

City of Belfast, ME  
Friday, June 13, 2014

## Chapter 102. ZONING

### ARTICLE V. District Regulations

#### DIVISION 6. Residential I Urban District

##### Sec. 102-401. Permitted uses.

**[Ord. No. 28-1997, § 605.1, 3-4-1997; Ord. of 8-3-2010(2)]**

Permitted uses in the Residential I Urban District are as follows:

- (1) Residential uses (single-family and two-family), excluding manufactured housing units.
- (2) Public parks.
- (3) Accessory uses, including yard sales on no more than 10 days in any calendar year.
- (4) 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.
- (5) Domesticated chickens, subject to requirements of Chapter 10, Animals.

##### Sec. 102-402. Permitted uses requiring Planning Board review.

**[Ord. No. 28-1997, § 605.2, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 20-2001, 11-7-2001; Ord. No. 21-2006, 2-7-2006]**

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

- (1) Health service offices and professional offices for not more than one primary practitioner or one professional in a single-family residence, provided the professional resides in the residence. No more than two additional employees serving as associated support personnel are permitted. Off-street parking for the practitioners or professionals and for each full-time equivalent employee shall conform to the requirements and the applicable provisions of chapter 98. In addition, the outward appearance of the building shall remain that of a residence, without display or advertising other than one sign not to exceed two square feet containing no more than the name of each practitioner or professional and the business of each.
- (2) Essential services.
- (3) Funeral homes.
- (4) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.

- (5) Home occupations.
- (6) Bed and breakfast, including class 1, class 2 and class 3.
- (7) Elderly congregate residential housing or elderly housing, subject to the contract rezoning process identified in article X, division 3 of this chapter.
- (8) Stealth telecommunications facilities.

## Sec. 102-403. Applicability of shoreland zoning and floodplain regulations.

### **[Ord. No. 28-1997, § 605.3, 3-4-1997]**

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

## Sec. 102-404. Standards.

### **[Ord. No. 28-1997, § 605.4, 3-4-1997; Ord. No. 20-2001, 11-7-2001]**

- (a) The general standards of performance in article IX of this chapter shall be observed in the Residential I Urban District.
- (b) The following standards shall also apply:
  - (1) Maximum residential density for one- or two-family dwelling structures is one dwelling structure per 10,000 square feet.
  - (2) Minimum lot frontage is 60 feet.
  - (3) The minimum rear and side yard is 15 feet for all buildings.
  - (4) Maximum building height is 38 feet.
  - (5) 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 boundary by a survey at the owner's expense and adding 25 feet, or a distance equal to 20% of the average depth of the lot as measured from the edge of the road right-of-way, whichever is less.

## Sec. 102-405. Prohibited uses.

### **[Ord. No. 28-1997, § 605.5, 3-4-1997]**

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

## Sec. 102-406. through Sec. 102-420. (Reserved)

City of Belfast, ME  
Friday, June 13, 2014

## Chapter 102. ZONING

### ARTICLE V. District Regulations

#### DIVISION 7. Residential II District

##### Sec. 102-421. Permitted uses.

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

Permitted uses in the Residential II District are as follows:

- (1) Residential uses (single-family and two-family), excluding manufactured housing units.
- (2) Public parks.
- (3) Accessory uses, including yard sales on no more than 10 days in any calendar year.
- (4) 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.
- (5) Domesticated chickens, subject to requirements of Chapter 10, Animals.

##### 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 II 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) Nonmunicipal public and quasipublic uses.
- (7) Residential planned unit development and cluster housing development.
- (8) Congregate retirement residential housing.
- (9) Health care facilities.
- (10) Home occupations.
- (11) Stealth telecommunications facilities.

## Sec. 102-423. Applicability of shoreland zoning and floodplain regulations.

### **[Ord. No. 28-1997, § 606.3, 3-4-1997]**

Provisions of chapter **82**, pertaining to shoreland zoning, and chapter **78**, article **II**, pertaining to floodplains, may apply in the Residential II District. See the shoreland zoning 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 article IX of this chapter shall be observed in the Residential II 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 structure: 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 structure: One dwelling per net acre.
  - (3) Minimum lot frontage is 60 feet.
  - (4) The minimum rear and side 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. 102-425. Planned unit 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 II District, the standards in section **102-424** may be modified in accordance with the special provisions of article VI of this chapter. In addition, planned unit development or cluster housing development shall be reviewed under the City's subdivision ordinance.

## 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 II District. All other uses are excluded.

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

City of Belfast, ME  
Friday, June 13, 2014

## Chapter 102. ZONING

### ARTICLE V. District Regulations

#### DIVISION 23. Health Care District

##### Sec. 102-761. Permitted uses.

**[Ord. No. 28-1997, § 622.1, 3-4-1997; Ord. of 8-3-2010(2)]**

Permitted uses in the Health Care District are as follows:

- (1) Residential uses (single- and two-family), excluding manufactured housing units.
- (2) Public parks.
- (3) Accessory uses, including yard sales on no more than 10 days in any calendar year.
- (4) 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.
- (5) Domesticated chickens, subject to requirements of Chapter 10, Animals.

##### Sec. 102-762. Permitted uses requiring Planning Board review.

**[Ord. No. 28-1997, § 622.2, 3-4-1997; Ord. No. 12-1999, 9-7-1999; Ord. No. 21-2006, 2-7-2006]**

Permitted uses requiring Planning Board review in the Health Care District are as follows:

- (1) Health service offices and professional offices.
- (2) Health care facilities.
- (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) Home occupation.
- (7) Multifamily housing if associated with the delivery of health care services and the housing complies with density standards identified in section 102-764(b) for single-family and two-family dwelling structures.
- (8) Stealth telecommunications facilities.

##### Sec. 102-763. Applicability of shoreland zoning and floodplain regulations.

**[Ord. No. 28-1997, § 622.3, 3-4-1997]**

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

**Sec. 102-764. Standards.****[Ord. No. 28-1997, § 622.4, 3-4-1997; Ord. No. 61-1998, 3-17-1998; Ord. No. 12-1999, 9-7-1999]**

- (a) The general performance standards in article IX of this chapter shall be observed in the Health Care District.
- (b) The following 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 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 setback is 15 feet for all buildings.
  - (5) Maximum building height is 55 feet for all structures, except multifamily housing permitted in section 102-762(7), which has a height limit of 38 feet.
  - (6) The minimum setback for all structures, except multifamily housing permitted in section 102-762(7), shall be 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 of the right-of-way distance plus 15 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 15 feet. In addition, no permanent aboveground structures for the support, shelter or enclosure of persons or goods shall be erected within 25 feet of Northport Avenue.
  - (7) The minimum setback for multifamily housing permitted in section 102-762(7) 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 of 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. 102-765. Screening of off-street parking areas.****[Ord. No. 28-1997, § 622.5, 3-4-1997]**

All off-street parking in the Health Care District shall be screened from public ways by a vegetative buffer in accordance with article VIII, division 2 of this chapter, with the screening plan to be approved by the Planning Board.

**Sec. 102-766. Prohibited uses.****[Ord. No. 28-1997, § 622.6, 3-4-1997]**

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

City of Belfast, ME  
Friday, June 13, 2014

## Chapter 102. ZONING

### ARTICLE V. District Regulations

#### DIVISION 22. Residential Growth District

##### Sec. 102-741. Permitted uses.

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

Permitted uses in the Residential Growth District are as follows:

- (1) Residential (single-family and two-family dwelling) structures, excluding manufactured housing units.
- (2) Public parks.
- (3) Accessory uses, including yard sales on no more than 10 days in any calendar year.
- (4) 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.
- (5) Manufactured housing on permanent foundations.

##### 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.

## 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)**

City of Belfast, ME  
Friday, June 13, 2014

## Chapter 102. ZONING

### ARTICLE V. District Regulations

#### DIVISION 8. Downtown Commercial District

##### Sec. 102-441. Permitted uses.

**[Ord. No. 28-1997, § 607.1, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 71-2001, 5-15-2001]**

Permitted uses in the Downtown Commercial District are as follows:

- (1) Retail stores and services, excluding retail gasoline outlets.
- (2) Business, health care and professional offices.
- (3) Restaurants, excluding fast food restaurants and restaurants with a drive-through window.
- (4) 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.
- (5) Parking facilities.
- (6) Essential services.
- (7) School, day nursery, municipal building or use, public park, institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (8) Accessory uses, including residential use of the upper stories of structures, and yard sales on no more than 10 days in any calendar year.
- (9) Art galleries.
- (10) Craft fairs, on no more than 10 days in any calendar year.

##### Sec. 102-442. Permitted uses requiring Planning Board review.

**[Ord. No. 28-1997, § 607.2, 3-4-1997; Ord. No. 1-1999, 7-8-1999; Ord. No. 71-2001, 5-15-2001; Ord. No. 21-2006, 2-7-2006]**

Permitted uses requiring Planning Board review in the Downtown Commercial District are as follows:

- (1) Wholesale business establishments.
- (2) Public and private educational, amusement, and assembly facilities.
- (3) Manufacturing, provided that there is no exterior storage of materials, that the appearance of a retail establishment is maintained, and that the hours of operation begin no earlier than 7:00 a.m. and end no later than 11:00 p.m.

- (4) Congregate residential retirement housing.
- (5) Non-municipal public and quasi-public uses.
- (6) Bed and breakfast, including Class 1, Class 2 and Class 3.
- (7) Multifamily housing.
- (8) Health care facilities.
- (9) Hotels and motels.
- (10) Stealth telecommunications facilities.

### Sec. 102-443. Standards.

**[Ord. No. 28-1997, § 607.3, 3-4-1997; Ord. No. 41-1999, 1-4-2000; Ord. No. 71-2001, 5-15-2001]**

- (a) The general standards of performance in article IX of this chapter shall be observed in the Downtown Commercial District.
- (b) The following standards shall also apply:
  - (1) Minimum lot size is 1,000 square feet.
  - (2) Minimum lot frontage is 15 feet.
  - (3) The minimum setback is zero feet from the right-of-way line of all municipal roads and all property lines.
  - (4) Maximum structure height is 60 feet.

### Sec. 102-444. Applicability of shoreland zoning and floodplain regulations.

**[Ord. No. 71-2001, *Editor's Note: This ordinance also renumbered former Section 102-444 as Section 102-445.* 5-15-2001]**

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

### Sec. 102-445. Prohibited uses.

**[Ord. No. 28-1997, § 607.6.4, 3-4-1997; Ord. No. 71-2001, 5-15-2001]**

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

### Sec. 102-446. through Sec. 102-460. (Reserved)

City of Belfast, ME  
Friday, June 13, 2014

## Chapter 102. ZONING

### ARTICLE V. District Regulations

#### DIVISION 10. Waterfront I "A" Downtown District

##### Sec. 102-481. Permitted uses.

**[Ord. No. 28-1997, § 609.1, 3-4-1997]**

Permitted uses in the Waterfront I "A" Downtown District are as follows:  
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.

##### Sec. 102-482. Permitted uses requiring Planning Board review.

**[Ord. No. 28-1997, § 609.2, 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 Waterfront I "A" Downtown District are as follows:

- (1) Retail businesses and services.
- (2) Office buildings.
- (3) Restaurants, diners, and carry-outs (excluding drive-through).
- (4) Parks.
- (5) Light manufacturing.
- (6) Hotels, motels, convention centers and multi-unit residential complexes.
- (7) Retail sale of products assembled on-site.
- (8) Research, experimental or testing laboratories.
- (9) Public transportation passenger stations.
- (10) Public utility uses such as electric substations.
- (11) Office parks.
- (12) Health care facilities and professional offices.
- (13) Retirement facilities.
- (14) Planned unit development.
- (15) Commercial uses with single-family residential spaces on the second and/or third floors.
- (16) Home occupations.
- (17) Museums.

- (18) Water-related uses.
- (19) Art galleries.
- (20) Stealth telecommunications facilities.

## Sec. 102-483. Applicability of shoreland zoning and floodplain regulations.

### **[Ord. No. 28-1997, § 609.3, 3-4-1997]**

Provisions of chapter **82**, pertaining to shoreland zoning, and chapter **78**, article **II**, pertaining to floodplains, may apply in the Waterfront I "A" Downtown District. See the shoreland zoning maps and FIRM flood maps.

## Sec. 102-484. Standards.

### **[Ord. No. 28-1997, § 609.4, 3-4-1997; Ord. No. 57-1997, 6-17-1997]**

- (a) The general standards of performance in article IX of this chapter shall be observed in the Waterfront I "A" Downtown District.
- (b) The following standards shall apply:
  - (1) Minimum lot size is 10,000 square feet.
  - (2) Minimum lot frontage is 50 feet.
  - (3) Maximum building or structure height is 35 feet.
  - (4) The minimum setback is 10 feet from each lot line.
- (c) New construction or renovation shall not utilize exterior facade materials which would include vertical metal siding, untextured concrete or concrete block. Brick or wooden clapboard facade or wood shingle materials are encouraged. Roof pitches for all such new construction or renovation must be at least three inches rise per foot of run.
- (d) Any building renovation which does not relate to a changed use or change in the exterior footprint, size, area, or volume of a building shall be reviewed and approved by the code enforcement officer as a permitted use, subject to the general performance standards in article IX of this chapter. Such renovation, whether interior or exterior, shall not require Planning Board review.
- (e) In addition to the criteria applicable to the approval of uses classified as permitted uses requiring Planning Board review, the applicant shall be required to demonstrate to the Planning Board that the use proposed will not cause vibration or emission of any material, odor or noise which will unreasonably interfere with the use or enjoyment of other properties located within the waterfront district or adjacent thereto.

## Sec. 102-485. Planned unit development and cluster housing development.

### **[Ord. No. 28-1997, § 609.5, 3-4-1997]**

In the case of a planned unit development and cluster housing development in the Waterfront I "A" Downtown District, the standards in section **102-484** may be modified in accordance with article VI of this chapter. In addition, a planned unit development and cluster housing development shall be reviewed under the subdivision ordinance.

## Sec. 102-486. Maximum area of light manufacturing uses.

**[Ord. No. 28-1997, § 609.6, 3-4-1997]**

New light manufacturing structures shall not exceed 3,000 square feet of manufacturing area per use in the Waterfront I "A" Downtown District.

**Sec. 102-487. Enumeration of uses does not restrict uses in other districts.****[Ord. No. 28-1997, § 609.7, 3-4-1997]**

The express enumeration of a permitted use or a permitted use requiring Planning Board review in the Waterfront I "A" Downtown District is not intended to implicitly exclude those same uses in other districts in which the uses enumerated in this division are not specifically listed or mentioned.

**Sec. 102-488. Prohibited uses.****[Ord. No. 28-1997, § 609.8, 3-4-1997]**

Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board are allowed within the Waterfront I "A" Downtown District. All other uses are excluded.

**Sec. 102-489. through Sec. 102-510. (Reserved)**

City of Belfast, ME  
Friday, June 13, 2014

## Chapter 102. ZONING

### ARTICLE V. District Regulations

#### DIVISION 11.5. Waterfront Mixed Use District

##### Sec. 102-520. Permitted uses requiring CEO review.

**[Ord. No. 3-2005, 7-20-2004]**

The City Code Enforcement Officer shall review and make a decision regarding an application for a use permit for the following uses:

- (1) Essential services.
- (2) Public parks.

##### Sec. 102-521. Permitted uses requiring Planning Board review.

**[Ord. No. 3-2005, 7-20-2004; Ord. No. 21-2006, 2-7-2006]**

The City Planning Board shall review and make a decision regarding an application for a use permit for the following uses:

- (1) Single family, two-family and multi-family residential units. Such uses are permitted only as an accessory use to a property that also includes a nonresidential use; reference density standards in section **102-525**.
- (2) Home occupation, provided that the home occupation involves an activity identified as a permitted use.
- (3) Industrial, provided it is a marine oriented use or continuation of an existing industrial use.
- (4) Warehouse and storage facilities.
- (5) Boat building, storage and repair.
- (6) Marine service businesses, including accessory marine sales (boats, motors, parts, etc.).
- (7) Marinas, docks, floats and similar uses that occur below the normal high water mark.
- (8) Restaurants, excluding fast food restaurants.
- (9) Ice cream stands.
- (10) Professional offices and health care offices.
- (11) Retail and service businesses.
- (12) Shopping centers.
- (13) Hotels and motels.
- (14) Performing arts centers and movie theaters.

- (15) Museums.
- (16) School, day nursery, institution of an educational, philanthropic, religious, fraternal, political or social nature.
- (17) Indoor and outdoor recreational facilities and activities.
- (18) Aquaculture.
- (19) Passenger and freight railroad trains and related services.
- (20) Laundromats.
- (21) Public, quasi-public, and non-municipal public uses, including parking facilities.
- (21) Accessory structures and accessory uses for uses which the Planning Board can issue a permit for a principal structure or principal use.
- (22) Stealth telecommunications facilities.

## Sec. 102-522. Prohibited uses.

### **[Ord. No. 3-2005, 7-20-2004]**

Only those uses specifically listed as a permitted use requiring CEO review or a permitted use requiring Planning Board review are allowed within the Waterfront Mixed Use district. All other uses are prohibited.

## Sec. 102-523. Applicability of shoreland zoning and floodplain regulations.

### **[Ord. No. 3-2005, 7-20-2004]**

Provisions of chapter **82** pertaining to shoreland zoning shall apply to all areas identified on the City official shoreland map. Provisions of chapter **78**, article **II**, pertaining to floodplains, shall apply to all areas identified on the flood insurance rate (FIRM) flood maps.

## Sec. 102-524. Dimensional regulations.

### **[Ord. No. 3-2005, 7-20-2004]**

- (a) Minimum lot size requirement.
  - (1) The minimum size of any lot created on or after July 20, 2004 (date of adoption of amendment) shall be one acre (43,560 square feet).
  - (2) A lot created before July 20, 2004 (date of adoption of amendment) that is less than one acre in size shall be considered a nonconforming lot of record. Such lot shall have the same status as a lot that conforms to the minimum lot size requirement in section **102-524(a)(1)**.
- (b) Minimum lot frontage requirement.
  - (1) A lot created on or after July 20, 2004 (date of adoption of amendment) that has frontage on a public street shall have a minimum of 200 feet of frontage on a public street. A newly created lot that does not have frontage on a public street, must have at least four sides, and at least three of the four sides must be at least 200 feet in length.
  - (2) A lot created before July 20, 2004 (date of adoption of amendment) that has less than the required minimum amount of lot frontage shall be considered a nonconforming lot of record. Such lot shall have the same status as a lot that conforms to the minimum lot frontage requirement in 102-524(b)(1).
- (c) Minimum shore frontage requirement.

- (1) A lot created on or after July 20, 2004 (date of adoption of amendment) that has frontage on the shoreline of Belfast Bay or the Passagassawakeag River, shall have a minimum of 200 feet of continuous shore frontage on the Bay or River. A newly created lot, however, is not required to have any shore frontage on the Bay or River.
  - (2) A lot created before July 20, 2004 (date of adoption of amendment) that does not have the minimum amount of shore frontage shall be considered a nonconforming lot of record. Such lot shall have the same status as a lot that conforms to the minimum shore frontage requirement in 102-524(c)(1).
- (d) Minimum structure setback requirements. The minimum setbacks for any principal or accessory structure shall be as follows:
- Front: Ten feet
- Side: Ten feet
- Rear: Ten feet if the rear lot line does not front on the water, and zero feet if the rear lot line fronts on the water.
- (e) Maximum structure height. The maximum height of any structure shall be 35 feet. Structure height shall be measured per the definition of height in chapter **82**, shoreland, section **82-1**.
- (f) Contract rezoning option. An applicant for a site plan permit, use permit or subdivision permit in the Waterfront Mixed Use district, who submits an application to use the contract rezoning process established in chapter **102**, zoning, article X, division 4, sections **102-1450-102-1457**, may request that the standards in section **102-524(a)-(e)** be altered by complying with conditions imposed by the City through an adopted contract rezoning agreement (ordinance amendment).

## Sec. 102-525. Residential density standards and minimum size of residential dwelling units.

### [Ord. No. 3-2005, 7-20-2004]

- (a) Residential use as an accessory use to a nonresidential use. A property on which an applicant proposes to construct one or more residential dwelling units shall include one or more permitted nonresidential uses on that same property to allow the construction of any residential dwelling units. An applicant is prohibited from constructing only residential dwelling units on a property. A residential use is an accessory use to a nonresidential use.
- (b) Density, number of residential dwelling units permitted.
  - (1) Any property, regardless of the size of the lot, and provided adequate on-site parking can be provided, shall be permitted to construct a minimum of one residential dwelling unit as an accessory use.
  - (2) The maximum usable floor area of the total of all residential dwelling units that are constructed on a property that is one acre or less in size shall not exceed the total amount of floor area of all nonresidential structures. An applicant must provide adequate on-site parking for all dwelling units.
  - (3) The maximum usable floor area of the total of all residential dwelling units that are constructed on a property that is more than one acre in size shall not exceed 75% of

the total amount of floor area of all nonresidential structures located on the property. An applicant must provide adequate on-site parking for all dwelling units.

- (4) The above density standards (1)-(3) shall apply to any application to construct new residential dwelling units on or after July 20, 2004 (date of adoption of this amendment). All dwelling units constructed before July 20, 2004 (date of adoption of this amendment) that do not satisfy this density standard shall be considered nonconforming uses of record. Such uses (dwelling units) may be expanded as may be permitted per requirements of chapter **82**, shoreland and chapter **102**, zoning.
- (c) Minimum size of residential dwelling unit.
  - (1) Any residential dwelling unit constructed on or after July 20, 2004 (date of adoption of ordinance) shall have a minimum of 600 square feet of usable floor area.
  - (2) Any residential dwelling unit constructed before July 20, 2004 (date of adoption of ordinance) that has less than 600 square feet of usable floor area shall be considered a nonconforming use or structure of record and shall have the same status as a dwelling unit that conforms to the minimum size requirement identified in 102-525(c)(1).
- (d) Contract rezoning option. An applicant for a site plan permit, use permit or subdivision permit in the Waterfront Mixed Use district, who submits an application to use the contract rezoning process established in chapter **102**, zoning, article X, division 4, sections **102-1450-102-1457**, may request that the standards in section 102-525(a) through (c) be altered by complying with conditions imposed by the City through an adopted contract rezoning agreement (Ordinance amendment).

## Sec. 102-526. Performance standards.

### **[Ord. No. 3-2005, 7-20-2004]**

- (a) Minimum performance standards. All residential and nonresidential uses shall, at a minimum, comply with requirements of chapter **98**, technical standards, and performance standards established in chapter **102**, zoning, article VIII, supplementary district regulations, division 2 and 3, and chapter **102**, zoning, article IX, performance standards, division 2, environmental standards.
- (b) Contract rezoning option. An applicant for a site plan permit, use permit or subdivision permit in the Waterfront Mixed Use district, who submits an application to use the contract rezoning process established in chapter **102**, zoning, article X, division 4, sections **102-1450-102-1457**, may request that the standards referenced in section 102-526(a), be altered by complying with conditions imposed by the City through an adopted contract rezoning agreement (ordinance amendment).

## Sec. 102-527. Enumeration of uses does not restrict uses in other districts.

### **[Ord. No. 3-2005, 7-20-2004]**

The express enumeration of a permitted use requiring CEO review or a permitted use requiring Planning Board review in the Waterfront Mixed Use district is not intended to implicitly exclude those same uses in other districts in which the uses enumerated in this division are not specifically listed or mentioned.

Sec. 102-528. through Sec. 102-540. (Reserved)