

# CITY CODE OF ORDINANCES

## CHAPTER 102, ZONING

### ARTICLE V. DISTRICT REGULATIONS

#### DIVISION 9. Inside the Bypass Zoning Districts

##### Sec 102-461. Inside the Bypass Zoning Districts.

The Inside the Bypass area, Division 9 in Article V, District Regulations, includes six zoning districts: Residential 1, Residential 2, Residential 3, Downtown Commercial, Waterfront Mixed Use 1, and Waterfront Mixed Use 2. The zoning standards for the above districts, prior to Council adoption of Division 9 on January 15, 2019, were included in Division 30, Use Table for the Inside the Bypass Districts, and Division 31, Dimensional Table for the Inside the Bypass Districts. Certain properties in the Residential 1, Residential 2, Downtown Commercial, Waterfront Mixed Use 1 and Waterfront Mixed Use 2 districts are either required or eligible to use contract rezoning; reference Article X, Contract Rezoning.

##### Sec 102-462. Use Table

The Table of Uses in this Section identifies uses that are permitted in the following zoning districts, as such are shown on the Official Zoning Map adopted by the City Council and as such zoning district boundaries may be amended by the City from time to time: Residential 1, Residential 2, Residential 3, Downtown Commercial, Waterfront Mixed Use 1 and Waterfront Mixed Use 2. Said Table may be amended by the City Council from time to time.

The Table of Uses does not identify certain properties located in the Residential 1, Residential 2, Downtown Commercial, Waterfront Mixed Use 1, and Waterfront Mixed Use 2 zoning districts that may be permitted to conduct additional uses as part of an application approved through the City contract rezoning process. Properties in the Residential 1 and Residential 2 zoning districts that may use the contract rezoning process are identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 3, Residential 1 and Residential 2 Zoning Districts. Properties in the Waterfront Mixed Use 1 and Waterfront Mixed Use 2 zoning districts that are either required to use the contract rezoning process or that may voluntarily request to use the contract rezoning process are identified in Article X, Division 4, Waterfront Mixed Use 1 Zoning District, Waterfront Mixed Use 2 Zoning District, and Waterfront Development Shoreland District. Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, identifies certain circumstances for properties located in the Downtown Commercial zone that may be eligible to pursue a contract rezoning agreement.

Footnotes to the Use Table identify additional requirements that apply to certain uses identified in the Use Table, and are more fully described in Section 102-463. Footnotes are identified in the Table of Uses by the following designation: \* [number] and \*[lower case letter] .

**Note to General Codes - INSERT revised USE TABLE (102-462)HERE**

##### Sec 102-463. Footnotes to Use Table

The Footnotes identified below apply to the Use Table identified in Section 102-462. The respective footnote identifies additional requirements that apply to the use identified in the Use Table. The footnotes are identified in the Use Table by the following designation: \* [number] or \*[lower case letter].

\*[1]: Reserved. (The City Council repealed Footnote 1 on December 5, 2017).

\*[2]: ~~Multi-family dwelling units are limited to new construction only, which means the construction of a new building. This provision does not allow the conversion of an existing single family or two family residence into a multi-family dwelling structure, nor does it permit an existing multi-family dwelling structure to construct additional units in the same structure.~~ Reserved. (The City Council repealed Footnote 2 on [date of adoption]). Multi-family, Flex Housing, One-Two Family Dwelling and Accessory Dwelling Units are allowed in all zoning districts Inside the Bypass, subject to various standards. See Footnote \*[1] for the Dimensional Table regarding prohibiting residential uses on the first floor in the Downtown Commercial zoning district.

\*[3]: The identified uses are only permitted as an accessory use to a nonresidential use.

\*[4]: In the Residential 3 zoning district, certain restaurants and ice cream stands are permitted on properties that have street frontage on Northport Avenue, provided the property is located southerly of the common lot line between Map 33, Lot 21 (Waldo County General Hospital) and the lot lines for Map 33, Lot 19, and Map 33, Lot 23, as such were shown on the City of Belfast tax maps in effect on September 17, 2014. Also, the maximum number of seats for a restaurant or ice cream stand is 20, and outdoor seating is prohibited.

\*[5]: The identified use must be for a marine related activity.

\*[6]: The identified agricultural activities are limited to the following (2) areas:

- 1) The portion of the Residential 2 zoning district that is bounded by Miller Street to the north, the Route 1 Bypass to the west, and Congress Street to the south and east.
- 2) The portion of the Residential 2 zoning district that lies north of the Residential 15 zoning district near Vine Street and to the west of High Street to the border of the Residential 4 and Outside Rural 1 zoning districts.

\*[7]: YTBD or Yet to Be Determined. The City of Belfast has not yet formulated zoning ordinance standards for the zoning districts identified in this Use Table regarding the establishment of a Non-residential Planned Unit Development.

\*[8]. In the portion of the Downtown Commercial zoning district in which a Use is exempt from the on-site parking requirement, reference Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Sec. 98-245, Areas and Uses exempt from parking requirement, the City Code Enforcement, rather than the City Planning Board, shall have the authority to review and act on a Use Permit application, **unless Planning Board review is triggered otherwise via Site Plan or Subdivision etc.**

\*[9]. A property that is in the Downtown Commercial zoning, that has street frontage on Front Street, and that is located northwesterly of the City Wastewater Treatment Plant (between the Treatment Plant and Peirce Street), may have one or more residential uses located on the first floor of the structure.

\*[10]. In the Inside the Bypass zoning districts that allow a medium-scale ground-mounted solar energy system, the maximum size of a system shall be 1 acre (43,560 square feet). (Footnote 10 was adopted on January 7, 2020).

\*[11]. Notwithstanding the limitation on a medium-scale ground-mounted solar energy system identified in Footnote 10, RSU 71 shall be allowed to develop a system that is up to 4 acres in size. The Code Enforcement Officer can review and issue this permit. (Footnote 11 was adopted on January 7, 2020).

\*[12]. Notwithstanding the limitation on a medium-scale ground-mounted solar energy system identified in Footnote 10, and the prohibition on a large-scale ground-mounted solar energy system in the Residential 2 zoning district, the City of Belfast shall be allowed to develop a ground-mounted system of any size, provided the City Council conducts a public hearing on the proposal, publishes notice of the hearing a minimum of 10 days in advance of the hearing, and post the hearing, the Council affirmatively votes to allow the proposed use. (Footnote 12 was adopted on January 7, 2020).

\*[a] Reference performance standards for an accessory dwelling unit.  
Chapter 102, Zoning, Article IX, Performance Standards, Division 6, Supplemental Performance Standards for an Accessory Dwelling Unit.

\*[b] Reference density standards that apply to a Dwelling, Flex Housing project that are identified in the Dimensional Standards Table (Section 102-471) for each respective zoning district. The density standard establishes a formula to identify the amount and type of housing development that can occur on a property. The formula is based on the following factors: the size (net area) of the lot (as calculated based on net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. **In all cases, the maximum number of dwelling units that can be located in any single structure in a flex housing project is four dwelling units for zoning districts Inside the Bypass.** Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project, identifies the process for Planning Board review of a Flex Housing project, and all Flex Housing projects must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project. Certain Flex Housing projects are also subject to Planning Board review pursuant to the Chapter 102, Zoning, Article VI, Planned Unit Development standards. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

\*[c] Reference performance standards for multi-family housing; Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project.

\*[d] Flex housing allows housing options in all zoning districts Inside the Bypass up to a four-plex (4 dwelling units in 1 structure) structure. Tri-plexes, One-Two Family Dwellings and Accessory Dwelling Units may also be allowed.

\*[e] Multi-family housing shall be considered a distinct and separate use from Flex Housing. Multi-family housing shall be regulated pursuant to the density standards in the Dimensional Standards Table for each respective zoning district, and other provisions in the City Code of Ordinances that apply to a Multi-family housing project. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

\*[f] Reference Chapter 102, Zoning, Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development.

\*[g] Flexibility is permitted regarding the types of Multi-family housing and Flex Housing that can be constructed in a residential Planned Unit Development. Reference the density standards in the Dimensional Standards Table for each respective zoning district, and reference standards in Chapter 102, Zoning, Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development.

\*[h] Not applicable for Inside the Bypass zoning districts where Rural Affordable Housing Developments, as defined by the City and classified as PUD's, are not permitted.

\*[i] Not applicable for Inside the Bypass zoning districts where manufactured housing communities are not permitted.

\*[j] Residential development in the upper stories of a structure is permitted if the amount of development complies with density standards for a respective zoning district identified in the Dimensional Standards Table.

\*[k] Reference the Division 1.5, Performance Standards for Home Occupations, identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations.

\*[l] Reference standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments.

\*[m] Professional Offices and Health Care Offices. Not applicable for Inside the Bypass zoning districts where Professional Offices and Health Care Offices are allowed.

\*[n] Retail Uses. Retail uses are allowed in the Downtown Commercial zoning district up to 75,000 sqft. Retail uses are allowed in the Waterfront Mixed Use zoning districts up to 20,000 sqft.

\*[o] Shopping Centers. Not Applicable.

\*[p] Personal Service Business. Not Applicable.

\*[q] Convenience Store. Not Applicable.

\*[r] Storage/Warehouse. Not Applicable.

\*[s] Light Manufacturing. Not Applicable.

\*[t] Manufacturing, processing, or industrial facility. Not Applicable.

\*[u] Not Applicable

\*[v] Animal kennels are not allowed in any zoning districts Inside the Bypass.

\*[w] Any business that sells and dispenses fuel shall be limited to a maximum of 4 fuel dispensers (pumps) on the property.

\*[x] Campground and Recreational Vehicle Parks are not allowed in any zoning districts inside the bypass.

\*[y] Not Applicable.

\*[z] Not Applicable.

\*[aa] A fill, loam, sand, and gravel extraction operation is not allowed in any zoning district Inside the Bypass.

\*[bb] An outdoor theater or event facility that is permitted as an accessory use to an agricultural use is limited to a maximum of 100 seats or guests and a maximum of 8 events per year, and no more than 2 events in any single month. This use is subject to review by the Planning Board and compliance with specific performance standards in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD - Note: City has not adopted these standards as of yet), Performance Standards for Event Facilities and Outdoor Theaters.

\*[cc] Allowed Medical Marijuana uses must comply with requirements identified in

Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 8, Medical Marijuana Regulations.

\*[dd] Allowed Adult Use Marijuana uses must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 2.5, Adult Use Marijuana Regulations.

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

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

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

\*[hh] Significant Groundwater Wells are not allowed in any zoning districts Inside the Bypass.

\*[ii] Significant Groundwater Wells are not allowed in any zoning districts Inside the Bypass.

\*[jj] Commercial Horse Stables and Barns are not allowed in any zoning districts Inside the Bypass.

\*[kk] Not applicable

\*[ll] Not Applicable

\*[mm] Not Applicable

\*[nn] Reserved in this Division.

\*[oo] Bituminous asphalt plants are not allowed in any zoning districts inside the bypass.

\*[pp] Not Applicable.

\*[qq] Reserved in this Division.

\*[rr] Not Applicable.

\*[ss] Hydroelectric facilities. All applications to establish a new hydroelectric facility or to remove a facility, such as a dam, that was used to produce hydroelectric power, shall be

subject to Planning Board review pursuant to Chapter 90, Site Plan.

\*[tt] Lumber Yards and Building Supply Stores are not allowed in any zoning district Inside the Bypass.

\*[uu] Snowmobile, utility terrain vehicle (UTV), all-terrain vehicle (ATV), and similar repair business are not allowed in any zoning district Inside the Bypass.

\*[vv] Child care facilities, stand alone or accessory, are an allowed use in all zoning districts Inside the Bypass with Planning Board review.

\*[xx] Service Business. Not Applicable.

\*[yy] The Use Table includes a category of uses entitled: 'Use Specific to Chapter 82, Shoreland'; (Uses 340 - 353). The uses in this category are specific uses identified in the State Model Shoreland Regulations, and thus, are included in the Use Table for Chapter 82, Shoreland. As Belfast's Code of Ordinances incorporates common Use Tables for all zoning districts in Chapter 102, Zoning, Article V, District Regulations, and Chapter 82, Shoreland, this same category of Shoreland uses is identified in the respective Use Tables that apply to Chapter 102, Zoning.

**Sec 102-464 - 102-469** Reserved.

### **Sec 102-470. Dimensional Standards Table**

The Dimensional Standards Table identifies dimensional standards for the following zoning districts, as such are shown on the Official Zoning Map adopted by the City Council: Residential 1, Residential 2, Residential 3, Downtown Commercial, Waterfront Mixed Use 1 and Waterfront Mixed Use 2. Said Dimensional Standards Table includes standards identified on the original Table adopted on October 7, 2014 (Division 31), amendments to the Table adopted by the City Council at its meetings of October 21, 2014 and June 21, 2016, the re-codification of this Table that was adopted by the City Council at its meeting of January 15, 2019 (Recodified as Division 9), and subsequent amendments to the re-codification of said Table that may be adopted by the City Council from time to time.

Footnotes to the Dimensional Standards Table identify additional requirements that apply to certain dimensional standards and are more fully described in Section 102-471. Footnotes are identified in the Dimensional Standards Table by the following designation: \* [number] or \* [UPPER CASE LETTER].

**Note to General Codes - INSERT DIMENSIONAL STANDARDS TABLE HERE**

### **SEC 102-471 Footnotes to Dimensional Standards Table**

The Footnotes identified below apply to the Dimensional Standards Table in Section 102-470. The respective footnote identifies additional requirements that apply to the standard identified in the Dimensional Standards Table. The footnotes are identified in the Dimensional Standards Table by the following designation: \* [number] and \*[UPPER CASE LETTER].

\*[1]. In the Downtown Commercial zoning district, residential uses are allowed, provided the residential use is not located on the first floor; any residential use must be located on an upper floor, **including any Hotel/Motel rooms containing sleeping units or dwelling units**. The above prohibition on a first floor residence(s) shall not apply to any property in the Downtown Commercial zoning district that has street frontage on Front Street and that is located northwesterly of the City Wastewater Treatment Plant, the area from the Plant to Peirce Street. Further, notwithstanding the standard (prohibition), a structure which had a residential use located on the first floor on or before the date of adoption of this Ordinance (October 21, 2014) may continue as a legally established nonconforming use, and the nonconforming residential use may be expanded if such expansion complies with requirements of Chapter 102, Zoning, Article III, Nonconformance.

\*[2]. In the Waterfront Mixed Use 1 and Waterfront Mixed Use 2 zoning districts, residential uses are allowed only as an accessory use to a nonresidential use, and a property (lot) on which an applicant proposes to construct one or more residential dwelling units shall include one or more permitted nonresidential uses on the same property (lot). Further, any dwelling unit that is constructed shall comply with the following standards:

- (1) The maximum usable floor area of the total of all residential dwelling units that are established on a property (lot) that is one acre or less in size shall not exceed the total amount of floor area of all nonresidential uses located within one or more structures on the same property (lot).
- (2) The maximum usable floor area of the total of all residential dwelling units that are established on a property (lot) that is more than one acre in size shall not exceed 75 percent of the total amount of floor area of all nonresidential uses located within one or more structures on the same property (lot).
- (3) Standards (1) and (2) above, apply to any application to construct one or more new nonresidential dwelling units on or after July 20, 2004 (date when standard was enacted). Any dwelling unit constructed before July 20, 2004 that does not satisfy the above density standards shall be considered a nonconforming use of record which may continue, and said dwelling unit may be expanded in compliance with applicable provisions of Chapter 82, Shoreland, and Chapter 102, Zoning, Article III, Nonconformance.
- (4) The property the City identifies as Map 13, Lot 46, located at 3 Field Street, which was used exclusively as a single family residence on the date of adoption of this Ordinance amendment (October 7, 2014), is considered a legally established nonconforming use, and may continue to be used exclusively as a single family residence. Further, the primary residential structure may be expanded, any existing accessory structure to the single family residence may be expanded, and any new accessory structure to the single family residence may be constructed, provided all structures comply with structure setback standards that apply.

(5) The density standards identified in standards (1) and (2) of this footnote, may be modified by the City of Belfast through a contract rezoning agreement adopted pursuant to applicable provisions of Chapter 82, Shoreland, and Chapter 102, Zoning, Article III, Nonconformance.

\*[3]. In the Waterfront Mixed Use 2 zoning district, a lot which has shore frontage must also have a minimum of 200 feet of street frontage, if said lot has frontage on a street. A lot which does not have any shore frontage must have a minimum of 50 feet of frontage on a street, if said lot has frontage on a street, and must have a minimum width of 50 feet if it does not have any frontage on a street. A lot which does not satisfy the above standards shall be considered a nonconforming lot of record.

\*[4]. In the Residential 1, Residential 2 and Residential 3 zoning districts, a nonresidential use that is proposed for a vacant (undeveloped) property (lot), or a property (lot) that was used for a residential use at the time the nonresidential use is proposed, shall have a minimum of 80 feet of street frontage. A property in the above zoning districts that was being used for a nonresidential use on or before the date of adoption of this Ordinance (October 7, 2014) that does not satisfy this minimum street frontage requirement, shall be considered a nonconforming lot of record and the nonresidential use may continue on said property (lot) subject to requirements of Chapter 102, Zoning, Nonconformance.

\*[5]. In the Residential 1 zoning district, an existing structure that was used as a multi-family residence on or before January 1, 1986, was considered a legally established nonconforming use of record. Subject to requirements of Chapter 102, Zoning, Article III, Nonconformance, the nonconforming use of said structure could continue, and an expansion may be permitted. **However, multi-family uses, including conversions, are now permitted in the Residential 1 zoning district as of [date of adoption].**

\*[6]. Effective with the date of adoption of this Ordinance amendment (October 7, 2014), in the Residential 2 and Residential 3 zoning districts, the construction of a new multi-family dwelling structure (which means the construction of a new building) was allowed as a permitted use. In the same above districts, the conversion of a structure that was used as a single family or two-family residence on or before the date of adoption of this Ordinance (October 7, 2014) into a multi-family dwelling was prohibited. In the same above districts, an existing structure that was used as a multi-family residence on or before January 1, 1986, was considered a legally established nonconforming use of record, and subject to requirements of Chapter 102, Zoning, Article III, Nonconformance, the nonconforming use of said structure could continue, and an expansion could be permitted. **However, multi-family uses, including conversions, are now permitted in the Residential 2 and 3 zoning district as of [date of adoption].**

\*[7]. In Area #1 of the Downtown Commercial zoning district the following maximum height restrictions shall apply:

- (1) A new structure shall not exceed a height of 38 feet;
- (2) the height of a structure that existed on or before the date of adoption of this Ordinance (October 21, 2014) that is less than 38 feet in height shall not be increased to a height of greater than 38 feet; and

- (3) any structure that existed on or before the date of adoption of this Ordinance (October 21, 2014), that had a height of 38 feet or more, may continue as a legally established nonconforming structure with regard to structure height, and any portion of the structure may be increased in height, provided that the total height of the structure does not exceed the maximum height of the structure which existed on the date of adoption of this Ordinance (October 21, 2014).

Area #1 of the Downtown Commercial zoning district is identified on the map in this section [102-471 9)] entitled: Downtown Commercial Building Heights.

In Area #2 of the Downtown Commercial zoning district the following maximum height restrictions shall apply:

- (1) A new structure shall not exceed a height of 48 feet;
- (2) the height of a structure that existed on or before the date of adoption of this Ordinance (October 21, 2014) that is less than 48 feet in height shall not be increased to a height of greater than 48 feet, and
- (3) any structure that existed on or before the date of adoption of this Ordinance (October 21, 2014) that had a height of 48 feet or more, may continue as a legally established nonconforming structure with regard to structure height, and any portion of the structure may be increased in height, provided that the total height of the structure does not exceed the maximum height of the structure which existed on the date of adoption of this Ordinance (October 21, 2014).

Area #2 of the Downtown Commercial zoning district is identified on the map in this section [102-471 9)] entitled: Downtown Commercial Building Heights.

In Area #3 of the Downtown Commercial zoning district the following maximum height restrictions shall apply:

- (1) A new structure shall not exceed a height of 60 feet;
- (2) the height of a structure that existed on or before the date of adoption of this Ordinance (October 21, 2014) that is less than 60 feet in height shall not be increased to a height of greater than 60 feet, and
- (3) any structure that existed on or before the date of adoption of this Ordinance (October 21, 2014) that had a height of 60 feet or more, may continue as a legally established nonconforming structure with regard to structure height, and any portion of the structure may be increased in height, provided that the total height of the structure does not exceed the maximum height of the structure which existed on the date of adoption of this Ordinance (October 21, 2014).

Area #3 of the Downtown Commercial zoning district is identified on the map in this section [102-471 9)] entitled: Downtown Commercial Building Heights.

\*[8]. In the Waterfront Mixed Use 1 and Waterfront Mixed Use 2 zoning districts, the maximum height of a structure shall not exceed 35 feet, unless the City allows or allowed a structure height of greater than 35 feet pursuant to an adopted contract rezoning agreement; reference Chapter 102, Zoning, Article X, Contract Rezoning.

\*[9]. This standard identifies how to determine the amount of rear setback required for structures located on a corner lot; a lot has frontage on two or more streets. Pursuant to the City Ordinances,

a corner lot has only one street frontage for the purposes of determining the amount of front setback required for structures. ~~In the case of a corner lot, the amount of structure setback for all other lot lines shall comply with the side setback requirement for the respective zoning district.~~

\*[10]. In the Residential 3 zoning district, the maximum structure height shall be 55 feet for any structure located on Map 33, Lot 21, which is owned by Waldo County General Hospital, or any property which directly abuts this property which also is located in the Residential 3 zoning district which is acquired by Waldo County General Hospital and merged with this property (Map 33, Lot 21). (Footnote # 10 was adopted on October 21, 2014.)

\*[11] In the Downtown Commercial zoning district, a property owner, pursuant to the contract rezoning process identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 5, Downtown Commercial zoning district, may request to divide or subdivide a property (lot) and building into two or more properties (lots) when one or more of the properties (lots) that are created by said division or subdivision do not satisfy the minimum lot size and/or minimum lot frontage requirements in effect for the Downtown Commercial zoning district. This provision only applies to a property on which the building that is proposed to be divided was constructed on or before July 16, 1985. (Footnote # 11 was adopted on June 21, 2016.)

\*[A] Not Applicable

\*[B] The required minimum front setbacks for structures in the Residential 1, Residential 2, and Residential 3 zoning districts is reflected in the Adopted Setback Map in Chapter 102 Zoning, Article V District Regulations, Division 31 Dimensional Standards, Section 102-900 as adopted October 7, 2014 and most recently amended on July 21, 2020. Note to the Board: Front Setback Map has been modified on Cottage Street as per Board discussions.

\*[C] Not Applicable

\*[D] The limit on the maximum number of dwelling units that can be constructed in a single multi-family housing structure in any zoning district inside the bypass is 30, and the maximum number of bedrooms in a structure is 60.

\*[E] Not Applicable

\*[F] A property that is proposed to be developed as a single family residence with an accessory dwelling unit must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 6, Supplemental Performance Standards for an Accessory Dwelling Unit.

\*[G] A property that is proposed to be developed as a multi-family dwelling structure or a flex housing project must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Multi-family housing and Flex Housing. Said standards shall

apply to any structure in a flex housing project, even if the respective structure(s) has less than three units. **In all cases, the maximum number of dwelling units that can be located in any single structure in a flex housing project is four dwelling units for zoning districts Inside the Bypass.**

\*[H] Not Applicable

\*[I] A property that is proposed to be developed for a nonresidential use after -- insert date of Council action -- [date of adoption] must satisfy the minimum lot size and minimum lot frontage requirement specified in the Dimensional Standards Table. A property that was developed for a nonresidential use on or before --insert date of Council action -- [date of adoption] that does not satisfy either or both the minimum lot size and minimum lot frontage requirement for the respective zoning district shall be considered a legally established use that is located on a nonconforming lot of record.

\*[J] Dwelling, Flex housing, All zoning districts Inside the Bypass connected to public sewer. Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage. In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of proposed development involves the construction of 9 or more dwelling units and/or 6 or more dwelling structures, the Flex Housing project shall be subject to review pursuant to the requirements of both Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development (PUD). The provisions in Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development, shall apply even if the size of the property may be less than the minimum standards for a PUD identified in this Division. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project. The following Table identifies the density standards that shall apply to the Residential 1, Residential 2 and Residential 3 zoning districts for the Flex Housing approach if the property is connected to public sewer.

Minimum Size of Property (net)	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
7,500 sf	4	3
10,000 sf	5	3
12,500 sf	6	4
15,000 sf	7	4
17,500 sf	8	5
20,000 sf	9	5

If a proposed Flex Housing project involves the development of a property that is greater than 20,000 sf (net) in size, and the development of 9 or more dwelling units and/or 5 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of 5,000 sf (net) in size. In no case, however, may a single structure have more than 4 dwelling units.

\*[K] Residential, Flex housing, All zoning districts Inside the Bypass connected to a subsurface system to manage wastewater. Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four(4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage. In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of development proposed involves the development of 9 or more dwelling units and/or 6 or more dwelling structures, the project shall be subject to review pursuant to the requirements of both Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development. The provisions in Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development (PUD) shall apply, even if the size of the property may be less than the minimum lot size standard for a PUD identified in Division 1. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project. The following Table identifies the density standards that shall apply to the Residential 1, Residential 2 and Residential 3 zoning districts for the Flex Housing approach if the property uses a subsurface system to manage wastewater disposal.

Minimum Size of Property (net)	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
20,000 sf	4	3
22,500 sf	6	4
25,000 sf	8	5
27,500 sf	10	6
30,000 sf	12	7
32,500 sf	14	8

If a proposed Flex Housing project involves the development of a property that is greater than 1 Net Acres in Size, and the development of 13 or more dwelling units, in 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of 2,500 sqft (net). In no case, however, shall a single structure have more than 4 dwelling units.

\*[L] A property that is nonconforming with respect to the amount of lot coverage identified in the Dimensional Standards Table for a respective zoning district may qualify for an increase in the maximum amount of lot coverage allowed; reference Chapter 102, Zoning, Article III, Nonconformance, Type 7 Nonconformity, Amount of Lot Coverage.

**Sec 102-473 - Sec 102-480** Reserved.