof mounted.~~

##### **Sec. 102-712 Permitted uses requiring Planning Board review.**

[Ord. No. 1-2000, 7-5-2000; Ord. No. 21-2006, 2-7-2006]

Permitted uses in the Protection Rural-2 District requiring Planning Board review are as follows:

- ~~(1) Greenhouses for agriculture, plants, trees, shrubs and other vegetation.~~
- ~~(2) Bed and breakfast, including Class 1, Class 2, and Class 3.~~
- ~~(3) Boarding/lodging establishment with a maximum of three rooms in a single residence and provided the residence is owner occupied.~~
- ~~(4) Schools, day nurseries, institutions of an educational, religious, philanthropic, fraternal, political or social nature.~~
- ~~(5) Planned unit development and cluster housing provided no structure is greater than a duplex and density is same as section 102-714(b).~~
- ~~(6) Recreational or community activities and facilities.~~
- ~~(7) Stealth telecommunications facilities.~~

~~(8) — Solar Energy Systems, Large Scale, ground-mounted.~~

**Sec. 102-712.5 Use of nonconforming telecommunication tower requiring Planning Board review.**  
[Ord. No. 40 2006, 6-6-2006]

~~A telecommunication tower constructed prior to July 5, 2000, which is the date of establishment of the Protection Rural 2 zoning district, may continue to operate as a nonconforming use, provided that the owner of the tower complies with all of the following requirements:~~

- ~~(1) — There is no increase in the number of carriers and no increase in the number of frequencies received or broadcast from said telecommunication tower, except that equipment on the tower may be maintained, replaced, and/or updated. The owner shall be required to demonstrate to the Planning Board that any proposal to replace or update the equipment is warranted, that the tower can structurally support this equipment, and that all such equipment complies with federal requirements.~~
- ~~(2) — The maximum height of the tower shall be the height of the tower as it existed on July 5, 2000.~~
- ~~(3) — The telecommunication carrier which has equipment on the tower may make necessary changes to on-site accessory buildings and equipment which is located on the ground and which is used to support operation of the tower.~~

**Sec. 102-713 Applicability of shoreland zoning and floodplain regulations.**  
[Ord. No. 1 2000, 7-5-2000]

~~Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains, may apply in the Protection Rural 2 District. See the shoreland zoning maps and FIRM flood maps.~~

**Sec. 102-714 Standards.**  
[Ord. No. 1 2000, 7-5-2000]

- ~~(a) — The general standards of performance of article VIII, divisions 2 and 3, and article IX, division 2, shall be observed.~~
- ~~(b) — Density standards:
  - ~~(1) — Maximum residential density for one or two family dwelling structures shall be one dwelling structure per net acre.~~
  - ~~(2) — Maximum net residential density for one family dwelling structure with City sewer shall be one dwelling unit per 1/2 acre.~~~~
- ~~(c) — Dimensional standards:
  - ~~(1) — Minimum lot frontage: 100 feet.~~
  - ~~(2) — Minimum rear and side yard setbacks: 15 feet.~~
  - ~~(3) — Minimum front setback: 30 feet.~~~~

~~Front setbacks shall be measured from the road right of way line as determined by either measuring a distance from the centerline 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 and a survey does not reveal the location of the right of way, the setback shall be 60 feet from the~~

center of the traveled way.

**Sec. 102-715 Planned unit development and cluster housing development.**

{Ord. No. 1-2000, 7-5-2000}

~~In the case of a planned development or cluster housing development, the above standards may be modified in accordance with the special provisions of article VI of this chapter. In addition, planned unit development shall be reviewed under the subdivision ordinance. Reference density standards in section 102-714(b).~~

**Sec. 102-716 Prohibited uses.**

{Ord. No. 1-2000, 7-5-2000}

~~Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the Protection Rural 2 District. All other uses are prohibited.~~

**Sec. 102-717 through Sec. 102-720. (Reserved)**

# CHAPTER 102, ZONING

## ARTICLE V, DISTRICT REGULATIONS

### **DIVISION 22, Residential Growth District. The City Council, at its meeting of April 5, 2022, voted to repeal Division 22, Residential Growth District.**

#### **Sec. 102-741. Permitted uses requiring Code Enforcement Officer review.**

~~[Ord. No. 28-1997, § 6221.1, 3-4-1997]~~

~~Permitted uses which require code enforcement officer review in the Residential Growth District are as follows:~~

- ~~(1) Residential, single family dwelling. Manufactured housing units are permitted, provided that the unit is constructed on a permanent foundation.~~
- ~~(2) Residential, two family dwelling. Manufactured housing units are permitted, provided that the unit is constructed on a permanent foundation.~~
- ~~(3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted, provided that the unit is constructed on a permanent foundation.~~
- ~~(4) Public parks.~~
- ~~(5) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.~~
- ~~(6) Accessory uses to uses for which the Code Enforcement Officer can issue a permit, and yard sales on no more than 10 days in any calendar year.~~
- ~~(7) Accessory structures to uses and structures for which the CEO or Planning Board can issue a permit.~~
- ~~(8) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- ~~(9) Solar Energy Systems, Large Scale, roof mounted.~~
- ~~(10) Reserved.~~
- ~~(11) Reserved.~~
- ~~(12) Reserved.~~
- ~~(13) Reserved.~~
- ~~(14) Reserved.~~
- ~~(15) Reserved.~~
- ~~(16) Reserved.~~
- ~~(17) Reserved.~~
- ~~(18) Reserved.~~
- ~~(19) Reserved.~~
- ~~(20) Adult Use Cultivation Facility Tier 1~~

#### **Sec. 102-742 Permitted uses requiring Planning Board review.**

~~[Ord. No. 28-1997, § 621.2, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 21-2006, 2-7-2006]~~

~~Permitted uses requiring Planning Board review in the Residential Growth District are as follows:~~

- ~~(1) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(2) Health service offices and professional offices.~~
- ~~(3) Essential services.~~

- ~~(4) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.~~
- ~~(5) Nonmunicipal public and quasipublic uses.~~
- ~~(6) Residential planned unit development and cluster housing development.~~
- ~~(7) Congregate retirement residential housing.~~
- ~~(8) Health care facilities.~~
- ~~(9) Home occupation (expanded definition).~~
- ~~(10) Residential planned unit development.~~
- ~~(11) Ownership of limited number of farm animals.~~
- ~~(12) Agricultural and horticultural activities.~~
- ~~(13) Nonprofit recreation uses.~~
- ~~(14) Stealth telecommunications facilities.~~
- ~~(15) Medical Marijuana manufacturing facilities.~~
- ~~(16) Medical Marijuana testing facilities.~~
- ~~(17) Solar Energy Systems, Large Scale, ground-mounted.~~
- ~~(18) Reserved.~~
- ~~(19) Reserved.~~
- ~~(20) Reserved.~~
- ~~(21) Reserved.~~
- ~~(22) Reserved.~~
- ~~(23) Reserved.~~
- ~~(24) Reserved.~~
- ~~(25) Reserved.~~
- ~~(26) Reserved.~~
- ~~(27) Reserved.~~
- ~~(28) Reserved.~~
- ~~(29) Reserved.~~
- ~~(30) Adult Use Cultivation Facility Tier 2.~~
- ~~(31) Adult Use Cultivation Facility Nursery.~~
- ~~(32) Adult Use Testing Facility.~~
- ~~(33) Adult Use Manufacturing Facility.~~

**Sec. 102-743 Applicability of shoreland zoning and floodplain regulations.**

~~[Ord. No. 28 1997, § 621.3, 3-4-1997]~~

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

**Sec. 102-744 Standards.**

~~[Ord. No. 28 1997, § 621.4, 3-4-1997; Ord. No. 24 1998, 10-20-1998; Ord. No. 1 1999, 7-6-1999]~~

- ~~(a) The standards of performance in article IX of this chapter shall be observed in the Residential Growth District.~~
- ~~(b) The following standards shall also apply:
 
  - ~~(1) Maximum residential density for one-family dwelling structures is as follows:
 
    - ~~a. Public sewer and water: One dwelling structure per net one-third acre.~~
    - ~~b. Unsewered: One dwelling structure per net 1/2-acre.~~~~~~

- (2) ~~Maximum net residential density for two family dwelling structures is as follows:
  - a. ~~Public sewer and water: One dwelling structure per net one third acre.~~
  - b. ~~Unsewered: One dwelling structure per net acre.~~~~
- (3) ~~Minimum lot frontage is 60 feet.~~
- (4) ~~The minimum rear and side yard setback is 15 feet for all buildings.~~
- (5) ~~Maximum building height is 38 feet. The Planning Board may approve a steeple or cupola-like architectural enhancement which has no usable floor area which exceeds the height limitation of this section.~~
- (6) ~~The minimum setback shall be 25 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 25 feet, or determining the right of way boundary by a survey at the owner's expense and adding 25 feet.~~

**Sec. 102-745 Planned unit development and cluster housing development.**

[Ord. No. 28 1997, § 621.5, 3-4-1997]

~~In the case of a residential planned unit development and cluster housing development in the Residential Growth District, the standards in section 102-744 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. 102-746 Prohibited uses.**

[Ord. No. 28 1997, § 621.6, 3-4-1997]

~~Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the Residential Growth District. All other uses are excluded.~~

**Sec. 102-747 through Sec. 102-760. (Reserved)**

## CHAPTER 102, ZONING

### ARTICLE V. DISTRICT REGULATIONS.

#### **DIVISION 26. Route 141 and Mill Lane Commercial District. The City Council, at its meeting of April 5, 2022, voted to repeal Division 26.**

##### **Sec. 102-780. Permitted uses requiring Code Enforcement Officer review.**

~~{Ord. No. 76-2001, 6-5-2001}~~

~~The City Code Enforcement 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 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 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 100 cubic yards of material.~~
- ~~(17) Reserved.~~
- ~~(18) Reserved.~~
- ~~(19) Reserved.~~
- ~~(20) Adult Use Cultivation Facility Tier 1.~~

##### **Sec. 102-780.25. 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.~~
- ~~(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 planned unit development 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, multifamily housing, if the property is connected to 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.~~
- ~~(35) Reserved.~~
- ~~(36) Reserved.~~
- ~~(37) Reserved.~~
- ~~(38) Adult Use Cultivation Facility Tier 2.~~
- ~~(39) Adult Use Cultivation Facility Nursery.~~
- ~~(40) Adult Use Testing Facility.~~
- ~~(41) Adult Use Manufacturing Facility.~~

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

~~{Ord. of 1-29-2008(1)}~~

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

**~~Sec. 102-783. Applicability of shoreland zoning and floodplain regulations. (Section repealed by Council vote on August 3, 2021.)~~**

~~{Ord. of 1-29-2008(1)}~~

**~~Sec. 102-784. Dimensional and density standards. Section repealed by Council vote on August 3, 2021.~~**

~~{Ord. No. 76-2001, 6-5-2001}~~

**~~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.

**(e) 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 noneonforming 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 (c) 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 noneonforming use of record and 5,445 net sq. ft. for each additional unit. Notwithstanding

	<p>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.</p>
--	---

- (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.
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 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.
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. 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.

**~~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. 102-782.6. Performance standards.**  
[Ord. No. 76-2001, 6-5-2001]

~~**(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.~~