

**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  
CHAPTER VI, PLANNED UNIT DEVELOPMENT  
DIVISION 1, RESIDENTIAL PLANNED UNIT DEVELOPMENT**

**Notes and Information to the Public on the Proposed Amendments.**

**1) Purpose of Amendment:**

Consistent with State law, any project that involves the creation of 3 new lots or 3 new dwelling units in a 5 year period requires City review and approval as a subdivision; or in the case of a multi-family project, approval as a site plan (Chapter 90, Site Plan). The City's Subdivision Ordinance (Chapter 94, not codified) identifies the standards that a subdivision must satisfy. The purpose of the Article VI, Planned Unit Development (PUD) standards is to provide flexibility to the applicant and the City in the application of the Subdivision standards with the goal of encouraging a more creative and imaginative project lay-out, including but not limited to the preservation of open space and natural features, the economical and efficient use of land, a harmonious variety of housing choices, and a higher level of amenities.

While Belfast has not typically experienced a significant amount of subdivision activity, at least 7 projects in the last 25 years have been approved as a PUD project. Examples of approved projects in Belfast are: Penobscot Shores (Northport Ave), Crosby Manor Estates (Northport Ave), Tara Mews (Cedar St), Springbrook Condominiums (Crocker Rd), and Co-Housing/Eco-Village (Tufts Road). Belfast's current standards have been in effect for 25+ years, but warrant some massaging, particularly so the standards are more applicable to urban sites and flex housing projects.

The main proposed revisions to the current PUD standards include the following:

- a) A clause has been added to Sec 102-802(3) to allow a PUD to include multi-family housing as a housing option, even if the underlying zoning district prohibits multi-family housing. This option may create opportunities for a more creative housing lay-out and the preservation of open space.

- b) Section 802.5 identifies the review process that applies to residential PUD's. This information is missing from the current Division 1 standards, and there are now differences in a project review that may occur based on the type of residential housing that may be proposed, including a flex housing project.
- c) Section 102-804(3) addresses a critical issue; the size of a property on which a PUD can be proposed/developed. The current standard requires a minimum lot size of 5 acres for the original lot, regardless of the lot size allowed in the underlying zoning district. The proposal identifies two different standards based on the underlying minimum lot size. If the zoning district allows lots less than .5 acres (21,780 sq ft) in size, a PUD could occur on a minimum 2 acre lot. And, if a zoning district allows lots larger than .5 acres, a PUD could occur on a minimum 4 acre lot.
- d) Density. Sec. 102-804(4). The proposal does not change the current standard that uses the density standard for the underlying zoning district to determine the overall density for a PUD project. In short, the City (in most zoning districts) is not granting density bonuses to a project that is approved as a PUD.
- e) Open Space Requirements. Sec 102-804(6). (See Page 7) The proposed amendments eliminate the current requirement to establish a minimum of 20% of the site as a recreation area, and focuses on the preservation of open space. The proposed open space requirement would be 20% in a zoning district that has a minimum lot size of .5 acre or less, and a minimum of 35% in a zoning district that has a minimum lot size that is larger than .5 acre.

There are other changes in the proposed amendments, but the above changes are some of the more significant.

## **2) Recommendation of Belfast Planning Board.**

The amendments presented at Second Reading were reviewed and prepared under the direction of the Belfast Planning Board. The Planning Board conducted a public hearing on the 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 the 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, however, no comments were received regarding this amendment. The Council has scheduled this same amendment 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](mailto: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](http://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 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**. Language that is **highlighted in Yellow** identifies a date that needs to be added to final Ordinance if the Council adopts the proposed amendments.

#### 6) Questions and Information on the Proposed Amendments.

The complete text of this proposed amendment can be found on the City website, [cityofbelfast.org](http://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](mailto:wmarshall@cityofbelfast.org).

**TEXT OF PROPOSED AMENDMENT  
CHAPTER 102, ZONING  
ARTICLE VI, PLANNED UNIT DEVELOPMENT**

**Article VI, Residential Planned Unit Development ~~and Cluster Housing Development~~**

**Division 1, Residential Planned Unit Development ~~and Cluster Housing Development~~ and Nonresidential Planned Unit Development.**

**Sec. 102-801. Intent and purpose of aArticle.**

[Ord. of 4-6-2010(3)]

The intent of the **residential** planned unit development ~~and cluster housing development standards~~ is to permit greater flexibility and, consequently, more creative and imaginative design for residential, ~~commercial or industrial~~ uses than are generally possible under conventional ~~Zoning, Site Plan, and Subdivision~~ regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of amenities, and preservation of natural **areas and resources, scenic features, and qualities of** open space.

**Sec. 102-802. Permitted uses; and modification of standards.**

[Ord. of 4-6-2010(3)]

In all zoning districts, the following special provisions may apply, subject to the conditions set forth in this ~~eChapter~~:

- (1) Any permitted use or permitted use requiring Planning Board review in ~~an existing a zoning~~ district ~~where in which~~ a **residential** planned unit development ~~or cluster housing development~~ is proposed shall be permitted as a planned unit development ~~or cluster housing development~~, subject to the criteria established in this ~~eChapter~~, and provided such ~~are is~~ consistent with the definitions of ~~cluster housing and a residential~~ planned **unit** development identified in Chapter 66, General Provisions. ~~An A~~applications for a permits for a **residential** planned unit development ~~and cluster housing development~~ shall be reviewed and acted upon by the Planning Board to ensure compliance with this ~~eChapter~~, **and applicable requirements of Chapter 78, Floods, Chapter 82, Shoreland, Chapter 90, Site Plan, Chapter 94, Subdivisions, and Chapter 98, Technical Standards.** Additional or accessory uses may be allowed upon conditions adopted by the Planning Board. However, no use shall be permitted except in conformity with specific and precise development plans pursuant to the procedural and regulatory provisions of this ~~eChapter~~, **and the applicable standards of the above referenced other Chapters.**

- (2) Notwithstanding other provisions of this ~~e~~Chapter relating to **space dimensional and area standards**, the Planning Board, in **its reviewing review** and **approving approval of a** proposed planned unit development ~~or cluster housing development located in the City~~, may modify ~~the provisions related to space area and dimensional standards~~ to permit innovative approaches to building layout and environmental design in accordance with this ~~a~~Article. This shall not be construed as granting variances to relieve hardship.
- (3) **Notwithstanding any requirements to the contrary, if a property that is proposed to be developed as a planned unit development is located in a zoning district that prohibits multi-family housing or the limits that number of dwelling units that can be constructed in an individual multi-family structure, the Planning Board shall have the authority to allow the construction of multi-family housing or the construction of more dwelling units in one or more individual multi-family structures than is typically allowed in the respective zoning district, provided the Planning Board makes a positive finding that allowing said housing is consistent with Sec 102-801, Intent and Purpose of this Article, and complies with the Sec 102-803 Criteria for Approval. The Board, in its Findings of Fact shall describe why it determined allowing such adjustments are appropriate, and in its Conditions of Approval, shall identify the number of multi-family units, structures, and units in any and all multi-family structures that shall be permitted.**

#### **Sec 102-802.5 Review process for a residential planned unit development.**

**The following review processes shall apply to Planning Board review of a residential planned unit development.**

- (a) **All proposals for a residential planned unit development shall address the specific criteria in this Division. The Board shall use the application process identified in the City Subdivision Ordinance (Chapter 94, non-codified) to conduct its review of an application for any residential planned unit development. The Subdivision Ordinance identifies application submission requirements, requirements for both a preliminary plan and final plan, the requirements to conduct public hearings and provide notifications to abutting property owners and the public, the recording of the final plan, and similar requirements.**
- (b) **A multi-family housing project typically is subject to Planning Board review pursuant to requirements of Chapter 90, Site Plan. If a proposed residential planned unit development consists solely of multi-family housing units and structures, and or a mixed use development that includes multi-family housing and other types of residential housing, the project shall be subject to review**

pursuant to the requirements of this Division, Chapter 90, Site Plan, and Chapter 94, Subdivisions.

- (c) A project that qualifies as a flex housing project that is subject to review as a residential planned unit development, shall be subject to review pursuant to the requirements of this Division, Chapter 90, Site Plan, and Chapter 94, Subdivisions.
- (d) If a project is a mixed use development that includes any type of residential housing and one or more nonresidential uses, the project shall be subject to review pursuant to the requirements of this Division, Chapter 90, Site Plan, and Chapter 94, Subdivisions.

**Sec. 102-803. Fees.**

[Ord. of 4-6-2010(3)]

Fees for permits under this ~~a~~Article shall be established by the City Council to cover ~~the~~ **City's** administrative, **legal, and peer review** costs and shall be paid upon **submission of an** application for ~~the a~~ permit.

**Sec. 102-804. Criteria for approval.**

[Ord. of 4-6-2010(3)]

Innovative approaches ~~to for a residential~~ planned unit development ~~and-cluster housing-development design~~, including ~~building~~ the layout **of buildings and/or lots, the types of residential buildings (such as but not limited to single-family, two-family, multi-family, and flex housing), the layout of project infrastructure (such as but not limited to roads, stormwater, sewer, subsurface systems, water, lighting, and sidewalks)**, landscaping, and environmental concerns, shall be subject to the following criteria:

- (1) Compliance with zoning regulations. The purpose and intent of this ~~e~~Chapter shall be upheld.
- (2) Compliance with other standards. ~~There~~ **The project** shall ~~be-compliancee comply~~ with all **applicable** federal, state and ~~loaal~~ **City** codes, rules, ordinances and regulations.
- (3) General plan; minimum site area. Each building **and/or lot** shall be an element of an overall plan for site development. ~~The area of land to be developed~~ **If the minimum lot size area for a zoning district in which a planned unit development and-cluster housing-development shall not be less than five acres is proposed is .5 acre or less (21,780 square feet or less), the minimum size lot on which a planned unit development may occur is 2 acres. If the minimum lot size area**

for a zoning district in which a planned unit development is proposed is greater than .5 acre (21,781 square feet or larger), the minimum size lot on which a planned unit development may occur is 4 acres. Notwithstanding the above provisions, in all cases, a request for a planned unit development permit pursuant to the standards in this Division must involve the creation of a minimum of 3 lots, a minimum of 3 dwelling structures, and/or a minimum of 3 dwelling units in 1 or more structures.

- (4) Density. The ~~Planning Board shall make a finding determining that the average maximum amount of density allowed in the proposed planned unit development or cluster housing development located in a district shall comply~~ with the specific overall density ~~limitations is not in excess of 10 units per acre standards that apply to the respective zoning district in which the planned unit development is located.~~ Some zoning districts also have standards that allow increased density for a planned unit development project. In general, the intent of the City's planned unit development standards is to allow flexibility and innovation in the lay-out of lots and/or housing, rather than an increase in the number of lots or residential units that could be developed on a property.
- (5) Setbacks. The Planning Board shall have the authority to approve a reduction in the minimum structure ~~S~~setback standards ~~may be waived~~ from the dimensional standards that apply to the respective zoning district in which the planned unit development is located. If a project is located in a zoning district in which the minimum lot size is .5 acre or less, the Planning Board cannot grant a reduction in structure setback requirements that is greater than 5 feet along the side or rear lot line that formed ~~except along~~ the perimeter of the ~~development, as long as the project is in compliance with the average density and open space provisions of this chapter~~ original lot. If a project is located in a zoning district in which the minimum lot size is greater than .5 acre, the Planning Board cannot grant a reduction in structure setback requirements along the side or rear lot line that formed the perimeter of the original lot. ~~Setbacks from the perimeters of planned unit development or cluster housing development must comply with setback requirements of the surrounding zoning districts.~~ The Board shall consider how allowing a reduction in the respective structure setback standards proposed by the applicant may assist in achieving the type of imaginative, creative, and economical lot and/or dwelling unit lay-out envisioned in Sec 102-801.
- (6) Open space and recreation area required. ~~A minimum of 20% of the total project area shall be reserved for recreation.~~
  - a. A minimum of ~~30%~~ 20% of the total project area shall be preserved as open space for a planned unit development that is proposed in a zoning district that has a minimum lot size standard of .5 acre or less, or for a planned

unit development proposed for any flex housing project. However, if the original lot for either of the above types of development is 4 acres or greater in size, the minimum open space requirement shall be 35%.

- b. A minimum of 35% of the total project area of the original lot shall be preserved as open space for a planned unit development that is proposed in a zoning district that has a minimum lot size standard of greater than .5 acre, with a goal of preserving 50% of the project area as open space.
- c. ~~Recreation areas may be used in meeting open space requirements. In addition to recreational uses,~~ Open space areas that are proposed to satisfy the requirements of a) and b) above shall include features on the site that warrant preservation, such as but not limited to: ~~be used for other outdoor purposes such as preservation of~~ large trees, tree groves, woods, ponds, streams, wetlands, floodplains, aglens, rock outcrops, steep slopes, native plant life and wildlife cover, and special wildlife areas, as well as natural areas that can be used for passive recreational activities, such as walking and hiking. In addition, open space areas can include areas for active recreational and community activities, such as but not limited to: play fields, playgrounds, pavilions, barbecue pits, agricultural fields, and similar facilities. The applicant shall consider, and if deemed warranted by the Board, create opportunities for project residents to access and use open space areas, such as by the construction of a trail system. Stormwater management facilities, such as constructed sand filters and detention or retention basins, shall not be included in the calculation of open space requirements.
- d. ~~The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such.~~ Designated open space areas for the approved planned unit development shall be identified as protected areas that must be preserved and cannot be developed, and the approved development plan shall identify the mechanism that shall be used to protect and maintain the open space areas. ~~Such dedications~~ Said mechanisms may include but are not necessarily limited to: private covenants or arrangements to preserve the integrity of open spaces and their use for recreational, environmental, or conservation purposes; dedications to an entity such as a land trust; and or dedications to the City. A proposed dedication to the City shall require the review and approval of the Belfast City Council.

- (7) Specific design standards. The developer shall take into consideration the following points, and shall illustrate on the plan the treatment of open spaces, paths, roads, service and parking areas, and other features required in his proposal:
- a. Aesthetics and orientation. Buildings and other improvements shall respect scenic vistas and natural features as defined **or identified** in the **adopted Belfast eComprehensive pPlan**.
  - b. Streets. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, and delivery and collection services. Streets shall **generally** be laid out and constructed consistent with the provisions of **the eChapter 98, Technical Standards, however, the Planning Board shall have latitude in allowing alternative street lay-out and construction standards that support the purpose of achieving the goals for a planned unit development.**
  - c. Drainage **and stormwater management**. Adequate provision shall be made for stormwater, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be **prevented managed** by **approaches such as but not limited to: landscaping, the retention of forested and vegetated areas, low impact development techniques, the construction of traditional stormwater management facilities identified in or other means (see sections 102-1123 and 102-1124 and the eChapter 98, Technical Standards, ) and the implementation of other techniques proposed by the applicant that may be approved by the Department of Environmental Protection or the City.**
  - d. Sewage disposal. Adequate provision shall be made for sewage disposal. If public sewer is unavailable or inadequate, the planned unit development must install **an adequate subsurface system to serve the dwelling units, an approach that may involve the construction and management of, utilize** a private community **package engineered** system. **An engineered system shall comply with all An designed in compliance with the sState sSubsurface water Wastewater dDisposal System rules, and regardless of the type of dwelling units that are constructed, shall satisfy the wastewater disposal system standards identified in the Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-Family or Flex Housing Project, Sec 102-1343, Wastewater Pollution and Subsurface Wastewater Disposal, (b), Subsurface Wastewater Disposal System.**
  - e. Water supply. Adequate provision shall be made for **potable** water for ordinary use, and **adequate measures shall be provided or identified** as well **as for** firefighting needs. **The Planning Board shall consult with the Belfast Fire Chief to determine the adequacy of a water source for fire- fighting needs.**
  - f. Utilities. **When practical, All**-utilities shall be installed underground **wherever possible, however, this shall not preclude an applicant's use of above ground utilities.** Transformer boxes, pumping stations, and meters **associated**

- with underground services** shall be located so as not to be unsightly or hazardous to the public.
- g. Recreation. Facilities shall be provided consistent with the development proposal. **Facilities that are provided shall address the needs of persons who will reside in the project, however, when appropriate, facilities should consider opportunities to address the recreational needs of the broader community. For example, creating opportunities to connect to a trail system that allows public access on one or more adjacent properties.**
  - h. Buffering. Planting, landscaping, **retention of existing vegetation**, disposition and form of buildings and other improvements, or fencing and screening, shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.
  - i. Disposition of buildings. **The lay-out and** ~~D~~Disposition of buildings shall recognize the need for natural light and ventilation, **as well as methods to benefit from solar gain.**
  - j. Snow removal. The plan shall provide for **the** storage of snow accumulation or removal from the site.
- (8) Recording of covenants and conditions. For the purpose of this ~~a~~**Article**, the owners of the tract or parcel of land involved **in the planned unit development** shall agree in advance to be bound by the conditions **of approval established by the Belfast Planning Board and regulations which are applicable to the district** and to record such covenants, easements and other provisions with the **Waldo** ~~e~~**County** ~~r~~**Registrar of d****Deeds**.
- (9) Performance guarantee. The developer shall file a performance guarantee with the City ~~at the time of submission of final plans~~ **prior to the recording of the approved plan with the Waldo County Registry of Deeds**. This may be tendered in the form of a certified check payable to the City, a savings account passbook issued in the name of the City, or a faithful performance bond running to the City and issued by a surety company acceptable to the City. The conditions pertaining to such check, passbook or performance bond **established by the Planning Board** shall be **reviewed by the City Attorney** ~~determined by the City manager~~. The amount shall be equal to ~~110~~ **120%** of the total cost of furnishing, installing, connecting and completing the entire street grading, paving, storm drainage, ~~and~~ utilities, or other improvements specified in the final plan, and shall guarantee the satisfactory completion of all specified improvements. **Terms of the performance guarantee approved by the Planning Board shall identify the City's terms for the management of the guarantee, and the release of said guarantee.**

**If an applicant does not begin and complete project construction within 2 years of the date of Planning Board approval of the planned unit development, the Planning and Codes Department, with the assistance of City Engineer, shall review the original construction cost estimates and the adequacy of the original**

guarantee, and shall determine if the amount of the guarantee established by the Planning Board should be adjusted. If the Department determines that the initial amount of the guarantee is inadequate, the applicant shall have a period of 60 days to provide the revised amount of the guarantee identified by the Department to the Department.

(10) Dedication of common open space.

- a. **Consistent with conditions of approval established by the Planning Board, common open space shall be dedicated after Planning Board approval of the project, and prior to the initiation of project construction or the issuance of any building permit.** There shall be no further subdivision of the land, or buildings constructed, **as shown on the approved plan, until the respective dedication of the common open space has occurred** ~~which would cause an increase in the density of the planned unit development or cluster housing development.~~
- b. The common open space shall be shown on the development plan with an appropriate notation on the face thereof to indicate that:
  1. It shall not be used for future building lots; and
  2. ~~A part or all of the common space may, at the option of the City Council, be dedicated for operation as a municipal recreation facility.~~ **The open space land shall be managed and used for the uses identified on the planned unit development plan approved by the Board.**

(11) Neighborhood association.

- a. If any or all of the common open space is to be reserved for use by the residents or owners, the **proposed terms for the formation and incorporation** by the developer of a neighborhood/**homeowner's** association **shall be presented to the Planning Board for review and approval at the final plan review, and the establishment of the** association shall be required prior to **the recording of the** final plat approval.
- b. Covenants for mandatory membership in the **neighborhood/homeowner's** association, setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot or dwelling unit, **and identified in the Conditions of Approval that the Board establishes for the approved plan.**
- c. The neighborhood/**homeowner's** association shall have the responsibility of maintaining the common open space, as well as road maintenance, parking lot maintenance, snow removal, and maintenance of recreational facilities/areas. **A schedule for the transfer of some or all of the owner's responsibilities to**

**maintain project infrastructure to the neighborhood/homeowner's association shall be identified in the association documents.**

- d. The association shall levy charges against all property owners to defray the expenses connected with the maintenance of open space, neighborhood recreational facilities, road maintenance, maintenance of landscaping of buffers and landscaping noted on the final plan, and City assessments **for the same**.
- e. The developer/applicant shall maintain control of such open space **and project infrastructure and shall** be responsible for its maintenance until the development is sufficient to support the association, or, alternatively, the objectives of the planned unit development have been met. Such determination shall be made by the Planning Board upon request of the neighborhood/homeowner's association or the developer/applicant.

**Sec. 102-805. through Sec. 102-814. (Reserved)**