

**CITY OF BELFAST CITY COUNCIL
SECOND READING & PUBLIC HEARING
FEBRUARY 7, 2023 7:00 P.M.
COUNCIL CHAMBERS IN BELFAST CITY HALL**

**SECOND READING - PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V. DISTRICT REGULATIONS
DIVISION 7. RESIDENTIAL II ZONING DISTRICT**

Notes and Information to the Public on the Proposed Amendments.

1) Purpose of Amendment: The main purpose of this proposed amendment is to change the name of the current Residential II zoning district to the Residential 15 zoning district. The amendment is proposed to avoid the current confusion in Chapter 102, Zoning, between the names of the Residential 2 zoning district (established in October 2014) and the Residential II zoning district (established in 1985). The other amendments clarify language that applies to properties in this zoning district. Lastly, if all amendments now proposed by the Planning Board are adopted, the Residential II (Residential 15) zoning district will apply to only about 10 properties in the Vine Street area.

2) Recommendation of Belfast Planning Board.

The amendments presented at First Reading and that are now under consideration by the Council as a Second Reading were reviewed and prepared under the direction of the Belfast Planning Board. The Planning Board conducted a public hearing on these amendments at its meeting of December 14, 2022. No public comment was received on these proposed amendments at the December 14 hearing. At this same December 14 meeting, the Planning Board voted 5-1 to recommend these amendments for Council consideration.

3) Council Process for Consideration of Proposed Amendments.

The proposed amendments were considered at a formal First Reading at the Tuesday, January 17, 2023 regular City Council meeting. The Council also conducted a public hearing at the First Reading. No public comment was received that was specific to the proposal regarding the Residential II zoning district.

The Council has scheduled the amendment language presented at the First Reading for Second Reading and public hearing at the regular Tuesday, February 7 meeting. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments.

4) How to Offer Public Comment:

The City of Belfast and Belfast City Council encourage public comment on the proposed amendments. Any member of the public can offer comment to the City Council for this public hearing in any of the following three ways:

- a) Comment can be submitted in writing via email to public@cityofbelfast.org. All email comment must be received by 2:00 pm on February 7, 2023. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- b) Comment can be submitted in writing via letter. The letter must be received by 2:00 pm on February 7, 2023, so it can be photocopied and presented to the Council. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- c) Comment can be orally presented to the Council at the February 7, 2023 public hearing. Oral comment should be limited to 3 minutes. The Council meeting that begins at 7:00 P.M. in the Council Chambers of Belfast City Hall, and the hearing will start as soon as practical after 7:00 pm. All oral comment must be delivered at the Council meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Council.

The City notes that seating is limited in the Council Chambers. The public hearing and Council meeting can be live streamed on the City website www.cityofbelfast.org, seen live on BEL TV, channel 7 or channel 1303, or heard live on Belfast Community Radio WBFY 100.9.

- 5) **Format of Amendment:** Language/text in black font is current language in the Ordinance that is not proposed to be changed by this amendment. Language/text proposed to be added to the existing Ordinance is shown in **Red Font**. Language/text proposed to be deleted from the existing Ordinance is shown in **Blue Strike-through Font**.

6) Questions and Information on the Proposed Amendments.

The complete text of this proposed amendment can be found on the City website, cityofbelfast.org, reference Planning and Codes, February 7, 2023 Council Hearing, and a printed copy of the amendments can be inspected at the Planning and Codes offices during normal business hours, Monday - Thursday, 7:00 am - 6:00 pm. Questions regarding the proposed amendment should be directed to the Planning and Codes office at 338-3370 x 125, or by email to Wayne Marshall, Project Planner, at wmarshall@cityofbelfast.org.

**CHAPTER 102, ZONING
ARTICLE V, DISTRICT REGULATIONS
TEXT OF PROPOSED AMENDMENT**

Chapter 102, Zoning

Article V, District Regulations

Division 7. Residential H 15

Sec. 102-421. Permitted uses requiring Code Enforcement Officer review.

[Ord. No. 28-1997, § 606.1, 3-4-1997; Ord. of 8-3-2010(2)]

Permitted uses requiring Code Enforcement Officer review in the Residential H 15 District are as follows:

- (1) Residential, single-family dwelling. Manufactured housing units are prohibited.
- (2) Residential, two-family dwelling. Manufactured housing units are prohibited.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited.
- (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) Domesticated chickens, subject to requirements of Chapter 10, Animals.
- (7) Accessory uses to principal uses to which the Code Enforcement Officer can issue a permit, including yard sales on no more than 10 days in any calendar year.
- (8) Accessory structures to principal structures for which the Code Enforcement Officer can issue a permit.
- (9) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted, all areas within the Residential H 15 District (Reference Article IV, District Descriptions, Sec 102-256, Residential H-15 District for area descriptions).
- (10) Solar Energy Systems, Large-Scale, roof-mounted, all areas within the Residential H 15 District. (Reference Article IV, District Descriptions, Sec 102-256, Residential H 15 District for area descriptions).

Sec. 102-422. Permitted uses requiring Planning Board review.

[Ord. No. 28-1997, § 606.2, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 21-2006, 2-7-2006]

Permitted uses with Planning Board review in the Residential H-15 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) Funeral homes.

- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) Non-municipal public and quasi-public uses.
- (7) Residential planned unit development ~~and cluster housing development.~~
- (8) Congregate retirement residential housing.
- (9) Health care facilities.
- (10) Home occupations, **class 1 and class 2.**
- (11) Stealth telecommunications facilities.
- (12) Significant water intake or significant water discharge or outfall pipes.
- ~~(13) Solar Energy Systems, Large-Scale, ground-mounted, allowed within Areas 1, 2 and 3 of the Residential H District (Reference Article IV, District Descriptions, Sec 102-256, Residential H District for area descriptions).~~

Sec. 102-423 Applicability of sShoreland zZoning and fFloodplain regulations.

[Ord. No. 28-1997, § 606.3, 3-4-1997]

Provisions of eChapter 82, pertaining to sShoreland zZoning, and eChapter 78, aArticle II, pertaining to floodplains, may apply in the Residential H 15 District. See the Official sShoreland zZoning maps and FIRM flood maps.

Sec. 102-424 Standards.

[Ord. No. 28-1997, § 606.4, 3-4-1997; Ord. No. 24-1998, 10-20-1998]

- (a) The general standards of performance in aArticle IX of this eChapter shall be observed in the Residential-H 15 District.
- (b) The following standards shall also apply:
 - (1) **Minimum lot size** ~~Maximum residential density~~ for one-family dwelling structures **and a one family dwelling with a detached accessory dwelling unit** is as follows:
 - a. Public sewer and water: One dwelling structure per ~~net~~ one-third acre; **14,520 square feet.**
 - b. Unsewered structure: One dwelling structure per ~~net~~ 1/2 acre; **21,780 square feet.**
 - (2) **Minimum lot size** ~~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; **14,520 square feet.**
 - b. Unsewered structure: One dwelling per ~~net~~ acre; **43,560 square feet.**
 - (2.5) Minimum lot size for a property on which a nonresidential structure or use is located shall be 1/2 acre, 21,780 square feet, provided the property is served by public water and public sewer. A property must be connected to public water and public sewer to be used for a nonresidential use.**
 - (3) Minimum lot frontage is 60 feet.

- (4) The minimum rear and side setback **for structures** 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 **front** setback **for structures** shall be **25 15** 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.~~
All front structure setbacks shall be measured from the property line.

Sec. 102-425 Residential Planned ~~u~~Unit ~~d~~Development ~~and cluster housing development.~~
 [Ord. No. 28-1997, § 606.5, 3-4-1997]

In the case of a residential planned unit development ~~or cluster housing development~~ in the Residential ~~H~~**15** District, the standards in ~~s~~**Section** 102-424 may be modified in accordance with the special provisions of ~~a~~**Article** VI of this ~~e~~**Chapter**. In addition, **a residential** planned unit development ~~or cluster housing development~~ shall be reviewed ~~under pursuant to~~ the City's ~~s~~**Subdivision** ~~e~~**Ordinance** (**Chapter 94, not codified**).

Sec. 102-426 Prohibited uses.
 [Ord. No. 28-1997, § 606.6, 3-4-1997]

Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the Residential ~~H~~**15** District. All other uses are excluded.

Sec. 102-427 through Sec. 102-440. (Reserved)