

**OUTSIDE RUAL ZONING DISTRICTS
JANUARY 12, 2022 DRAFT TO PLANNING BOARD**

Note to Board

The information in this draft is an update from the 10/6/21 Public Hearing draft presented to the Planning Board. All text shown in **Red Font** is new language that was not included in the 10/6 draft. All text shown in **Blue Font or ~~Blue and Strike-Through Font~~** is language that was deleted from the 10/6 draft. All text shown in **Green Font** is an explanatory statement from Wayne Marshall to the Board. Text shown in **Green Font** would not be part of the final Ordinance amendments.

CITY CODE OF ORDINANCES

CHAPTER 102, ZONING

ARTICLE V, DISTRICT REGULATIONS

DIVISION 16. OUTSIDE RURAL ZONING DISTRICTS

Sec. 102-621. Council adoption of Outside Rural Zoning District Regulations.

The City Council, at its meeting of -----, 2022, adopted the District Regulations for the following zoning districts identified in this Division: Residential-4 (Res-4), Residential-5 (Res-5), Route 3 Rural (Rte 3-R), Swan Lake Avenue Mixed Use (SLAMU), Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), Outside Rural-3 (OR-3) and certain Special Use Areas (SUA) that are located in the Outside Rural-1 and Outside Rural-2 zoning districts. The location of the above districts are identified on the Official City Zoning Map, as such was amended on -----, 2022, and the boundaries of these same districts are described in Article IV, Description of Districts, in this Chapter. (Note to Board - I do not plan to write the Article IV Descriptions for the new zoning districts until after Council adoption of the Outside Rural Ordinance amendments. I want to make sure of the boundaries that are adopted before I undertake this tedious process. I also note that the boundaries shown on the Zoning Map clearly will be adequate for making zoning district boundary determinations, and that the Department rarely has had to consult the written descriptions in making a boundary determination.) The Council, in adopting the regulations for the above zoning districts, concurrently repealed the standards for the following Zoning Districts identified in Article V of this Chapter: Division 2, General Purpose-A (GP-A), Division 4, Residential Agricultural I (RA-I), Division 5, Residential Agricultural II (RA-II), Division 20, Protection Rural (PR), Division 20.5, Protection Rural-2 (PR-2), Division 22, Residential Growth, and Division 26, Route 141 and Mill Lane Commercial. The Council also adopted amendments to the standards or district boundaries for the following zoning districts identified in Article V: Division 7, Residential II, Division 21, Airport Growth, Division 27, Route 137 Commercial, and Division 29, Searsport Avenue

Commercial. (Note to Board - I do not plan to submit language to eliminate/repeal or amend the Article IV, District Descriptions, for the above zoning districts for Council consideration and action until the Council acts on the final boundaries of the Outside Rural Districts.)

Sec. 102-622. Standards that apply to the Outside Rural zoning districts.

a) **City Code of Ordinances, Subpart B, Land Use Regulations that apply to the Outside Rural zoning districts.**

- 1) **Chapter 66, General Provisions.** This Chapter identifies the definitions for terms used in the City Code of Ordinances, Subpart B, Land Use Regulations.
- 2) **Chapter 74, Buildings and Building Regulations.** This Chapter identifies requirements of the City Building Code that apply to the construction of buildings that are permitted in Division 16.
- 3) **Chapter 78, Floods.** Provisions of Chapter 78, Floods, may apply to properties located in the zoning districts identified in this Division. Properties subject to requirements of Chapter 78 are identified on the Official Flood Insurance Rate Maps (FIRM) adopted by the City.
- 4) **Chapter 82, Shoreland.** Provisions of Chapter 82, Shoreland, may apply to the zoning districts identified in this Division. The adopted Official City Shoreland Zoning Map in Chapter 82 identifies properties that are subject to Chapter 82 requirements.
- 5) **Chapter 86, Signs.** The provisions of Chapter 86, Signs, apply to any person who proposes to install a sign on any property in any zoning district located in any Outside Rural zoning district.
- 6) **Chapter 90, Site Plan.** The provisions of Chapter 90, Site Plan, apply to any use in any Outside Rural zoning district that requires a Site Plan permit.
- 7) **Chapter 94, Subdivisions (Ordinance provisions not codified).** The provisions of Chapter 94, Subdivisions, apply to any use in any Outside Rural zoning district that qualifies as a subdivision.
- 8) **Chapter 98, Technical Standards.** The provisions of the Chapter 98, Technical Standards, apply to all new or expanded development of any use in any Outside Rural zoning district.
- 9) **Chapter 102, Zoning.** Applicable provisions of Chapter 102, Zoning, apply to all new or expanded development of any use in any Outside Rural zoning district.

b) **Nonconforming Uses of Record.**

A use located in any of the Outside Rural zoning districts that existed prior to -----, 2022, (date of adoption of Division 16, Outside Rural) that is rendered nonconforming by the adoption of the Table of Uses in this Division shall be considered a legally established nonconforming use of record. A legally established nonconforming use of record may continue and may expand, subject to compliance with the standards in this Division, the standards in Article III, Nonconformance in this Chapter, and other applicable requirements in the City Code of Ordinances.

c) Prohibited uses.

Only those uses specifically listed in the Section 102-624, Table of Uses, as a permitted use requiring Code Enforcement Officer review or a permitted use requiring Planning Board review are allowed in any Outside Rural zoning district identified in Division 16. All other uses are prohibited.

Sec. 102-623. Introduction to Table of Uses.

The Table of Uses in this Division, reference Section 102-624, identifies uses that are permitted in the following zoning districts for the Outside Rural area as such are shown on the Official City Zoning Map: Residential-4 (Res-4), Residential-5 (Res-5), Route 3 Rural (Rte 3-R), Swan Lake Avenue Mixed Use (SLAMU), Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), Outside Rural-3 (OR-3) and certain Special Use Areas (SUA) that are located in the Outside Rural-1 and Outside Rural-2 zoning districts. Section 102-625 identifies Footnotes to the Use Table. The Footnotes, as such are described in Section 102-625, identify additional requirements that apply to certain uses identified in the Use Table; Footnotes are identified in the Table of Uses by the following designation: * [letter].

Section 102-626, Special Use Areas (SUA), identifies certain properties located in the Outside Rural-1 or Outside Rural-2 zoning districts that the City has determined qualify to be used for certain potential additional uses compared to the underlying zoning district in which the properties are located. The identified properties were selected for designation as Special Use Areas (SUA) primarily because of the current or past use of the respective properties, and said uses not being a permitted use in the entirety of the respective zoning district.

Sec. 102-624. Table of Uses for Outside Rural zoning districts.

(Reference Attached Table)

Sec. 102-625. Footnotes to Use Table for Outside Rural zoning districts.

The Footnotes in Sec **102-625** apply to the Use Table for the Outside Rural area; reference Sec **102-624**, Table of Uses. The footnotes identify specific provisions that apply to certain uses

identified in the Use Table. The footnotes appear next to the information that is subject to the footnote, and are shown in the Use Table as follows: *[letter].

- *[a] Reference performance standards for an accessory dwelling unit in a detached structure. Chapter 102, Zoning, Article IX, Performance Standards, Division 6.
- *[b] Dwelling, **Flex Housing Option 1**. This footnote references density standards identified in Chapter 102, Zoning, Article V, District Regulations, Division 16, Outside Rural **Zoning Districts Area**, Section **102-633**, Dimensional Standards, Subsection 6, that apply to a specific housing standard/approach that the City identifies as Dwelling, **Flex Housing Option 1**. This standard allows a property owner to construct a range of dwelling units on a property based on the size of the property, **the total number of structures in which one or more dwelling units is located**, the total number of bedrooms in all of the dwelling units on the property, and the method used on the property to dispose of wastewater, public sewer or a subsurface wastewater disposal system.
- *[c] Also reference performance standards for multi-family housing; Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Multi-family Housing.
- *[d] Multi-family housing is limited to the construction of a tri-plex (3 units in 1 structure) or a four-plex (4 units in 1 structure). **Density standards for Dwelling, Multi-family that uses a subsurface system to manage wastewater are identified in the Dwelling, Flex Housing standard**; reference lot size and density standards in the Dimensional Table **in this Division** for the respective Outside Rural zoning district. ~~area identified in Chapter 102, Zoning, Article V, District Regulations, Division ----, Outside Rural Area, Section ----, Dimensional Table.~~
- *[e] Multi-family housing is a permitted use. Reference lot size and density standards for a Dwelling, Multi-Family **that is connected to public sewer in this Division** for the respective Outside Rural zoning district. ~~identified in Chapter 102, Zoning, Article V, District Regulations, Division ----, Outside Rural Area, Section ----, Dimensional Table.~~
- *[f] Reference Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing Development, Division 1. **In addition, certain Dwelling, Flex Housing projects and Dwelling, Multi-Family projects shall be required to be developed pursuant to the Article VI, Planned Unit Development standards; reference the Dimensional Table in this Division for Dwelling, Flex Housing, and Dwelling, Multi-Family to identify when Planned Unit Development requirements are mandatory. (Note to Board. The Board, at its meeting of October 20, identified its interest in requiring larger Flex Housing projects to be developed pursuant to the PUD requirements. I have identified a proposed standard for when such must occur in the Dimensional Standards. The Board did not identify this potential requirement for specifically for multi-family housing projects, but I am now asking if the Board is interested in requiring such.)**

- *[g] Flexibility is permitted regarding the types of multi-family housing that can be constructed in a residential planned unit development or cluster housing development. Reference the density standards in the Dimensional Table **in this Division** for the Outside Rural Zoning Districts, and reference standards in Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing Development, Division 1.
- *[h] Reference Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing Development, Division 2, Rural Affordable Housing Communities.
- *[i] A manufactured housing community must comply with standards identified in Chapter 102, Article VIII, Supplemental District Regulations, Division 4, Manufactured Housing Communities.
- *[j] Residential development in upper stories is permitted in the respective zoning districts if the amount of development complies with density standards identified in ~~Chapter 102, Zoning, Article V, District Regulations, Division ---, Outside Rural Area, Section ---,~~ the Dimensional Table **in this Division** for the Outside Rural zoning districts.
- *[k] Reference the Division **??**, Performance Standards for Home Occupations, identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations. **(Note to Board – The City has not yet prepared or adopted the above referenced performance standards, or prepared specific definitions for the 3 classes of home occupations. These standards, along with specific definitions for the various classes of home occupations, will be prepared and presented for Board consideration at a future date.)**
- *[l] Reference standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments.
- *[m] The maximum size of a professional office shall be 2,000 square feet in the Outside Rural 1 and Outside Rural 2 zoning districts, and 4,000 square feet in the Route 3 Rural, Residential 4, and Swan Lake Avenue Mixed Use zoning districts.
- *[n] The maximum size of a personal services business shall be 2,000 square feet in the Outside Rural 1 and Outside Rural 2 zoning districts, and 4,000 square feet in the Route 3 Rural, Residential 4, and Swan Lake Avenue Mixed Use zoning districts.
- *[o] A property that is used for an Animal Kennel, Class 1, or an Animal Kennel, Class 2, shall be a minimum of 2 acres in size, regardless of the zoning district in which it is located, and all facilities used for boarding animals shall be located a minimum of 100 feet from any side or rear property line. An Animal Kennel, Class 1, or an Animal Kennel, Class 2, that was permitted by the City prior to the adoption of the Division 16, Outside Rural Zoning District standards, (--- enter date of adoption ---), that does not comply with the 2 acre minimum lot size or 100 foot structure setback requirement, may continue and an existing structure that is used for animal kennel operations may expand, provided that none of the expansion is located closer to the property line than the existing structure. All

new structures used for animal kennel operations shall comply with the structure setback requirements adopted on (--- enter date of adoption ---).

- *[p] Any business that sells and dispenses fuel shall be limited to a maximum of 4 fuel dispensers (pumps) on the property.
- *[q] Reference the Division **??-**, Performance Standards for Campgrounds, identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division **??-**. **(Note to Board – The City has not yet prepared or adopted these standards. These standards will be prepared and presented for Board consideration at a future date.)**
- *[r] Bituminous asphalt plants are limited to plants that existed as of (insert date), the date of Council adoption of the Division 16 standards, **subject to the operation being in compliance with all Site Plan and/or Use Permit standards adopted by the City.**
- *[s] A light manufacturing facility is limited in size to 4,000 sq ft of active manufacturing use and an additional 4,000 sq ft of interior storage space. No exterior storage of materials is allowed.
- *[t] A property that is used for the exterior storage of construction equipment and materials by a construction contractor shall be a minimum of **2 1** acre in size. Also, the exterior storage area can be located on the same property as one or more dwelling units.
- *[u] The total size of all storage/warehouse buildings on a property shall not exceed 8,000 square feet, and the property on which a storage/warehouse facility is located shall be a minimum of 2 acres in size.
- *[v] A property that is used for boat building, retrofitting, storage, and/or repair shall be a minimum of 2 acres in size. This standard applies to any property that initially applies for a permit to perform any of the above activities after --- (date of adoption of the Division 16 standards) ---. **A property that was used for boat building, retrofitting, storage, and/or repair prior to ----- (date of adoption of Division 16 standards), that does not comply with this lot size requirement, may continue, and existing structures that were used for the above activities may expand, provided that any structure expansion complies with structure setback requirements identified in Division 16, and applicable performance standards in Chapter 102.**
- *[w] A quasi-public or nonmunicipal use that qualifies as a Minor or Major Site Plan Development shall require review by the Planning Board. Other quasi-public or nonmunicipal facilities and uses shall require a permit from the CEO.
- *[x] **A junkyard, including an auto graveyard, is a permitted use only on a property that is designated as a Special Use Area 2 property; reference Section 102-626 of this Division.** A junkyard is subject **to review by the Planning Board and** compliance with specific performance standards in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division **??**, Performance Standards for Junkyards. **(Note to Board**

- The City has not yet prepared or adopted the referenced performance standards for junkyards and will need to consider such post the adoption of this Ordinance).

- *[y] Notwithstanding the prohibition on motor vehicle, snowmobile, utility-terrain vehicle (UTV) and all-terrain vehicle (ATV) and similar repair businesses (Use # 81) in the Residential 5 zoning district, the property identified as Map 18, Lot 9, has been used for auto repair. The property may continue to be used for activities identified in Use # 81, and existing structures on the property may be expanded for activities allowed in Use # 81, provided any structure expansion complies with structure setback requirements for the Residential 5 zoning district.
- *[z] Notwithstanding the standard in Use # 263 that prohibits a fill, loam, sand, and gravel extraction operation from the removal of bedrock material through blasting or any other mechanical means, or the crushing or further processing of such bedrock material, an operation that received a permit from the City prior to January 1, 2022, to conduct activities that involved the removal of bedrock material through blasting or any other mechanical means, and the crushing or processing of such bedrock material, may continue as a nonconforming use of record, provided the operation is in compliance with permit conditions established in the City permits.
- *[aa] A fill, loam, sand, and gravel extraction operation shall require review by the Planning Board pursuant to the provisions of Chapter 90, Site Plan, regardless of the size of the non-vegetated area. The Board, in its review, shall consider applicable standards adopted by the Department of Environmental Protection (DEP) for the regulation of said operations; reference Title 38, Chapter 3: Protection and Improvement of Waters, Subchapter 1, Environmental Protection Board, Article 7, Performance Standards for Excavations of Borrow, Clay, Topsoil or Silt, and Article 8-A, Performance Standards for Quarries. The Board, in its review, may apply the DEP standards, as its deems appropriate, to adopt City Permit conditions for the operation.
- *[bb] In the Residential 5 zoning district, multi-family housing and flex housing is permitted in the section of the district located on the northerly side of Robbins Road, and is prohibited in the section of the district located on the southerly side of Robbins Road. In addition, density and lot size requirements identified in Chapter 82, Shoreland, may affect the opportunity for certain properties on the northerly side of Robbins Road to construct multi-family housing or flex housing.

Sec. 102.626 Special Use Areas, Outside Rural-1 and Outside Rural-2 zoning districts.

Section 102-626, Special Use Areas (SUA), identifies certain properties located in the Outside Rural-1 or Outside Rural-2 zoning districts that the City has determined qualify to be used for certain potential additional uses compared to the underlying zoning district in which the properties are located. The identified properties were selected for designation as Special Use Areas (SUA) primarily because of the current or past use of the respective

properties, and said uses not being a permitted use through-out the entirety of the respective zoning district.

a) Special Use Area 1

Section 102.624, Table of Uses, identifies the Uses allowed in the Outside Rural-1 and Outside Rural-2 zoning districts, and Section 102.632, Dimensional Tables, identifies the Dimensional Standards that apply to properties, structures and uses in these respective zoning districts. The City hereby designates the following properties located in either the Outside Rural-1 (OR-1) zoning district or the Outside Rural-2 (OR-2) zoning district as a 'Special Use Area 1'. This designation allows the respective property to be used for any permitted use identified in the Section 102.624, Table of Uses, for the respective zoning district in which such is located (either Outside Rural-1 or Outside Rural-2), provided the use complies with applicable City standards, and to be used for the following additional uses that are identified as a Prohibited Use (NO) in the Table of Uses, again, subject to compliance with applicable City standards.

A property owner must obtain a permit from the Planning Board to conduct any of the following uses on the property, or to expand an existing use on the property that is identified in this list of uses. The additional uses (reference Section 102.624, Table of Uses), that apply to the 'Special Use Area 1' designation are as follows:

- 70) Retail store, limited scale. Maximum of 4,000 square feet of active floor sales and 4,000 sq. ft. of storage area (all structures on property).
- 78) Convenience store, up to 4,000 sq. ft in size, subject to footnote *[p] maximum of 4 fuel dispensers (pumps) on-site.
- 80) Redemption centers for beverage containers.
- 84) Motor vehicle fuel sales, subject to footnote *[p], maximum of 4 fuel dispensers (pumps) on-site.
- 89) Laundromat
- 115) Restaurant with indoor seating
- 116) Restaurant with outdoor seating
- 117) Restaurant, take-out
- 119) Restaurant, ice cream stand
- 148) Research laboratory

The properties in the Outside Rural 1 zoning district that have 'Special Use Area 1' designation include the following:

- 1. Map 6, Lot 87A, 181 Waterville Road, that City records identify as being about 2.74 acres in size.
- 2. Map 6, Lot 87B, 177 Waterville Road, that City records identify as being about 1 acre in size.
- 3. Map 6, Lot 87C, 177 Waterville Road, that City records identify as being about 6.23 acres in size.
- 4. Map 6, Lot 9A, 79 Waterville Road, that City records identify as being about 3.52 acres in size.

5. Map 6, Lot 9D, 85 Waterville Road, that City records identify as being about 4.18 acres in size.
6. Map 7, Lot 2, 51 Back Searsport Road, that City records identify as being about 80.58 acres in size.

The properties in the Outside Rural 2 zoning district that have 'Special Use Area 1' designation include the following:

1. Map 1, Lot 72, 6 Back Belmont Road, that City records identify as being about 2.07 acres in size.

b) Special Use Area 2

Section 102.624, Table of Uses, identifies the Uses allowed in the Outside Rural-1 and Outside Rural-2 zoning districts, and Section 102.632, Dimensional Tables, identifies the Dimensional Standards that apply to properties, structures and uses in these respective zoning districts. The City hereby designates the following properties located in the Outside Rural-1 (OR-1) zoning district as a 'Special Use Area 2'. This designation allows the respective property to be used for any permitted use identified in the Section 102.624, Table of Uses, for the Outside Rural-1 zoning district, provided the use complies with applicable City standards, and to be used for the following additional uses that are identified as a Prohibited Use (NO) in the Table of Uses, again, subject to compliance with applicable City standards.

A property owner must obtain a permit from the Planning Board to conduct any of the following uses on the property, or to expand an existing use on the property that is identified in this list of uses. The additional uses (reference Section 102.624, Table of Uses), that apply to the 'Special Use Area 2' designation are as follows:

268) Junkyards, including auto graveyards

The properties in the Outside Rural 1 zoning district that have 'Special Use Area 2' designation include the following:

- 1. Map 1, Lot 18, 50 Back Belmont Road, that City records identify as being about .46 acres in size.**
- 2. Map 1, Lot 61, 46 Back Belmont Road, that City records identify as being about 1.34 acres in size.**
- 3. A portion of Map 1, Lot 15-B, 52 Back Belmont Road, that City records identify as being about 34.14 acres in size. The portion of this property that is subject to 'Special Use Area 2' designation is about 418 feet in width, and is conterminous with the rear property lines of Map 1, Lot 18, and Map 1, 61, and is about 400 feet in depth from the rear property lines to the above two properties. This area is about 167,200 square feet (3.838 acres) in size and the lay-out and location of this area is generally depicted on the Official City Zoning Map.**

Secs. 627 - 630. Reserved.

Sec. 102-631. Introduction to Dimensional Standards and Dimensional Table.

The Dimensional Table of Uses in this Division, reference Section 102-633, identifies dimensional standards that apply to the following zoning districts for the Outside Rural area as such are shown on the Official City Zoning Map: Residential-4 (Res-4), Residential-5 (Res-5), Route 3 Rural (Rte 3-R), Swan Lake Avenue Mixed Use (SLAMU), Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), Outside Rural-3 (OR-3) and certain Special Use Areas (SUA) that are located in the Outside Rural-1 and Outside Rural-2 zoning districts. Section 102-634 identifies Footnotes to the Dimensional Table. The Footnotes identify additional requirements that apply to certain dimensional standards identified in the Dimensional Table, and are more fully described in Section 102-634. Footnotes are identified in the Dimensional Table by the following designation: * [letter].

Sec. 102-632. Standards that apply to Dimensional requirements in the Outside Rural area.

a) Applicability of dimensional standards.

Any property or structure established on or after -----, 2022 (date of adoption of Division 16, Outside Rural) must comply with all applicable dimensional and density standards in this Division.

b) Nonconformance with dimensional standards.

1) Nonconforming lot of record. A lot that was created prior to -----, 2022 (date of adoption of Division 16, Outside Rural) that does not comply with minimum lot size or minimum lot frontage requirements identified in Sec 102-633, shall be considered a legally established nonconforming lot of record, and shall be considered a developable lot, subject to compliance with standards in this Division, the Article III, Nonconformance provisions in this Chapter, applicable standards in the Code of Ordinances, and if the property uses a subsurface wastewater disposal system for managing wastewater, can obtain a subsurface system permit.

2) Nonconformance with structure setbacks, lot coverage, or structure height requirements. A structure(s) that was legally constructed prior to -----, 2022 (date of adoption of Division 16, Outside Rural), that does not comply with any of the following requirements identified in Sec 102-633, one or more minimum structure setbacks, maximum lot coverage, or maximum structure height, shall be considered a legally established nonconforming structure of record. A legally established nonconforming structure of record may remain and may be expanded, subject to compliance with standards in this Division, the Article III, Nonconformance provisions in this Chapter, and applicable standards in the Code of Ordinances.

3) Nonconformance with density standards. A property that was developed prior to -----, 2022 (date of adoption of Division 16, Outside Rural) that does not comply with density standards identified in Sec 102-633, shall be considered a legally

established nonconforming use of record with respect to density standards. Such a use may continue and may expand, subject to compliance with the standards in this Division, the Article III, Nonconformance provisions in this Chapter, and applicable standards in the Code of Ordinances.

c) Multiple uses on single property.

- 1) If there are one or more types of residential uses on a lot (property), the total size (area) of the lot must be no less than the amount of area needed to satisfy the minimum lot size requirement in Sec 102-633, and if applicable, minimum Chapter 82, Shoreland requirements, for each of the respective residential uses on the lot. Further, the amount of residential use (density) on the lot must comply with residential density standards identified in Sec 102-633. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required in Sec 102-633 for the most intensive use on the property.**
- 2) If there is a residential use and a nonresidential use (note: home occupations are considered a residential use) located on the same lot (property), the size of the lot must satisfy the combined minimum lot size requirement in Sec 102-633 for the respective residential use and the respective nonresidential use. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required in Sec 102-633 for the most intensive use on the property.**

d) Determination of property lines and structure setbacks.

The applicant or property owner shall be responsible for verifying the dimensions of the property and that all required structure setbacks are met. All structure setbacks shall be measured from the respective property lines. The applicant, property owner, Code Enforcement Officer, or Planning Board may use a property survey, property deed, a Maine Department of Transportation or City road layout or right-of-way, or similar information to assist in determining the location of property lines and the required minimum amount of structure setback. The Code Enforcement Officer or Planning Board shall have the authority to require an applicant or property owner to provide a survey to identify property lines and structure setback requirements if either deems that a survey is necessary to verify the applicant's or owner's representations and that City Ordinance standards are met.

Sec. 102-633. Dimensional Table.

(Reference Attached Table)

Sec. 102-634. Footnotes to Dimensional Table.

The Footnotes in Sec. 102-634 apply to the Dimensional Table for the Outside Rural area; reference Sec 102-633, Dimensional Table. The Footnotes identify specific provisions that apply to certain dimensional requirements identified in the Dimensional Table. The Footnotes appear next to the information that is subject to the Footnote, and are shown in the Dimensional Table as follows: *[letter].

*[A] The minimum amount of lot size and lot frontage, if the lot has frontage on a road, identified for a respective zoning district, shall increase in accordance with the following table based on the amount of traffic generated by the use on the property:

- A.1 50 or less Vehicle Trips Per Peak (VTPP) Hour. Minimum lot size and lot frontage identified in the Dimensional Table
- A.2 More than 51 VTPP, but less than 100 VTPP. Property must satisfy the minimum lot size, and, the amount of lot frontage must increase by 15% more than the minimum amount of lot frontage identified in the Dimensional Table.
- A.3 More than 100 VTPP, but less than 200 VTPP. Size of property must be 25% greater than the minimum lot size, and the amount of lot frontage must increase by 25% more than the minimum amount of lot frontage identified in the Dimensional Table.
- A.4 More than 200 VTPP, but less than 300 VTPP. Size of property must be 50% greater than the minimum lot size, and the amount of lot frontage must increase by 50% more than the amount of lot frontage identified in the Dimensional Table.
- A.5 More than 300 VTPP. Size of property and amount of lot frontage must be 100% greater than the minimum lot size and minimum lot frontage identified in the Dimensional Table.

*[B] The amount of front setback for structures in the Residential 5 zoning district shall comply with the setback standards identified in the map included in Sec. 102.633.

*[C] The amount of structure setback identified in the Dimensional Table for the respective zoning district shall apply to structures constructed after --- **(date of adoption of Division 16, Outside Rural) --- January 1, 2022**. Structures constructed prior to ----, **2022 (date of adoption of Division 16, Outside Rural)** shall, at a minimum, comply with the following standards: front setback - 30 feet, side setback - 15 feet, and rear setback - 15 feet. **Also reference Sec. 102-632, 2)b).**

~~*[D] A lot established prior to January 1, 2022 for the respective use identified in the Dimensional Table that does not satisfy the minimum lot size requirement shall be considered a legally established nonconforming lot of record and may be developed for the respective use identified in the Dimensional Table, provided that a property that uses a subsurface wastewater disposal system for managing wastewater can obtain a subsurface system permit for managing wastewater. — [Note to Board - I propose to eliminate this Footnote because I have created Sec 102-632 b)1) to address this concern.]~~

- ~~*[E] Any lot that is proposed to be developed for any of the uses identified in the Dimensional Table after January 1, 2022, must satisfy the minimum lot size and minimum lot frontage identified in the Dimensional Table for that use to be developed on a property in the respective zoning district. Notwithstanding this requirement, a lot that was developed for the respective use identified in the Dimensional Table on or before December 31, 2021, may continue, subject to the property being considered a nonconforming lot of record, and subject to compliance with applicable performance and dimensional standards. [Note to Board - I propose to eliminate this Footnote because I have created Sec 102-632 b)1) to address this concern.]~~
- *[F] A property that is proposed to be developed as a single family residence with a detached accessory dwelling unit must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 6.
- *[G] A property that is proposed to be developed as a multi-family dwelling structure must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Multi-family housing.
- *[H] Any structure, regardless if it is or is not a multi-family dwelling structure, that is developed on a property pursuant to the **Flex Housing Dwelling, Option 1**, approach, must comply with the public sewer, subsurface wastewater disposal system, and access/driveway standards for multi-family housing identified in Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Multi-Family Housing.
- *[I] A property that is proposed to be developed for a nonresidential use after **January 1, 2022, -----, 2022 (date of adoption of Division 16, Outside Rural)** must satisfy the minimum lot size and minimum lot frontage requirement specified in the Dimensional Table. A property which was developed for a nonresidential use on or before **December 31, 2021, -----, 2022 (date of adoption of Division 16, Outside Rural)** 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. **(Note to Board - I recommend retaining this footnote because of the requirements in Footnote A. I believe it reinforces the need to meet the variable lot size and lot frontage requirements.)**
- *[J] **The density standard for a back-lot shall be calculated at a ratio that is equal to the larger minimum lot size requirement for a lot with road frontage, and the lesser minimum lot size requirement for a back-lot. For example, in the Residential 4 zoning district, a lot with road frontage on public sewer must be a minimum of 15,000 square feet in size, while a back-lot can be 12,500 square feet in size. Thus, the density ratio is 1.2. This formula would allow 6 single family houses that do not have road frontage (back-lot) to be constructed on a 75,000 square foot lot, while a 75,000 square foot lot with road frontage could construct only 5 single family houses. The overall density standard for a back-lot shall be calculated on the often lesser**

minimum lot size standard for a back-lot. (Note - This standard will involve a better description in the final draft).

*[K] ~~Dwelling, Option 1, Residential, Flex housing, Residential 4, Residential 5 (Northerly side of Robbins Road only), and the Swan Lake Avenue Mixed Use zoning districts, if property is connected to public sewer.~~

Flex housing is a housing approach that grants an individual property owner flexibility in the number of dwelling units, **number of bedrooms**, and **number of** dwelling structures that can be constructed on a property. The approach is based on the total number of dwelling structures, total number of dwelling units, and total number of bedrooms constructed, and the size of the property, as calculated using net developable acreage (NDA). Under this approach, the maximum number of dwelling units that can be constructed in any one structure/building is four (4). Also, the density standard using this approach 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.

The following Table identifies the density standards that shall apply to the Residential 4, **Residential 5 (Northerly side of Robbins Road Only)** and Swan Lake Avenue Mixed Use zoning districts for the Flex Housing approach if the property is connected to public sewer. ~~Density standards for properties greater than 1.5 Net Acres in size shall be considered pursuant to the multi-family housing standard that applies to the above zoning districts.~~ **If the amount of development proposed involves 9 or more dwelling units, 6 or more dwelling structures, and 16 or more bedrooms, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than 5 acres.**

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures	Maximum # of Bedrooms	Other Specific Maximums
21,780 SF (.5 Net Acre)	4	3	9	Only 1 of structures can be a tri-plex four-plex
32,670 SF (.75 Net Acre)	6	4	12	Only 1 of structures can be a four-plex
43,560 SF (1 Net Acre)	8	5	15	Only 1 of structures can be a four-plex
54,450 SF (1.25 Net Acre)	10	6	18	A maximum of 1 tri-plex and 1 four-plex
65,340 SF (1.5 Net Acre)	12	7	21	A maximum of 2 four-plexes

If a proposed Flex Housing project involves the development of a property that is greater than 1.5 Net Acres in Size, and the development of 13 or more dwelling units, 8 or more dwelling structures and 22 or more bedrooms, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units, 1 additional dwelling structure, and 3 additional bedrooms for each increment of .25 acres. However, in no case may the size of a single structure have more than 4 dwelling units.

***[L] Residential, Flex housing, Route 3 Rural, Outside Rural 1, Outside Rural 2 zoning districts, if the property is connected to public sewer.**

Flex housing is a housing approach that grants an individual property owner flexibility in the number of dwelling units, number of bedrooms, and number of dwelling structures that can be constructed on a property. The approach is based on the total number of dwelling structures, total number of dwelling units, and total number of bedrooms constructed, and the size of the property, as calculated using net developable acreage (NDA). Under this approach, the maximum number of dwelling units that can be constructed in any one structure/building is four (4). Also, the density standard using this approach 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.

The following Table identifies the density standards that shall apply to the Route 3 Rural, Outside Rural 1, and Outside Rural 2 zoning districts for the Flex Housing approach if the property is connected to public sewer. ~~Density standards for properties greater than 3.5 Net Acres in size shall be considered pursuant to the multi-family housing standard that applies to the above zoning districts.~~ **If the amount of development proposed involves 9 or more dwelling units, 6 or more dwelling structures, and 16 or more bedrooms, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than 5 acres.**

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures	Maximum # of Bedrooms	Other Specific Maximums
65,340 SF (1.5 Net Acre)	4	3	9	Only 1 of structures can be a tri-plex
87,120 SF (2 Net Acre)	6	4	12	Only 1 of structures can be a four-plex
108,900 SF (2.5 Net Acre)	8	5	15	Only 1 of structures can be a four-plex
130,680 SF (3 Net Acre)	10	6	18	A maximum of 1 tri-plex and 1 four-plex

152,460 SF (3.5 Net Acre)	12	7	21	A maximum of 2 four-plexes
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If a proposed Flex Housing project involves the development of a property that is greater than 3.5 Net Acres in Size, and the development of 13 or more dwelling units, 8 or more dwelling structures and 22 or more bedrooms, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units, 1 additional dwelling structure, and 3 additional bedrooms for each increment of .5 Net acres. However, in no case shall the size of a single structure have more than 4 dwelling units.

***[M] Residential, Flex housing, Residential 4 or Swan Lake Avenue Mixed Use zoning districts, if property uses a subsurface system to manage wastewater.**

Flex Housing is a housing approach that grants an individual property owner flexibility in the number of dwelling units and dwelling structures that can be constructed on a property. This approach is based on the total number of dwelling structures, total number of dwelling units, and total number of bedrooms constructed, and the size of the property, as calculated using net developable acreage (NDA). The maximum number of dwelling units that can be constructed in any one structure/building is four (4). Also, the density standard using this approach shall be the same for a lot that has frontage on a road and for a back lot, and is based on the standard for a lot that has road frontage.

The following Table identifies the density standards that shall apply to the Residential 4 and Swan Lake Avenue Mixed Use zoning districts for the **Flex Housing Dwelling, Option 1** approach, if the property uses a subsurface wastewater disposal system for managing wastewater. ~~Density standards for properties greater than 3 Net Acres in size shall be considered pursuant to the multi-family housing standard that applies to the above zoning districts.~~ **If the amount of development proposed involves 9 or more dwelling units, 6 or more dwelling structures, and 16 or more bedrooms, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than less than 5 acres.**

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures	Maximum # of Bedrooms	Other Specific Maximums
43,560 SF (1 Net Acre)	4	3	8	Only 1 of structures can be a tri-plex
65,340 SF (1.5 Net Acre)	6	4	12	Only 1 of structures can be a four-plex
87,120 SF (2 Net Acre)	8	5	15	Only 1 of structures can be a four-plex

109,900 SF (2.5 Net Acre)	10	6	18	A maximum of 1 tri-plex and 1 four-plex
130,680 SF (3 Net Acre)	12	7	21	A maximum of 2 four-plexes

If a proposed Flex Housing project involves the development of a property that is greater than 3 Net Acres in Size, and the development of 13 or more dwelling units, 8 or more dwelling structures and 22 or more bedrooms, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units, 1 additional dwelling structure, and 3 additional bedrooms for each increment of .5 Net acres. However, in no case shall the size of a single structure have more than 4 dwelling units.

***[N] Residential, Flex housing, Route 3 Rural, Outside Rural 1, Outside Rural 2 zoning districts, if the property uses a subsurface system to manage wastewater.**

Flex housing is a housing approach that grants an individual property owner flexibility in the number of dwelling units, number of bedrooms, and number of dwelling structures that can be constructed on a property. The approach is based on the total number of dwelling structures, total number of dwelling units, and total number of bedrooms constructed, and the size of the property, as calculated using net developable acreage (NDA). Under this approach, the maximum number of dwelling units that can be constructed in any one structure/building is four (4). Also, the density standard using this approach 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.

The following Table identifies the density standards that shall apply to the Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts for the **Flex Housing Dwelling, Option 1** approach, if the property uses a subsurface wastewater disposal system for managing wastewater. **If the amount of development proposed involves 9 or more dwelling units, 6 or more dwelling structures, and 16 or more bedrooms, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development and Cluster Housing provisions. The Article VI, Planned Unit Development and Cluster Housing provisions shall apply even though the size of the property may be less than less than 5 acres.**

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures	Maximum # of Bedrooms	Other Specific Maximums
87,120 SF (2 Net Acre)	4	3	8	Only 1 of structures can be a tri-plex
108,900 SF (2.5 Net Acre)	6	4	12	Only 1 of structures can be a four-plex

130,680 SF (3 Net Acre)	8	5	15	Only 1 of structures can be a four-plex
152,460 SF (3.5 Net Acre)	10	6	18	A maximum of 1 tri-plex and 1 four-plex
174,240 SF (4 Net Acre)	12	6	21	A maximum of 2 four-plexes

If a proposed Flex Housing project involves the development of a property that is greater than 4 Net Acres in Size, and the development of 13 or more dwelling units, 8 or more dwelling structures and 22 or more bedrooms, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units, 1 additional dwelling structure, and 3 additional bedrooms for each increment of .5 Net acres. However, in no case shall the size of a single structure have more than 4 dwelling units.

***[O] The limit on the maximum number of dwelling units that can be constructed in a multi-family housing structure in either the Residential 4 or Swan Lake Avenue Mixed Use zoning district zoning is 30, and the maximum number of bedrooms in a structure is 60, regardless is a property is connected to public sewer or uses a subsurface system to manage wastewater.**

Sec. 102-635 to 640. Reserved.