

**CITY OF BELFAST COUNCIL  
CITY CODE OF ORDINANCES  
CHAPTER 102, ZONING  
ARTICLE V, DISTRICT REGULATIONS  
DIVISION 29. SEARSPORT AVENUE COMMERCIAL ZONING  
DISTRICT**

**Note to Public:**

The Belfast City Council, at its meeting of August 3, 2021, conducted the Second Reading and accompanying public hearing on amendments to the Searsport Avenue Commercial zoning district. The Council, at the Second Reading, voted unanimously, 5-0, to adopt the amendment. The language presented in this document includes all amendments to the Searsport Avenue Commercial zoning district adopted by the Council through August 3, 2021.

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**CHAPTER 102, ZONING**

**ARTICLE V. DISTRICT REGULATIONS.**

**DIVISION 29. Searsport Avenue Commercial District**

**Sec. 102-798 Permitted uses requiring Code Enforcement Officer review.**

The City Code Enforcement Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Searsport Avenue Commercial district:

- (1) Residential, single-family dwelling. Manufactured housing units are a permitted use.
- (2) Residential, two-family dwelling. Manufactured housing units are a permitted use.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are a permitted use. Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.
- (4) Home occupations (expanded definition).
- (5) Bed and breakfast, including class 1, class 2 and class 3.
- (6) Craft fairs on no more than 10 days in any calendar year.
- (7) Essential services.
- (8) Municipal uses deemed necessary by the City Council, subject to the eCouncil conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (9) Public parks.

- (10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (11) Accessory uses for principal uses for which the CEO can issue a permit.
- (12) Accessory structures to uses and structures for which the CEO can issue a permit.
- (13) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (14) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.
- (15) Solar Energy Systems, Large-Scale, roof-mounted.
- (16) Fill activities that involve the removal or addition of fill that exceeds 100 cubic yards of material.

**Sec. 102-798.25. Permitted uses requiring Planning Board review.**

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Searsport Avenue Commercial district:

- (1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 40,000 square feet.
- (2) Retail stores, both a single retail store (use) and a structure in which a retail store (use) or stores are located, that are greater than 40,000 square feet in size, but less than 75,000 square feet in size are permitted, subject to requirements of the floating zone, Section 102-1382, and the contract rezoning process, Section 102-1383 et seq. The maximum size retail store or structure that is permitted through this procedure is 75,000 square feet.
- (3) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet.
- (4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet, but less than 75,000 square feet in size are permitted, subject to the floating zone, Section 102-1382, and the contract rezoning process, Section 102-1383 et seq. The maximum size structure that includes one or more retail uses that is permitted through this procedure is 75,000 square feet.
- (5) Service businesses.
- (6) Movie theaters and performing arts centers.
- (7) Hotels and motels.
- (8) Restaurants.
- (9) Fast food restaurants.
- (10) Ice cream stands.
- (11) Professional offices and health care offices.
- (12) Office complexes.
- (13) Funeral homes.
- (14) Health care facilities.
- (15) Veterinarians and veterinary clinics.
- (16) Kennels for boarding and/or training of pets.
- (17) Warehouses and storage facilities.

- (18) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.
- (19) Motor vehicle fuel and service establishments.
- (20) Light industrial uses.
- (21) Planned unit development (residential) and cluster housing development.
- (22) Non-municipal public and quasi-public uses.
- (23) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (24) Residential, multi-family housing. Also reference the Article IX, Division 7, Supplemental Performance Standards for Multi-family Dwelling Units and Structures.
- (25) Congregate retirement housing.
- (26) Laundromats.
- (27) Retail and wholesale distribution establishments.
- (28) Indoor and outdoor recreational activities and facilities.
- (29) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants, or similar items commonly associated with landscaping activities.
- (30) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.
- (31) Stealth telecommunications facilities.
- (32) Boat building, boat repair, boat retrofitting, and boat storage, including on-site sale of boats and accessory equipment.
- (33) Medical Marijuana caregiver retail stores.
- (34) Medical Marijuana manufacturing facilities.
- (35) Medical Marijuana testing facilities.
- (36) Solar Energy Systems, Large-Scale, ground-mounted.

**Sec. 102-798.50 Prohibited uses.**

[Ord. No. 75-2001, 6-5-2001]

Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review or permitted uses requiring Planning Board review are allowed within the Searsport Avenue Commercial district. All other uses are prohibited.

**Sec. 102-800.3 Applicability of shoreland zoning and floodplain regulations. Section repealed by Council vote on August 3, 2021.**

**Sec. 102-800.5 Dimensional and density standards. Section repealed by Council vote on August 3, 2021.**

**Sec. 102-798.2 Dimensional and density standards for residential uses and structures in the Searsport Avenue Commercial district.**

(a) **The Searsport Avenue Commercial zoning district was established on August 19, 2001. Any property or structure used for residential purposes that is established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001, and they do not comply with current requirements, shall be considered nonconforming lots of record and must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001, and do not satisfy all current dimensional requirements, may continue to exist and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.**

(b) **Minimum lot size and minimum frontage requirements for residential uses are as follows:**

(1) Minimum lot size and lot frontage requirements for a property connected to public sewer.

<u>Type of Use on Sewer</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	15,000 sq ft.	150 lineal feet
Two-Family Residential	15,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	15,000 sq ft.	150 lineal feet
Multi-Family Residential	21,780 net sq. ft.	150 lineal feet

(2) Minimum lot size and lot frontage requirements for a property that uses a subsurface wastewater disposal system for managing wastewater.

<u>Type of Use - Subsurface System</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	20,000 sq ft.	150 lineal feet
Two-Family Residential	30,000 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	30,000 sq ft.	150 lineal feet
Multi-Family Residential	43,560 net sq. ft.	150 lineal feet

(3) If there are one or more types of residential uses on the lot (property), the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the

minimum lot size requirement for each of the respective uses on the lot, reference standards (1) and (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. The total amount of lot frontage, however, must only satisfy the minimum amount of lot frontage required for the most intensive use on the property.

**(c) Minimum structure setback requirements for residential structures.**

- (1) The setback requirements identified in the following table shall apply to the following types of residential structures and accessory structures to said residential structures.

<u>Type of Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Single Family	30 ft	15 ft	15 ft
Two Family	30 ft	15 ft	15 ft
Single Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi-Family	30 ft	25 ft	25 ft

- (2) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements, shall be considered a nonconforming structure of record with respect to setback requirements. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.
- (3) All structure setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the location of the property line and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.

**(d) Structure height for residential structures.**

The maximum structure height for the following types of residential structures and accessory structures to said residential structures shall comply with the standards identified in the following table.

<u>Type of Structure</u>	<u>Maximum Height</u>
Single Family	38 ft
Two Family	38 ft
Single Family with Detached Accessory Dwelling Unit	38 ft
Multi-Family	45 ft

**(e) Density standard.**

- (1) The following density standards shall apply to all residential uses in the Searsport Avenue Commercial District that are connected to public sewer. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft
Two Family	Two units in one structure per 15,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

- (2) The following density standards shall apply to all residential uses in the Searsport Avenue Commercial District that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
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Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 30,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi-Family	Four units per 43,560 net square feet and an additional 10,890 net square feet for each additional unit

**(f) Residential planned unit development and cluster housing development.**

In the case of a residential planned unit development or cluster housing development, the density standards identified in (f) above, may be modified in accordance with the special provisions of Article VI of this Chapter, and the following density standards. A residential planned unit developments or cluster housing development shall be reviewed pursuant to requirements of the Subdivision Ordinance, Chapter 94, and Chapter 90, Site Plan.

- (1) A residential planned unit development or cluster housing development that is connected to public sewer in the Searsport Avenue Commercial zoning district shall comply with the following density standards.

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft
Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

- (2) A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Searsport Avenue Commercial district shall comply with the following density standards.

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
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Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.
Multi-Family	Four units per 43,560 net square feet and an additional 7,500 net square feet for each additional unit

**Sec. 102-799.4. Dimensional standards for nonresidential uses and structures in the Searsport Avenue Commercial district.**

**(a) Minimum lot size and minimum frontage requirements for nonresidential uses.**

- (1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Performance Standards, Section 102-1242(a), (b), and (c).
- (2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Performance Standards, Section 102-1242(a), (b), (c), (d), and (e).
- (3) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-799.2(b), and the respective density standards identified in Section 102-799.2(e) or (f), for each type of residential use that is on the property.

**(b) Minimum structure setback requirements for nonresidential structures.**

The minimum front, side and rear setback requirements for a nonresidential structure are identified in the following Article IX, Division 4, Performance Standards: Section 102-1243, minimum front setback requirements for nonresidential structures; Section 102-



1244, minimum side setback requirements for nonresidential structures; and Section 102-1245, minimum rear setback requirements for nonresidential structures.

Notwithstanding the above requirements, the minimum front, side and rear setback requirements for a nonresidential use or nonresidential structure that qualifies as a retail use or structure pursuant to Section 102-798.25(2), or a shopping center pursuant to Section 102-798.25(4), shall be determined in accordance with the floating zone, Section 102-1382 and the contract rezoning process, Section 102-1383 et seq.

The minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-798.25(c)(3).

**(c) Maximum structure height for a nonresidential structure.**

- 1) The maximum height of a nonresidential structure shall be 45 feet, and an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.
- 2) Notwithstanding the above requirements, the maximum height of a structure for a nonresidential use or nonresidential structure that qualifies as a retail use or structure pursuant to Section 102-798.25(2) or a shopping center pursuant to Section 102-798.25(4), shall be determined in accordance with the floating zone, Section 102-1382, and contract rezoning process, Section 102-1383 et seq.

**Sec. 102-799.6 Performance standards.**

**(a) Performance standards for residential uses.**

All residential uses in the Searsport Avenue Commercial district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards.

**(b) Performance Standards for Nonresidential Uses.**

All nonresidential uses proposed in the Searsport Avenue Commercial district shall comply with the Article IX, Division 4 Nonresidential Development Performance Standards, applicable requirements of the Chapter 98. Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.

**(c) Shoreland zoning and floodplain regulations.**

Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Searsport Avenue Commercial district; reference the adopted Shoreland map and the adopted FIRM Flood maps.