

DOCUMENT 16-A

**CITY OF BELFAST PLANNING BOARD
DECEMBER 14, 2022 PUBLIC HEARING 6:00 PM
COUNCIL CHAMBERS IN BELFAST CITY HALL**

**PROPOSED AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 102 ZONING, ARTICLE V, DISTRICT REGULATIONS
DIVISION 16, NORTHWESTERLY OF BYPASS AND OUTSIDE RURAL
ZONING DISTRICTS**

Notes & Information to the Public on the Proposed Amendments.

1) Background Information and Purpose of Amendments:

The City Council, as recommended by the Belfast Planning Board, adopted a proposal at its meeting of April 5, 2022, to establish 7 new zoning districts and certain Special Use Areas (zoning for individual properties in the Outside Rural-1 and Outside Rural-2 zoning districts) that would apply to an area that the Board called 'Outside Rural'. The proposed new zoning districts were: Residential-4, Residential-5, Residential-6, Route 3 Rural, Swan Lake Avenue Mixed Use, Outside Rural-1, and Outside Rural-2. The location of these zoning districts are depicted on the City's updated Official Zoning Map (adopted April 2022). The Council's action also resulted in the repeal of 7 zoning districts, including: General Purpose-A, Residential/Agricultural I, Residential/Agricultural II, Protection Rural, Protection Rural-2, Route 141 and Mill Lane Commercial, and Residential Growth, as well as adjustments to the boundaries of 4 other zoning districts, including: Residential II, Airport Growth, Searsport Avenue Commercial, and Route 137 Commercial.

The Planning Board, as recommended by the Planning and Codes Department, is now pursuing additional amendments to the Division 16, Outside Rural, amendments that were adopted on April 5, 2022. The main purposes of the currently proposed amendments include:

- 1) Adopting revisions to the current Use Tables and Dimensional Tables adopted for the Outside Rural Districts on April 5, 2022, so that they are consistent with the format of the Use Tables and Dimensional Tables now proposed for Division 11, Eastside Zoning Districts, and Division 14, Southerly Zoning Districts.
- 2) The Planning Board, as recommended by the Planning and Codes Department, is pursuing reorganizing information in Chapter 102, Zoning, Article V, District Regulations. The reorganization would result in creating 4 main Divisions in Article V that are generally based on the geographic location of the zoning districts. This reorganization effort would result in several changes to the Outside Rural amendments adopted on April 5, 2022, including the following:

- Division 16 would be renamed from the Outside Rural Zoning Districts to the Northwesterly of Bypass and Outside Rural zoning districts.
 - Three new zoning districts would be added to Division 16 as a result of this reorganization, including: Route 3 Commercial, Office Park, and Route 137 Mixed Use.
 - Three of the zoning districts that were initially included in Division 16 would be transferred to Division 11, Eastside Zoning Districts, including: Swan Lake Avenue Mixed Use, Residential 5, and Residential 6.
 - In addition, there would be several tweaks to the Use Tables and Dimensional Tables that were initially adopted on April 5, 2022, including adding the section to the Use Table that labeled Uses Specific to Chapter 82, Shoreland.
- 3) The conversion of the current standards for the Route 3 Commercial, Office Park, and Route 137 Mixed Use zoning districts to common Use Tables and Dimensional Tables also involves several significant changes for these districts, including:
- 'Flex Housing' is added as a housing option in all 3 zones; which is consistent with the City's goal to create more opportunities for housing development.
 - Lot coverage standards for both residential and nonresidential development are proposed for all 3 zoning districts
 - In the Route 3 Commercial zone, changes are proposed regarding the regulation of potential larger retail development, and for the property recently purchased by Waldo CAP, Map 5, Lot 23. Reference the amendments identified in Tab 13, Chapter 102, Zoning, Article X, Contract Rezoning, Division 2, Route 3 Commercial, Searsport Avenue Commercial, and Office Park Districts for more specific information regarding the proposed amendments to the contract rezoning process.

The information in this amendment includes revisions to the following:

- Document 16-A (this document), identifies overall standards for the zoning districts, in Division 16, Northwesterly of Bypass and Outside Rural zoning districts, including the introductory standards and the Footnotes for the common Use Table (Document 16-B) and the common Dimensional Table (Document 16-C).
- Document 16-B is the common Use Table that identifies the Uses that would be permitted or prohibited in each zoning district, and the City authority responsible for review of the permit application; the Code Enforcement Officer or the Planning Board.
- Document 16-C is the common Dimensional Table that identifies the Dimensional Standards that would apply to each zoning district. The Dimensional Standards identify requirements for the minimum lot size, the minimum amount of lot frontage, structure setbacks from property lines, density standards (number of dwelling units per size of lot), maximum lot coverage (based on amount of impervious surface), and maximum structure height.

The Planning Board believes that the amendments it is proposing are consistent with and would assist in implementing recommendations in the City's adopted Comprehensive Plan (March 2021).

- 2) **Format of Amendment:** The original language in Division 16 was adopted by the City Council on April 5, 2022. The following method is used to identify proposed changes to the April 5, 2022 adopted language:
- Language/text proposed to added to the existing Ordinance is shown in **Red Font**.
 - Language/text proposed to be deleted from the existing Ordinance is shown in **Blue Strike-through Font**.
 - Language/text in black font is existing language in the Ordinance that is not proposed to be changed by this amendment.
 - Language highlighted in **Yellow Font** identifies a date that needs to be inserted if the Council votes to adopt the proposed amendments, and also is used to identify minor notes regarding the proposed amendments.
- 3) **Role of the Belfast Planning Board:** The Belfast Planning Board is responsible for conducting a public hearing and offering its recommendation to the Belfast City Council regarding proposed amendments to the land use regulations in the City Code of Ordinances. The Planning Board has discussed this proposed amendment at one or more past meetings, and is now presenting its proposed amendments for public hearing. Post the hearing, the Board will discuss public comment that may be offered at the public hearing, and will vote on its recommendation to the City Council. The Planning Board has the authority to make changes to the language presented at the public hearing in crafting its recommendation to the Council. The Planning Board is an administrative/quasi-judicial body, and does not have the authority to adopt, amend, or repeal an Ordinance. That authority is vested solely with the City Council, the legislative body for the City.
- 4) **How to Offer Public Comment:** The City of Belfast and Belfast Planning Board encourage public comment on the proposed amendments. Any member of the public can offer comment to the Planning Board for this public hearing in any of the following three ways:
- a) Comment can be submitted in writing via email to public@cityofbelfast.org. All email comment must be received by 2:00 pm on December 14, 2022. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
 - b) Comment can be submitted in writing via letter. The letter must be received by 2:00 pm on December 14, 2022, so it can be photocopied and presented to the Board. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
 - c) Comment can be orally presented to the Board at the December 14, 2022 Board meeting that begins at 6:00 pm in the Council Chambers of Belfast City Hall. Oral comment should be limited to 4 minutes. All oral comment must be delivered at the Board meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Board.

Also, if you submit comment in writing or via email, recognize that the Board has a policy of not reading such comments aloud to the public at the Board meeting. The Board will acknowledge that you submitted comment, and the Planning and Codes Department will post your comments on the City website after the public hearing.

- 5) **Questions and Information on the Proposed Amendments.** The complete text of this proposed amendment can be found on the City website, cityofbelfast.org, reference Planning and Codes, Planning Board Hearing Amendments, and a printed copy of the amendments can be inspected at the Planning and Codes offices during normal business hours, Monday - Thursday, 7:00 am - 6:00 pm. Questions regarding the proposed amendment should be directed to the Planning and Codes office at 338-3370 x 125, or by email to Wayne Marshall, Project Planner, at wmarshall@cityofbelfast.org.
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**CITY OF BELFAST PLANNING BOARD PUBLIC HEARING
TEXT OF PROPOSED ORDINANCE AMENDMENTS**

CHAPTER 102. ZONING

ARTICLE V, DISTRICT REGULATIONS.

DIVISION 16. NORTHWESTERLY OF BYPASS AND OUTSIDE RURAL ZONING DISTRICTS

Sec. 102-621. Council adoption of **Northwesterly of Bypass and Outside Rural Zoning District Regulations.**

The City Council, at its meeting of April 5, 2022, adopted the District Regulations for the following zoning districts identified in **this** Division 16: Residential-4 (Res-4), Residential-5 (Res-5), Route 3 Rural (Rte 3-R), Swan Lake Avenue Mixed Use (SLA-MU), Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), Residential 6 (Res-6), 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 April 5, 2022, and the boundaries of these same districts are described in Article IV, Description of Districts, in this Chapter. 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.

The City Council, at its meeting of --- insert date of Council action ---, adopted amendments to the Division 16 District Regulations it previously adopted on April 5, 2022. The --- insert date of Council action --- amendments resulted in the following changes:

- 1) The name of Division 16 was changed from Outside Rural Zoning Districts to the Northwesterly of Bypass and Outside Rural Zoning Districts.**
- 2) Three new zoning districts were included in Division 16, including: Route 3 Commercial (Rte 3 - Com), Office Park (OP), and Route 137 Mixed Use (Rte 137-MU).**
- 3) The district standards for three zoning districts that were included in the originally adopted April 5, 2022 amendments were moved to Division 11, Eastside Zoning Districts. These zoning districts included: Residential-5 (Res-5), Residential-6 (Res-6), and Swan Lake Avenue Mixed Use (SLA-MU).**
- 4) Several of the standards in the common Use Tables (Sec. 102-624) and Dimensional Tables (Sec 102-633), as well as the accompanying footnotes (Sections 102-625 and 102-634), were amended.**

Sec. 102-622. Standards that apply to the **Northwesterly of Bypass and Outside Rural Zoning Districts.**

- a) City Code of Ordinances, Subpart B, Land Use Regulations that apply to the **Northwesterly of Bypass and Outside Rural** and zoning districts **include the following:**
- 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 properties located in 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 **Northwesterly of Bypass and Outside Rural** zoning district.
 - 6) Chapter 90, Site Plan. The provisions of Chapter 90, Site Plan, apply to any use in any **Northwesterly of Bypass and 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 or property in any **Northwesterly of Bypass and 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 **Northwesterly of Bypass and Outside Rural** zoning district.
 - 9) Chapter 102, Zoning. Applicable provisions of Chapter 102, Zoning, apply to all new or expanded development of any use or property in any **Northwesterly of Bypass and Outside Rural** zoning district.
- b) **Nonconforming Uses of Record.**

A use located in **the Residential-4, Route 3 Rural, Outside Rural-1, and Outside Rural 2 districts** ~~any~~ of the **Northwesterly of Bypass and** Outside Rural zoning districts that existed prior to April 5, 2022, (**original** date of adoption of Division 16, Outside Rural amendments), **or prior to --- date of Council action ---, (date of adoption of the Northwesterly of Bypass and Outside Rural amendments) in the Route 3 Commercial, Office Park, and Route 137 Mixed Use (previously named Route 137 Commercial) zoning districts**, 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 **Northwesterly of Bypass and** Outside Rural zoning districts 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 **Northwesterly of Bypass and** 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), **Route 3 Commercial (Rte 3-Com)**, **Office Park (OP)**, **Route 137 Mixed Use (Rte 137-MU)**, ~~Swan Lake Avenue Mixed Use (SLAMU)~~, Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), ~~Residential-6 (Res-6)~~ and certain Special Use Areas (SUA) that are located in the Outside Rural-1 or 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 **of alphabet, lower case**].

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 a Special Use Area (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.

Sections 102-627 - 628.5 identify supplemental standards that apply to certain uses and/or properties located in the Route 3 Commercial or Office Park zoning districts, as well as certain standards that apply to a portion of the property identified as Map 5, Lot 26; the property formerly identified as Map 5, Lot 31. Maps 1 - 3 included in this Division and in Article IV, Description of Districts, depict the areas and properties subject to these supplemental standards.

Sec. 102-624. Table of Uses for **Northwesterly of Bypass and Outside Rural zoning districts.**

(Reference Attached Table of Uses - Document 16-B)

Sec. 102-625. Footnotes to Use Table for **Northwesterly of Bypass and Outside Rural zoning districts.**

The Footnotes in Sec 102-625 apply to the Use Table for the **Northwesterly of Bypass and 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, and are intended to make persons aware of said provisions. The respective Footnotes, however, do not identify all Ordinance standards that may apply to a specific use, and all persons must review all provisions in the City Code of Ordinances to determine the applicability of other requirements. The Footnotes appear next to the information that is subject to the Footnote, and are shown in the Use Table as follows: *[letter **of alphabet, lower case**].

- *[a] Reference performance standards for an accessory dwelling unit in a detached structure. Chapter 102, Zoning, Article IX, Performance Standards, Division 6, Supplemental Performance Standards for an Accessory Dwelling Unit in a Detached Structure.
- *[b] Footnote *[b] references density standards that apply to a Dwelling, Flex Housing project that are identified in the Dimensional Standards Table (Section 102-633) for each respective zoning district. The density standard establishes a formula to identify the amount and type of housing development that can occur on a property. The formula is based on the following factors: the size (net area) of the lot (as calculated based on net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. In all cases, the maximum number of dwelling units that can be located in any single structure in a flex housing project is four dwelling units. Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project, identifies the process for Planning Board review of a Flex Housing project, and all Flex Housing projects must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project. Certain Flex Housing projects are also subject to Planning Board review pursuant to the Chapter 102, Zoning, Article VI, Planned Unit Development ~~and Cluster Housing Development~~ standards. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.
- *[c] Also reference performance standards for multi-family housing; Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project.

- *[d] Multi-family housing is limited to the construction of tri-plex (3 units in 1 structure) or four-plex (4 units in 1 structure) structures. The density standards for Dwelling, Multi-family that use a subsurface system to manage wastewater are identified in the Dwelling, Flex Housing standard; reference lot size and density standards in the Dimensional Standards Table in this Division for the respective **Northwesterly of Bypass and** Outside Rural zoning district.

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

- *[f] Reference Chapter 102, Zoning, Article VI, Planned Unit Development ~~and Cluster Housing Development~~, Division 1, Residential Planned Unit Development ~~and Cluster Housing Development and Nonresidential Planned Unit Development~~.

- *[g] Flexibility is permitted regarding the types of ~~M~~multi-family housing and ~~F~~flex ~~H~~housing that can be constructed in a residential Planned Unit Development ~~or Cluster Housing Development~~. **In zoning districts in which multi-family housing is not a permitted use, a Planned Unit Development shall allow the construction of a structure that has more than 4 dwelling units (maximum number of units in 1 structure in a flex housing project), subject to the project complying with the overall density standards that apply to the number of dwelling units that can be constructed on a property pursuant to the respective flex housing standards.** Reference the density standards in the Dimensional Standards Table for each respective zoning district, and reference standards in Chapter 102, Zoning, Article VI, Planned Unit Development ~~and Cluster Housing Development~~, Division 1, Residential Planned Unit Development ~~and Cluster Housing Development and Nonresidential Planned Unit Development~~.

- *[h] Reference Chapter 102, Zoning, Article VI, Planned Unit Development ~~and Cluster Housing Development~~, Division 2, Rural Affordable Housing Communities. A maximum of 4 dwelling units is permitted in any single structure located in a Rural Affordable Housing Planned Unit Development.

- *[i] A manufactured housing community must comply with standards identified in Chapter 102, Article VIII, Supplemental District Regulations, Division 4, Manufactured Housing Communities, and other applicable requirements in the City Code of Ordinances.

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

*[k] Reference the Division ~~(YTBD)~~ **1.5**, Performance Standards for Home Occupations, identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations. ~~(Note to Public—The City, as of the adoption date of these amendments, 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 Planning Board, City Council, and public 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] **Professional Offices and Health Care Offices.**

If a professional office and/or health care use is identified as a permitted use, Tthe maximum size **of a building/structure in which** a professional office or health care office is located **and** shall be as follows in the following zoning districts: ~~If footnote *[m] is not identified for a district in which a professional office or health care office is permitted, there is no maximum size limit on the size of a professional office or health care office building.~~

- 1) In the Outside Rural-1 and Outside Rural-2 zoning districts, a professional office or health care office can be a maximum of 2,000 square feet in size.
- 2) In the Route 3 Rural, **and** Residential 4, ~~and Swan Lake Avenue Mixed Use D~~districts, a professional office or health care office can be a maximum of 4,000 square feet in size.
- 3) **There is no maximum size limit on a professional office or health care office in the Route 3 Commercial, Office Park, or Route 137 Mixed Use zoning districts.**

Notwithstanding the above, if a professional office **or health care office** is located in a building/**structure** that is used (**qualifies**) ~~for multiple uses (as a shopping center)~~, and there is a limit on the size of a structure in which said uses are located, this standard could affect the total amount of professional office or health care office space that can be developed in that building, and in some cases, on that property. Reference footnote *[o] below that establishes certain limits on the maximum size of a building in a shopping center occupied by multiple uses in certain zoning districts.

*[n] **If a retail use is identified as a permitted use, T**the maximum size of a retail use shall be as follows in the following identified zoning districts: ~~If Footnote *[n] is not identified for a district in which a retail store is a permitted use, there is no maximum size limit on the size of a building in which a retail use is located.~~

- 1) **Repealed on --- insert date of Council action ---.** ~~In the Swan Lake Avenue Mixed Use zoning district, a retail use can have a maximum total floor sales area of 4,000 square feet, and an additional 4,000 square feet of warehouse/storage area in any single structure. This amount of retail development is the maximum amount of retail use that can occur on a property that satisfies the minimum lot size requirement for a nonresidential use.~~

- 2) In the Route 137 Mixed Use zoning district, the maximum size of a single retail use or multiple retail uses in any single structure shall be 20,000 square feet.
- 3) In the Office Park zoning district, the following maximum size standards shall apply to a retail use:
 - a. On properties identified as Map 5, Lot 5, and Map 5, Lot 7 (as such were depicted on the City Tax Assessor Maps in effect on April 1, 2018), the following standards shall apply: the maximum size of any single retail use shall be 4,000 square feet, there shall be a maximum of 3 retail uses in any single structure, there shall be a maximum of 1 structure on any property that is used for a retail use, and any retail use must comply with the Article IX, Nonresidential Development Standards for the Office Park District. Other uses permitted in the Office Park District may occur on either of the above two properties in addition to (in combination with) an allowed retail use.

Notwithstanding the above provisions, the property identified as Map 5, Lot 7, may be permitted to develop a greater amount of retail use pursuant to provisions in Chapter 102, Zoning, Article X, Contract Rezoning, Division 2, Route 3 Commercial and Office Park Districts.

- b. On properties identified as Map 5, Lots 29, 29-B, and 31 and the portion of Map 5, Lot 26 (as such properties were depicted on the City Tax Assessor Maps in effect on April 1, 2018), that is identified as former Map 5, Lot 31 (Map 5, Lot 31, as depicted on the Tax Assessor Maps in effect on April 21, 2001), as said properties are depicted on 'Map 3, Division 16, Office Park Zoning District Park' (Map 3 is included in Division 16, and Division 4, Description of Districts), the following standards shall apply: there shall be a maximum of one retail use located on a property, the maximum size of the structure in which the retail use is located shall be 6,000 square feet, the retail use may have one or more accessory structures that do not exceed a total of 2,000 square feet in size, the retail use and any other use on the property shall comply with the supplemental performance standards identified in Section 102-628, and the retail use and any other use on the property shall comply with applicable Nonresidential Development Standards for the Office Park District identified in Article IX of this Chapter. In addition, if the retail use occurs on former Map 5, Lot 31, the use shall comply with applicable standards identified in Section 102-628.5. Other uses permitted in the District may occur on any of the above properties in addition (in combination with) to an allowed retail uses.
 - c. On properties identified as Map 5, Lot 1 and Map 5, Lot 26 (as such were depicted on the Tax Assessor Maps in effect on April 1, 2018), except the portion of Map 5, Lot 26 that is depicted as former Map 5, Lot 31, on a map

entitled 'Map 3, Division 16, Office Park Zoning District', a retail use or uses are allowed, provided no single retail use is greater than 75,000 square feet, and there is a maximum of 75,000 square feet of all retail operations in a single structure. Any such operations shall comply with the Nonresidential Development Standards for the Office Park District identified in Article IX of this Chapter. Other uses permitted in the District may occur on the above properties in addition (in combination with) to an allowed retail uses.

- 4) In the Route 3 Commercial District, the following standards shall apply regarding the maximum size of a retail use. The following 2 maps included in this Division and in Article IV, Description of Districts, identify the areas referenced in this Subsection: 'Map # 1, Division 16, Route 3 Commercial District' and Map # 2, Division 16, Area # 2, Route 3 Commercial Zone - Contract Rezoning'.
 - a) In Areas 1, 2 and 3 of the Route 3 Commercial District (reference map entitled 'Map #1, Division 16, Route 3 Commercial District') no single retail use and no structure in which one or more retail uses occur shall exceed 75,000 square feet in size.
 - b) Notwithstanding the above standard a), in Area 2 (reference map entitled 'Map #2, Division 16, Route 3 Commercial Zone - Contract Rezoning') an applicant for a retail use, provided it offers general merchandise, clothing, and/or groceries for sale, may submit an application to use the contract rezoning process identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 2, Route 3 Commercial and Office Park Districts, to develop a single retail store that offers general merchandise, clothing, and/or groceries for sale that exceeds the 75,000 square foot size limit, or a shopping center in which no more than one of the qualifying retail uses in the center exceeds the 75,000 square foot maximum size limit for an individual store. In the total area located within Area 2, the City Council, pursuant to the contract rezoning process, has the authority to allow only one retail use that offers general merchandise, clothing, and/or groceries for sale that exceeds the 75,000 square foot maximum size limit, or one shopping center in which no more than one such retail use in the center exceeds the maximum size limit.
 - c) In Area 4 of the Route 3 Commercial District, the section of this zone located westerly of Crocker Road, (reference map entitled 'Map #1, Division 16, Route 3 Commercial District'), a retail use that is established on or after April 7, 2020 shall be located in a principal structure that is a maximum of 6,000 square feet in size, and the use may have one or more accessory structures, provided the total square footage of all accessory structures on the property do not exceed 2,000 square feet in size. There shall be a maximum of one principal structure/use on a lot that is used for a retail use. Any such use shall comply with the Supplemental Performance Standards

identified in Sec 102-627, and the performance standards identified in Article IX, Division 2, Nonresidential Development Standards for the Route 3 Commercial zoning district.

Notwithstanding the above size limitations, the retail use (Perry's Furniture), that has regularly been operated (over 20 years) on Map 5, Lot 30, prior to April 7, 2020, may continue, and may expand the size of the structures on the property that have been used to support retail operations as of April 7, 2020 by a maximum of 100 percent of the total amount of gross floor area of all such structures. This provision also shall apply to any retail use that is a successor to Perry's Furniture. Neither the current retail use or any successor retail use is subject to the Sec 102-627 Supplemental Performance Standards, however, the performance standards identified in Article IX, Division 2, Nonresidential Development Standards for the Route 3 Commercial zoning district.

- d) In Area 2 of the Route 3 Commercial zoning district, the City Council, at its meeting of October 1, 2019, approved a contract rezoning agreement, as such was subsequently amended, to allow DMK Development to construct a Tractor Supply Store, located at Map 5/Lot 23A. This contract shall remain in effect for this property, however, this property is not subject to the requirement of complying with a master plan for the original lot (Map 5, Lot 23) from which Map 5, Lot 23A was divided/established. The adopted contract rezoning agreement recorded at the Waldo County Registry of Deeds and is available at the Planning and Codes Department.
- 5) Notwithstanding the standards identified in 2), 3), and 4) above, if a retail use is located in a building that is used for multiple uses (a shopping center), and there is a limit on the size of a structure in which such uses are located, this requirement could affect the total amount of retail space that can be developed in that building, and in some cases, on that property. Reference Footnote *[o] below that establishes certain limits on the maximum size of a building (a shopping center) occupied by multiple uses in certain zoning districts.

*[o] **If a shopping center is a permitted use, T**the maximum size of a shopping center shall be as follows in the following identified zoning districts. ~~If Footnote *[o] is not identified for a district in which a shopping center is a permitted use, there is no maximum size limit on the size of a building in which a retail use is located.~~

- 1) **Subsection repealed on -- enter date of Council action --.** ~~No zoning districts in the Outside Rural area allow a shopping center.~~
- 2) In the Route 137 Mixed Use zoning district, the maximum size of a shopping center shall be 35,000 square feet, however, the maximum amount of retail use in the center may not exceed 20,000 square feet.

- 3) **In the Office Park zoning district, there is no maximum size limit on a shopping center located on Map 5, Lot 1, or Map 5, Lot 26 (does not include former Map 5, Lot 31), provided that all retail uses in the shopping center comply with standards identified in Footnote *[n] above. For all other properties in the Office Park zoning district, the maximum retail store size standards identified in Footnote *[n] above, shall serve as the maximum size of any single structure in a shopping center.**
- 4) **In Areas 1, 2, and 3 of the Route 3 Commercial zoning district (reference 'Map #1, Division 16, Route 3 Commercial Zone'), there is no maximum size limit on the size of a shopping center, provided no retail use in the shopping center exceeds the maximum size standards identified in Footnote *[n] above. In Area 4 of the Route 3 Commercial District, the maximum size of a shopping center shall not exceed the maximum retail store size standards identified in Footnote *[n], clause 4)c), above.**

***[p] If a personal service business is identified as a permitted use, ~~T~~the maximum size of a personal services business shall be as follows in the following zoning districts. ~~If footnote *[p] is not identified for a district in which a personal service business is permitted, there is no maximum size limit on the size of a building in which personal services are offered.~~**

- 1) In the Outside Rural-1 and Outside Rural-2 zoning districts, a personal service business can be a maximum of 2,000 square feet in size.
- 2) In the Route 3 Rural, Residential 4, and Swan Lake Avenue Mixed Use ~~D~~districts, a personal service business can be a maximum of 4,000 square feet in size.
- 3) **In the Route 137 Mixed Use district, a personal service business or the structure in which such use is located can be a maximum of 20,000 square feet in size, unless the service business is located in a shopping center that allows a structure that is a maximum of 35,000 square feet in size.**
- 4) **In the Route 3 Commercial and Office Park districts, there is no maximum size limit on the size of a personal service business or a structure in which such use is located.**

Notwithstanding **1) - 4) ~~the~~** above, if a personal service is located in a building (a shopping center) that is used for multiple uses, and there is a limit on the size of a structure in which such uses are located, this requirement could affect the total amount of space for personal services that can be developed in that building, and in some cases, on that property. Reference footnote *[o] that establishes certain limits on the maximum size of a building occupied by multiple uses in certain zoning districts.

***[q] If a convenience store is identified as a permitted use, ~~T~~the maximum size of a convenience store shall be as follows in the following zoning districts. ~~If footnote *[q] is not identified for a district in which a convenience store is permitted, there is no maximum size limit on the size of a building in which a convenience store is located.~~**

- 1) **Repealed by Council action on -- insert date of action --. In the Swan Lake Avenue Mixed Use zoning district, a convenience store can be a maximum of 4,000 square feet in size.**
- 2) **In the Route 137 Mixed Use and Route 3 Commercial zoning districts, the maximum size limits for a retail use (reference Footnote *[n]) shall govern the maximum size of a convenience store.**

***[r] If a storage/warehouse use is identified as a permitted use, ~~T~~the maximum (total) size of all storage/warehouse buildings on a property shall be as follows in the following zoning districts. ~~If footnote *[r] is not identified for a district in which a storage/warehouse building(s) is permitted, there is no maximum size limit on the size of a storage/warehouse building.~~**

- 1) In the Residential-4, Route 3 Rural, ~~Swan Lake Avenue Mixed Use~~, Outside Rural-1, and Outside Rural-2 zoning districts, the total size of all storage/warehouse buildings on a property shall not exceed 8,000 square feet (for each 2 acres of lot size), and the property on which a storage/warehouse facility is located shall be a minimum of 2 acres in size.
- 2) **In the Route 3 Commercial, Office Park, and Route 137 Mixed Use zoning districts, there is no maximum size limit on the size of an individual storage/warehouse building or the total amount (square footage) of such buildings and use on a property.**

***[s] If a light manufacturing facility is a permitted use, ~~T~~the maximum size of a light manufacturing facility on a property shall be as follows in the following zoning districts. ~~If footnote *[s] is not identified for a district in which a light manufacturing facility is a permitted use, there is no maximum size limit on the size of a light manufacturing facility.~~**

- 1) In the Route 3 Rural, ~~Swan Lake Avenue Mixed Use~~, Outside Rural-1, and Outside Rural-2 zoning districts, a light manufacturing facility is limited to 4,000 square feet of active manufacturing use, and an additional 4,000 square feet of interior storage space. No exterior storage of materials is allowed.
- 2) **In the Route 137 Mixed Use zoning district, the maximum size of any structure in which a light manufacturing facility is located shall be 20,000 square feet.**
- 3) **In the Route 3 Commercial and Office Park zoning districts, there is no maximum size limit on the size of an individual structure in which a light manufacturing facility is located or the total amount (square footage) of such buildings and use on a property.**

***[t] If a manufacturing, processing, or industrial facility is identified as a permitted use, ~~T~~the maximum size of a manufacturing, processing, or industrial facility, including one that allows accessory retail sales, shall be as follows in the following identified zoning districts. ~~If Footnote *[t] is not identified for a district in which a manufacturing, processing, or industrial facility is a permitted use, there is no maximum size limit on the size of a building in which said use can be located.~~**

- 1) ~~No zoning districts in the Outside Rural area allow a manufacturing, processing, or industrial facility.~~

1) In the Route 3 Commercial and Office Park zoning districts, there is no maximum size limit on the size of an individual structure in which said use occurs, or the total amount (square footage) of such buildings and use on a property.

- *[u] A property that is used for contractor operations, including the interior or exterior storage of construction equipment and materials by a construction contractor shall be a minimum of 1 acre in size. The ~~exterior~~ storage areas may be located on the same property as one or more dwelling units.
- *[v] 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, **Northwesterly of Bypass and Outside Rural Zoning District standards**, (Division 16 ~~adopted on April 5, 2022 as such was amended on~~ -- insert date of Council action --), 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 nonconforming structure. All new structures constructed after ~~April 5, 2022~~ -- insert date of Council action -- (Division 16 ~~adopted on April 5, 2022 as such was amended on~~ -- insert date of Council action --) used for animal kennel operations shall comply with applicable structure setback requirements.
- *[w] Any business that sells and dispenses fuel shall be limited to a maximum of 4 fuel dispensers (pumps) on the property.
- *[x] Reference the Performance Standards for Campgrounds and Recreational Vehicle (RV) Parks identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD - **Note: City had not adopted these standards as of the date that the Division 16 standards, as amended, were adopted**).
- *[y] A property that is used for commercial 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 ~~April 5, 2022~~ -- insert date of Council action -- (Division 16 ~~adopted on April 5, 2022 as such was amended on~~ -- insert date of Council action --). A property that was used for boat building, retrofitting, storage, and/or repair prior to ~~April 5, 2022~~ -- insert date of Council action -- (Division 16 ~~adopted on April 5, 2022 as such was amended on~~ -- insert date of Council action --), 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.

- *[z] A quasi-public or non-municipal use that qualifies as a Minor or Major Site Plan Development shall require review by the Planning Board. Other quasi-public or non-municipal facilities and uses shall require a permit from the CEO.
- *[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 Department of Environmental Protection (DEP) regulations for such 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 regulations, as its deems appropriate, to adopt City Permit conditions for the operation.
- *[bb] An outdoor theater or event facility that is permitted as an accessory use to a residential use or an agricultural use is limited to a maximum of 100 seats or guests and a maximum of 8 events per year, and no more than 2 events in any single month. This use is subject to review by the Planning Board and compliance with specific performance standards in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD - **Note: City had not adopted these standards as of the date that the Division 16 standards, as amended, were adopted**), Performance Standards for Event Facilities and Outdoor Theaters.
- *[cc] A Medical Marijuana facility or operation must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 8, Medical Marijuana Regulations.
- *[dd] An Adult Use Marijuana facility or operation must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division **10 2.5**, Adult Use Marijuana Regulations.
- *[ee] A Solar Energy System must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 9, Solar Energy Systems.
- *[ff] A Telecommunications Facility must comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunications Facilities.
- *[gg] Power Substations and Generator Facilities shall be subject to review pursuant to Chapter 90, Site Plan, and the performance standards that may apply to a specific zoning district.
- *[hh] An application for a Significant Groundwater Well must comply with Ordinance requirements identified in Article VIII, Supplementary District Regulations, Division 7, Significant Groundwater Well Permit, and Article IX, Performance Standards, Division

- 2, Environmental Standards, Section 102-1137, Significant Groundwater Well, in this Chapter.
- *[ii] An application for a Significant Water Intake or a Significant Water Discharge/Outfall Pipe must comply with the Article IX, Performance Standards, Division 2, Environmental Standards, Sec 102-1138, Significant Water Intake or Significant Water Discharge/Outfall Pipe in this Chapter.
 - *[jj] The Outside Rural 1 and Outside Rural 2 zoning districts identify the establishment of Special Use Areas for certain properties; reference Section 102-626, Special Use Areas, Outside Rural-1 and Outside Rural-2 zoning districts in this Division (Division 16, Outside Rural areas).
 - *[kk] ~~Repealed by Council action on -- insert date of Council vote --. 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.~~ **Reserved for this Division.**
 - *[ll] ~~Reserved for this Division.~~ **Certain uses in the Route 3 Commercial District must comply with the Sec 102-627 Supplemental Performance Standards in this Division, and certain uses in the Office Park District must comply with the Sec 102-628 Supplemental Performance Standards in this Division. Also, a development on the property formerly identified as Map 5, Lot 31, must comply with the Sec 102-628.5 standards in this Division.**
 - *[mm] ~~Reserved for this Division.~~ **The following Article IX, Performance Standards apply to nonresidential uses in the following zoning districts: Division 3, Nonresidential Development Standards for the Route 3 Commercial zoning district; the Division 4, Nonresidential Development Standards for the Route 137 Mixed Use zoning district; and the Division 5, Nonresidential Development Standards for the Office Park zoning district.**
 - *[nn] ~~Reserved for this Division.~~ **Certain uses in the Route 3 Commercial and Office Park zoning districts must or may use the contract rezoning process identified in Article X, Contract Rezoning, Division 2, Route 3 Commercial and Office Park Districts.**
 - *[oo] Bituminous asphalt plants are limited to plants that existed as of (insert date), the date of Council adoption of the Division 16 standards (**as such were amended on -- insert date of Council action --**), subject to the operation being in compliance with all Site Plan and/or Use Permit standards adopted by the City.

- *[pp] Notwithstanding the standard in Use # 287 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 April 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 City permits.
- *[qq] A junkyard, including an auto graveyard, is a permitted use only the 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 (YTBD - **Note: City had not adopted these standards as of the date that the Division 16 standards, as amended, were adopted**), Performance Standards for Junkyards.
- *[rr] Notwithstanding the prohibition on motor vehicle, snowmobile, utility-terrain vehicle (UTV) and all-terrain vehicle (ATV) and similar repair businesses (Use # 78) in the Residential 5 zoning district, the property identified as Map 18, Lot 9, has been used for auto repair for many years prior to adoption of the Division 16 standards. The existing use shall be considered a legally established nonconforming use and the property may continue to be used for activities identified in Use # 78. Existing structures on the property may be expanded for activities allowed in Use # 78, provided any structure expansion complies with structure setback requirements for the Residential 5 zoning district. The continuation of this legally established nonconforming use of record shall be subject to requirements of Article III, Nonconformance of this Chapter.
- *[ss] ~~Reserved in this Division.~~ **In Area 4 of the Route 3 Commercial District, a restaurant with indoor or outdoor seating is permitted, provided it satisfies the following requirements: it is connected to public sewer, it is limited to a maximum of 75 seats, it complies with the Supplemental Performance Standards identified in Sec 102-627 of this Division, and it complies with the Article IX, Division 2, Nonresidential Development Standards for the Route 3 Commercial zoning district.**

On the following properties in the Office Park zoning district, Map 5, Lots 29, 29-B, and 31 and the portion of Map 5, Lot 26 (as such properties were depicted on the City Tax Assessor Maps in effect on April 1, 2018), that is identified as former Map 5, Lot 31 (Map 5, Lot 31, as depicted on the Tax Assessor Maps in effect on April 21, 2001), as said properties are depicted on 'Map 3, Division 16, Office Park Zoning District Park' (Map 3 is included in Division 16, and Division 4, Description of Districts), a restaurant with indoor or outdoor seating is permitted, provided it satisfies the following requirements: it is connected to public sewer, it is limited to a maximum of 75 seats, it complies with the Supplemental Performance Standards identified in Sec 102-628 and 102-628.5 of this Division, and it complies with the

Article IX, Division 5, Nonresidential Development Standards for the Office Park zoning district.

*[tt] Lumber Yards and Building Supply Stores. ~~If a lumber yard and building supply store is a permitted use in a respective zoning district, T~~the size of a lumber yard and building supply retail store is subject to the following restrictions regarding the total size of the operation on the property in the following respective zoning districts.

~~(1) Repealed by Council action on -- enter date of action --. None of the Division 16, Outside Rural districts, allow a lumber yard and building supply store.~~

(2) In the Route 3 Commercial zoning district, there is no specific limitation on the total amount of square feet, either interior sales and storage, or exterior sales or storage, that is used for a lumber yard and building supply retail store, provided the use offers all products identified in the definition for this use (reference Chapter 66, General Provisions). and provided the operations occur in a minimum of 3 structures, none of which are connected to another structure.

*[uu] A motor vehicle, snowmobile, utility terrain vehicle (UTV), all-terrain vehicle (ATV) vehicle, and similar repair business shall be allowed to display the following number of vehicles on the property as an accessory use to the repair business in the following respective zoning districts in which this use is a permitted activity:

(1) In the Residential-4, Route 3 Rural, ~~Swan Lake Avenue Mixed Use~~, Outside Rural-1, ~~and~~ Outside Rural-2, **and Route 137 Mixed Use** districts, a repair business may display a maximum of 6 vehicles for sale on the property at any point in time.

(2) In the Route 3 Commercial district, there is no specific limitation on the maximum number of vehicles that can be displayed.

*[vv] **An on-site child care facility (all sizes) is allowed as an accessory use to the following uses: a professional office or health care office; a health care facility or hospital; a nursing home or long-term care facility; a retail store; a shopping center; a hotel/motel; a restaurant; a light industrial/light manufacturing facility; a manufacturing, processing, and/or industrial facility; a commercial boat building facility; a farm; a municipal facility; a quasi-public or non-municipal facility; a school; a community center; a social club; a theater/performing arts center; and a recreational facility. An on-site child care facility may provide services to persons who are or are not employed at the facility.**

*[ww] **A horse stable/barn that is operated for private use, which is a stable that is primarily for animals owned by the property owner or a person who rents the property, and who also may provide boarding services for 3 or less animals for persons who do not live on the property, regardless if a fee is or is not charged for such boarding services, shall require a permit from the Code Enforcement Officer.**

A horse stable/barn that is operated as a commercial operation, which is an operation that involves providing boarding for 4 or more animals for a fee, shall

comply with nonresidential or environmental performance standards applicable to the respective zoning district, and shall require a permit from the Planning Board.

***[xx] Service Business.**

If a service business is a permitted use in a respective zoning district, the maximum size of a structure in which one or more service businesses are located shall be as follows in the following zoning districts:

- 1) In the Outside Rural-1 and Outside Rural-2 zoning districts, a service business shall be a maximum of 2,000 square feet in size.**
- 2) In the Residential-4 and Route-3 Rural zoning districts, a service business shall be a maximum of 4,000 square feet in size.**
- 3) In the Route 137 Mixed Use zoning district, a service business shall be a maximum of 20,000 square feet in size.**
- 4) In the Route 3 Commercial and Office Park zoning districts, there is no specific maximum limit on the size of a service business.**

Notwithstanding 1) - 4) above, if a service business is located in a building (a shopping center) that is used for multiple uses, and there is a limit on the size of a structure in which such uses are located, this requirement could affect the total amount of space used for a service business(es) that can be developed in that building, and in some cases, on that property. Reference footnote *[o] that establishes certain limits on the maximum size of a building occupied by multiple uses in certain zoning districts.

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

***[zz] Hydroelectric facilities. All applications to establish a new hydroelectric facility or to remove a facility, such as a dam, that was used to produce hydroelectric power, shall be subject to Planning Board review pursuant to Chapter 90, Site Plan.**

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 a Special Use Area (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 (SUA-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 OR-1 or OR-2), provided the use complies with applicable City standards, and to be used for any of 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, to expand an existing use on the property that is identified in this list of uses, or to change from an existing use identified in this list of uses to a different use identified on this list. 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. Per Footnote *[n], a Retail store that has a maximum of 4,000 square feet of active floor sales and 4,000 sq. ft. of storage area (all structures on property).
- 76) Convenience store. Per Footnote *[q], a Convenience Store up to 4,000 sq. ft in size, and per Footnote *[w], a maximum of 4 fuel dispensers (pumps) on-site.
- 77) Redemption centers for beverage containers.
- 79) Motor vehicle fuel sales, subject to footnote *[p], maximum of 4 fuel dispensers (pumps) on-site.
- 84) 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' (SUA-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' (SUA-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 (SUA-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' (SUA-2) designation are as follows:

- 292) 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.

Sec. 102-627. Supplemental Performance Standards for certain uses located in Area 4, Route 3 Commercial zoning district.

The following supplemental performance standards shall apply to a retail use or a restaurant, indoor or outdoor seating, that is located in Area 4 of the Route 3 Commercial zoning district, with the exception of a retail use located on a property identified as Map 5, Lot 30 (as such was depicted on the Tax Assessor Maps in effect on April 1, 2020). These standards shall supplement the Nonresidential Development Standards identified in Article IX, Division 3 of this Chapter for the Route 3 Commercial zoning district.

a. Amount of front setback for structures.

- 1. The minimum amount of front structure setback for any newly constructed structure shall be no less than 70 feet. This setback requirement shall supersede the amount of front structure setback identified in Sec. 102-633 Dimensional Table.**
- 2. If the use occurs in a structure that was constructed prior to April 1, 2020, and said structure does not satisfy the setback requirement identified in a.1. above, no portion (excepting steps or a handicap accessible ramp) of the existing structure can be expanded into the nonconforming front setback area or to decrease the amount of front setback of the existing structure.**

b. Amount of front bufferyard.

- 1. The minimum amount of front bufferyard shall be no less than 60 feet. This bufferyard amount shall supersede the amount of front bufferyard identified in Sec. 102-1183 of the Article IX, Division 2, Nonresidential Development Standards for the Route 3 Commercial zoning district.**
- 2. If the use occurs on a property in a structure that was constructed prior to April 1, 2020, and the property cannot satisfy the minimum front bufferyard requirement identified in b.1. above, the amount of the existing area that is devoted to the front bufferyard area cannot be reduced, except for locating improvements such as but not necessarily limited to an access drive, utilities and similar improvements.**

c. Amount of planting requirements for nonresidential uses. Plantings in the front bufferyard area shall provide effective and good quality screening, buffering, and landscaping for the buildings and parking areas on the property, so that the appearance of the buildings and parking areas are effectively 'broken-up'. The plantings shall include trees, shrubs and other vegetation. An applicant may use berms, fencing and other methods to supplement the plantings to assist in achieving the intent of this Subsection. An applicant shall present a planting plan that clearly depicts how the proposed plantings and other measures will achieve the purposes of this Subsection. This planting requirement shall supersede the planting requirement identified in Sec. 102-1186 of the Article IX, Division 2, Nonresidential Development Standards for the Route 3 Commercial zoning district .

- d. **Nonresidential structural design requirements.** When these Ordinance standards were first adopted in April 2020, the predominant use in Area 2 was residential housing. As such, existing residential structures that are converted to a retail or restaurant use shall retain their residential character, and newly constructed structures shall also reflect the characteristics and appearance of residential construction. These characteristics include but are not necessarily limited to: a pitched roof with a minimum 3/12 pitch, window and door openings that are residential in scale and that are located on the front facade of the building, and cladding materials appropriate to a residential structure. An applicant also may choose construction that resembles farm-house or barn construction; such as the main showroom building for Perry's Furniture. This building design requirement shall supersede the requirements identified in Sec. 102-1187 of the Article IX, Division 2, Nonresidential Development Standards for the Route 3 Commercial zoning district.
- e. **Signage.** A use subject to these requirements shall have a maximum of 2 signs, only one of which can be a stand-alone sign. A stand-alone sign shall not exceed 48 square feet in size, no dimension of the sign shall be greater than 10 feet in length, the top of the sign shall be located no more than 10 feet above the adjacent ground grade, and the sign shall not be internally lighted. The on-building sign shall comply with the same requirements regarding size and lighting. These sign standards shall supercede the standards identified in Chapter 86, Signs for the Route 3 Commercial zoning district.
- Notwithstanding the above standards, a sign that existed on or before April 7, 2020 for an nonresidential use that existed on or before April 7, 2020, that does not conform to the above standards, shall be exempt from these standards, and shall comply with the Chapter 86 requirements for the Route 3 Commercial zoning district, provided that the nonresidential use in operation on April 7, 2020 continues to operate.
- f. A restaurant use, indoor or outdoor seating, must be connected to public sewer, and it is limited to a maximum of 75 seats.

Sec. 102-628. Supplemental Performance Standards for certain retail and restaurant uses on properties identified as Map 5, Lots 29, 29-B and 31-B and the portion of Map 5, Lot 26 that is identified as former Map 5, Lot 31.

The supplemental performance standards in this Section shall apply to a retail use or a restaurant, indoor or outdoor seating, that is located on any of the following properties in the Office Park zoning district: Map 5, Lots 29, 29-B, and 31 and the portion of Map 5, Lot 26 (as such properties were depicted on the City Tax Assessor Maps in effect on April 1, 2018), that is identified as former Map 5, Lot 31 (Map 5, Lot 31, as depicted on the Tax Assessor Maps in effect on April 21, 2001), as said properties are depicted on 'Map 3, Division 16, Office Park Zoning District Park' (Map 3 is included in Division 16, and

Division 4, Description of Districts). These standards shall supplement the Nonresidential Development Standards identified in Article IX, Division 5 of this Chapter for the Office Park zoning district.

- a. Amount of front setback for structures. The minimum amount of front structure setback for any structure shall be no less than 70 feet. This setback amount shall supersede the amount of front structure setback identified in the Section 102-633 Dimensional Table.**
- b. Amount of front bufferyard. The minimum amount of front bufferyard shall be no less than 60 feet. This bufferyard amount shall supersede the amount of front bufferyard identified in Sec. 102-1302.**
- c. Amount of planting requirements for nonresidential uses. Plantings in the front bufferyard area shall provide effective and good quality screening, buffering and landscaping for the buildings and parking areas on the property, so that the appearance of the buildings and parking areas are effectively 'broken-up'. The plantings shall include trees, shrubs and other vegetation that exceed the amount of planting required in Sec. 102-1303. An applicant may use berms, fencing and other methods to supplement the plantings and to assist in achieving the intent of this Subsection. An applicant shall present a planting plan that clearly depicts how the proposed plantings and other measures will achieve the purposes of this Subsection. This planting requirement shall supersede the planting requirement identified in Sec. 102-1303.**
- d. Nonresidential structural design requirements. All buildings shall be constructed to resemble farm-house or barn construction. The main showroom building for Perry's Furniture depicts the type of construction that would satisfy this requirement. This building design requirement shall supersede the requirements identified in Sec. 102-1305.**
- e. A restaurant, indoor and outdoor seating, must be connected to public sewer, and the restaurant is limited to a maximum of 75 seats.**
- f. Signage. A use subject to these requirements shall have a maximum of 2 signs, only one of which can be a stand-alone sign. A stand-alone sign shall not exceed 48 square feet in size, no dimension of the sign shall be greater than 10 feet in length, the top of the sign shall be located no more than 10 feet above the adjacent ground grade, and the sign shall not be internally lighted. The on-building sign shall comply with the same requirements regarding size and lighting. These sign standards shall supersede the standards identified in Chapter 86, Signs for the Office Park zoning district.**

Sec 102-628.5 Supplemental standards regarding the development of former Map 5/Lot 31.

The standards in Sec 102-628.5 apply only to the portion of Map 5, Lot 26 (as depicted on the Tax Assessor Maps in effect on April 1, 2018) identified as former Map 5, Lot 31, as

such is depicted on the map entitled 'Map 3, Division 16, Office Park District', and as such was depicted on the tax maps in effect on August 21, 2001.

- (a) If the property (former Map 5, Lot 31) or any portion of the property is proposed to be developed for a residential development that involves the creation of 6 or more lots or dwelling units, the applicant must develop the property pursuant to the Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development standards.
- (b) If the property or any portion of the property is proposed to be developed for a nonresidential use, the applicant/owner must retain a minimum of 10 percent of the property, in addition to the amount of property subject to minimum structure setback requirements, as undeveloped and protected open space.
- (c) Regardless of the type of development on the property, all primary access to the property shall occur via a curb cut and access road located on property's road frontage on Route 3. The only access, if any is proposed, that is allowed from this property directly onto Edgecomb Road shall be an emergency access that is not routinely used to access the property.

Secs. ~~627~~ 629 - 630. Reserved.

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

The Dimensional Standards Table in this Division, reference Section 102-633, identifies dimensional standards that apply to the following zoning districts for the **Northwesterly of Bypass and** Outside Rural **zoning districts 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), **Route 3 Commercial (Rte 3-Com), Office Park (OP), Route 137 Mixed Use (Rte 137-MU) Swan Lake Avenue Mixed Use (SLAMU)**, Outside Rural-1 (OR-1), Outside Rural-2 (OR-2), ~~Residential-6~~, 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 Standards Table. The Footnotes identify additional requirements that apply to certain dimensional standards identified in the Dimensional Standards Table, and are more fully described in Section 102-634. Footnotes are identified in the Dimensional Standards Table by the following designation: * [**upper case** 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 April 5, 2022 (date of adoption of original Division 16, Outside Rural amendments) **in the Residential-4, Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts, and the Outside Rural Special Use**

Areas, shall comply with all applicable dimensional and density standards in this Division. **Any property or structure established on or after --- date ---, 2022 (date of adoption of Northwesterly of Bypass and Outside Rural amendments) in the Route 3 Commercial, Office Park, and Route 137 Mixed Use zoning districts, shall 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 April 5, 2022 (date of adoption of **original** Division 16, Outside Rural amendments) **in the Residential 4, Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts or the Outside Rural Special Use Areas, or after --- date ---, 2022 (date of adoption of Northwesterly of Bypass and Outside Rural amendments) in the Route 3 Commercial, Office Park, or Route 137 Mixed Use zoning districts** that does not comply with minimum lot size or minimum lot frontage requirements identified in Sec 102-633, the Dimensional Standards Table, 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, **is able to** ~~can~~ obtain a subsurface wastewater disposal system permit.
- 2) Nonconformance with structure setbacks, lot coverage, or structure height requirements. A structure(s) that was legally constructed prior to April 5, 2022 (date of adoption of **the original** Division 16, Outside Rural amendments), **in the Residential 4, Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts or the Outside Rural Special Use Areas, or after --- date ---, 2022 (date of adoption of Northwesterly of Bypass and Outside Rural amendments) in the Route 3 Commercial, Office Park, or Route 137 Mixed Use zoning districts,** that does not comply with any of the following Sec 102-633 (Dimensional Standards Table) requirements shall be considered a legally established nonconforming structure of record: one or more minimum structure setbacks, maximum lot coverage, or maximum structure height. 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 April 5, 2022 (date of adoption of **the original** Division 16, Outside Rural amendments) **in the Residential 4, Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts or the Outside Rural Special Use Areas, or after --- date ---, 2022 (date of adoption of the Northwesterly of Bypass and Outside Rural amendments) in the Route 3 Commercial, Office Park, or Route 137 Mixed Use zoning districts** that does not comply with density standards identified in Sec 102-633, the Dimensional Standards Table, 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, the Dimensional Standards Table, 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, the Dimensional Standards Table, 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 Standards Table.

(Reference Attached Dimensional Standards Table - Document 16-C)

NOTE TO READER --- The proposed Dimensional Standards Table is printed in 2 Sections.

- **The first Section, that is printed on 11" x 17" paper, identifies the proposed Dimensional Standards for the 4 existing Districts from the original Outside Rural Districts that will be retained in Division 16 (Residential 4, Route 3 Rural, Outside**

Rural 1, and Outside Rural 2), and the 3 new zoning districts that will be added to Division 16 (Route 3 Commercial, Office Park, and Route 137 Mixed Use).

- The Second Section, that is printed on 8.5" x 11" paper, identifies the 3 zoning districts (Residential-5, Residential-6, and Swan Lake Avenue Mixed Use) that were included in the original Division 16, Outside Rural amendments that were adopted by the Council on April 5, 2022, and that are being repealed from Division 16 and that are being relocated to Division 11, Eastside Districts.

The sole reason this approach has been used to display/print this Table in this format is so the size of the print can remain more legible for the number of Districts (10 Districts) associated with this amendment. In short, it was too difficult to locate all Districts on 1 page without reducing the Font Size to a less legible size.

Sec. 102-634. Footnotes to the Dimensional Standards Table.

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

- *[A] **In the Residential-4, Route 3 Rural, Outside Rural-1, Outside Rural-2, and Special Use Areas in Outside Rural 1 and Outside Rural 2 zoning districts,** **T**he 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 a nonresidential** use on the property:

- A.1 50 or less Vehicle Trips Per Peak Hour (VTPH). Minimum lot size and lot frontage identified in the Dimensional Table
- A.2 More than 51 VTPH, but less than 100 VTPH. 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 VTPH, but less than 200 VTPH. 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 VTPH, but less than 300 VTPH. 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 VTPH. 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] **Repealed by Council on -- insert date of Council action --.** The amount of front setback for structures in the Residential 5 zoning district shall comply with the setback standards identified in the map entitled 'Residential 5 Zoning District, Front Setback Map',

that is included in Sec. 102-633, Dimensional Standards Table, Subsection 3a., Footnote *[B]. **Reserved.**

- *[C] The amount of structure setback identified in the Dimensional Standards Table for the respective zoning district shall apply to structures constructed after ~~April 5, 2022~~ -- **insert date of Council action --** (which is the date ~~of that the Council action adoption of~~ **adopted amendments to the original provisions of** Division 16, Outside Rural, **to establish Division 16, Northwesterly of Bypass and Outside Rural amendments**). Structures constructed prior to ~~April 5, 2022~~ -- **enter date of Council action --** (which is the date ~~of that the Council action adoption of~~ **adopted amendments to the original provisions of** Division 16, Outside Rural, **to establish Division 16, Northwesterly of Bypass and Outside Rural amendments**) 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] The limit on the maximum number of dwelling units that can be constructed in a single 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 if~~ a property is connected to public sewer or uses a subsurface system to manage wastewater.
- *[E] **Reserved. For Division 16, Northwesterly of Bypass and Outside Rural Districts, Footnote *[E] applies to the minimum lot size and lot frontage requirements for the Route 3 Commercial and Route 137 Mixed Use zoning districts.**
- 1. In the Route 3 Commercial zoning district, the minimum size of a lot and the minimum amount of road frontage for a property that is used for a nonresidential use must comply with the applicable Nonresidential Development Standards identified in Chapter 102, Zoning, Article IX, Performance Standards, Division 3, Nonresidential Development Standards for the Route 3 Commercial District, reference Sec 102-1182, Minimum Lot Size and Lot Frontage requirements.**
 - 2. In the Route 137 Mixed Use zoning district, the minimum size of a lot and the minimum amount of road frontage for a property that is used for a nonresidential use must comply with the applicable Nonresidential Development Standards identified in Chapter 102, Zoning, Article IX, Performance Standards, Division 4, Nonresidential Development Standards for the Route One South Mixed Use, Searsport Avenue Commercial, Searsport Avenue Waterfront, and Route 137 Mixed Use zoning districts, reference Sec 102-1242, Minimum Lot Size and Lot Frontage requirements.**
- *[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, Supplemental Performance Standards for an Accessory Dwelling Unit in a Detached Structure.

*[G] A property that is proposed to be developed as a multi-family dwelling structure or a flex housing project must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Multi-family housing and Flex Housing. Said standards shall apply to any structure in a flex housing project, even if the respective structure(s) has less than three units.

*[H] **Reserved. For Division 16, Northwesterly of Bypass and Outside Rural Districts, Footnote *[H] applies to the minimum structure setback requirements for the Route 3 Commercial and Route 137 Mixed Use zoning districts.**

1. In the Route 3 Commercial zoning district, nonresidential structures shall comply with the minimum structure setback requirements established in the Article IX, Performance Standards, Division 3, Nonresidential Development Standards for the Route 3 Commercial zoning district, including:

- a. Section 102-1183, Minimum front setback requirements for nonresidential structures;**
- b. Section 102-1184, Minimum side setback requirements for nonresidential structures; and**
- c. Section 102-1185, Minimum rear setback requirements for nonresidential structures.**

2. In the Route 137 Mixed Use zoning district, nonresidential structures shall comply with the minimum structure setback requirements established in the Article IX, Performance Standards, Division 4, Nonresidential Development Standards for the Route One South Mixed Use, Searsport Avenue Commercial, Searsport Avenue Waterfront, and Route 137 Mixed Use zoning districts, including:

- a. Section 102-1243, Minimum front setback requirements for nonresidential structures;**
- b. Section 102-1244, Minimum side setback requirements for nonresidential structures; and**
- c. Section 102-1245, Minimum rear setback requirements for nonresidential structures.**

*[I] A property that is proposed to be developed for a nonresidential use after April 5, 2022 (**which is the** date of adoption of the **initial** Division 16, Outside Rural amendments) must satisfy the minimum lot size and minimum lot frontage requirement specified in the Dimensional Standards Table. A property that was developed for a nonresidential use on or before April 5, 2022 (**which is the** date of adoption of **the initial** Division 16, Outside Rural amendments) that does not satisfy either or both the minimum lot size and minimum lot frontage requirement for the respective zoning district shall be considered a legally established use that is located on a nonconforming lot of record.

*[J] Dwelling, Flex housing, Residential 4, ~~Residential 5 (Northerly side of Robbins Road only), and the Swan Lake Avenue Mixed Use~~ **Route 3 Commercial, Office Park, and Route 137 Mixed Use** zoning districts, if the property is connected to public sewer.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of proposed development involves the construction of 9 or more dwelling units and/or 6 or more dwelling structures, the Flex Housing project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and Chapter 102, Zoning, Article VI, Planned Unit Development (**PUD**) ~~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~~ **the minimum standards regarding lot size for a PUD identified in Article VI, Division 1, Residential Planned Unit Development**. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Residential 4, ~~Residential 5 (Northerly side of Robbins Road Only) and Swan Lake Avenue Mixed Use~~ **Route 3 Commercial, Office Park, and Route 137 Mixed Use** zoning districts for the Flex Housing approach if the property is connected to public sewer.

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
21,780 SF (.5 Net Acre)	4	3
32,670 SF (.75 Net Acre)	6	4
43,560 SF (1 Net Acre)	8	5

54,450 SF (1.25 Net Acre)	10	6
65,340 SF (1.5 Net Acre)	12	7

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 and/or 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of .25 Net acres. However, in no case may a single structure have more than 4 dwelling units.

*[K] Residential, Flex housing, Route 3 Rural, Outside Rural-1, Outside Rural-2, **and the Special Use Areas in the Outside Rural-1 and Outside Rural-2** zoning districts, if the property is connected to public sewer.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of proposed development involves the construction of 9 or more dwelling units and/or 6 or more dwelling structures, the 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 **PUD) 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~~ **the minimum standards regarding lot size for a PUD identified in Article VI, Division 1, Residential Planned Unit Development**. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts, **as well as the Special Use Areas**

for the Outside Rural-1 and Outside Rural-2 Districts, for the Flex Housing approach if the property is connected to public sewer.

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
65,340 SF (1.5 Net Acre)	4	3
87,120 SF (2 Net Acre)	6	4
108,900 SF (2.5 Net Acre)	8	5
130,680 SF (3 Net Acre)	10	6
152,460 SF (3.5 Net Acre)	12	7

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 in 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of .5 Net acres. However, in no case shall a single structure have more than 4 dwelling units.

*[L] Residential, Flex housing, Residential 4, ~~or Swan Lake Avenue Mixed Use~~ **Route 3 Commercial, Office Park, and Route 137 Mixed Use** zoning districts, if property uses a subsurface system to manage wastewater.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four (4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of development proposed involves the development of 9 or more dwelling units and/or 6 or more dwelling structures, the project shall be subject to review pursuant to both the requirements of Chapter 90, Site Plan, and

Chapter 102, Zoning, Article VI, Planned Unit Development **PUD**) ~~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~~ **the minimum standards regarding lot size for a PUD identified in Article VI, Division 1, Residential Planned Unit Development**. An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Residential 4, ~~and Swan Lake Avenue Mixed Use~~ Route 3 Commercial, Office Park, and Route 137 Mixed Use zoning districts for the Flex Housing approach if the property uses a subsurface system to manage wastewater disposal.

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
43,560 SF (1 Net Acre)	4	3
65,340 SF (1.5 Net Acre)	6	4
87,120 SF (2 Net Acre)	8	5
109,900 SF (2.5 Net Acre)	10	6
130,680 SF (3 Net Acre)	12	7

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, in 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of .5 Net acres. However, in no case shall a single structure have more than 4 dwelling units.

*[M] Residential, Flex housing, Route 3 Rural, Outside Rural-1, Outside Rural-2, **and the Special Use Areas in the Outside Rural-1 and Outside Rural-2** zoning districts, if the property uses a subsurface system to manage wastewater.

Flex Housing is an approach that is designed to allow an individual property owner flexibility in the maximum number of dwelling units, type of dwelling units, and number of dwelling structures that can be constructed on a property. The density standard for Flex Housing is based on the size (area) of the lot (as calculated using net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system. The maximum number of dwelling units that can be constructed in any one structure is four

(4), and the density standard shall be the same for a lot that has frontage on a road and for a back-lot, and shall be based on the standard for a lot that has road frontage.

In all cases, a Flex Housing project that involves the construction of 3 or more dwelling units ~~will~~ shall require review by the Planning Board pursuant to Chapter 90, Site Plan, and in some cases, a Flex Housing project that involves the construction of 2 new dwelling units on a property ~~will~~ shall require Planning Board review pursuant to Chapter 90, Site Plan; reference Chapter 90, Site Plan, Article V, Board Review of a Multi-Family Housing or Flex Housing Project. Also, if the amount of proposed development involves the construction of 9 or more dwelling units and/or 6 or more dwelling structures, the 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 ~~PUD) 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~~ **the minimum standards regarding lot size for a PUD identified in Article VI, Division 1, Residential Planned Unit Development.** An applicant, when a permit application is submitted, must declare if the proposed development is a multi-family or a flex housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

The following Table identifies the density standards that shall apply to the Route 3 Rural, Outside Rural-1, and Outside Rural-2 zoning districts, **as well as the Special Use Areas in the Outside Rural-1 and Outside Rural-2 zoning districts**, if the property uses a subsurface wastewater disposal system for managing wastewater.

Minimum Size of Property	Maximum # of Dwelling Units	Maximum # of Dwelling Structures
87,120 SF (2 Net Acre)	4	3
108,900 SF (2.5 Net Acre)	6	4
130,680 SF (3 Net Acre)	8	5
152,460 SF (3.5 Net Acre)	10	6
174,240 SF (4 Net Acre)	12	7

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 or 8 or more dwelling structures, the formula for calculating such additional development shall be based on a ratio of 2 additional dwelling units and 1 additional dwelling structure for each increment of .5 Net acres. However, in no case shall a single structure have more than 4 dwelling units.

***[N] A property that is nonconforming with respect to the amount of lot coverage identified in the Dimensional Standards Table for a respective zoning district may qualify for an increase in the maximum amount of lot coverage allowed; reference Chapter 102, Zoning, Article III, Nonconformance, Type 7 Nonconformity, Amount of Lot Coverage. The effective date of the Division 16, Northwesterly of Bypass and Outside Rural District amendments adopted by the Council, -- enter date of Council action --, shall be the date used to determine if a property conforms to the maximum lot coverage requirements identified in this Division's Dimensional Table.**

***[O] In the Office Park zoning district, the following structure setbacks shall apply to nonresidential structures:**

1. Front structure setback for primary and accessory structures. The amount of structure setback is based on the gross floor area of the structure:

Less Than 5,000 sf	30 ft
5,001 - 15,000 sf	40 ft
15,001 - 30,000 sf	50 ft
30,001 - 50,000 sf	75 ft
50,001 - 75,000 sf	100 ft
Greater than 75,000 sf	125 ft

2. Side structure setback for a primary and accessory structure, if the structure abuts another property or use located in the Office Park zoning district. The amount of structure setback is based on the gross floor area of the structure:

Less Than 5,000 sf	15 feet
5,001 - 15,000 sf	20 feet
15,001 - 30,000 sf	25 feet
30,001 - 50,000 sf	40 feet
50,001 - 75,000 sf	45 feet
Greater Than 75,000 sf	50 feet

3. Side structure setback for a primary and accessory structure, if the structure does not abut another property or use located in the Office Park zoning district, and abuts a property or use located in a different zoning district. The amount of structure setback is based on the gross floor area of the structure:

Less Than 5,000 sf	35 feet
5,001 - 15,000 sf	40 feet
15,001 - 30,000 sf	50 feet
30,001 - 50,000 sf	60 feet
50,001 - 75,000 sf	80 feet
Greater Than 75,000 sf	100 feet

- 4. Rear structure setback for a primary and accessory structure, if the structure abuts another property or use located in the Office Park zoning district. The amount of structure setback is based on the gross floor area of the structure:**

Less Than 5,000 sf	15 feet
5,001 - 15,000 sf	20 feet
15,001 - 30,000 sf	25 feet
30,001 - 50,000 sf	40 feet
50,001 - 75,000 sf	45 feet
Greater Than 75,000 sf	50 feet

- 5. Rear structure setback for a primary and accessory structure, if the structure does not abut another property or use located in the Office Park zoning district, and abuts a property or use located in a different zoning district. The amount of structure setback is based on the gross floor area of the structure:**

Less Than 5,000 sf	35 feet
5,001 - 15,000 sf	40 feet
15,001 - 30,000 sf	50 feet
30,001 - 50,000 sf	60 feet
50,001 - 75,000 sf	80 feet
Greater Than 75,000 sf	100 feet

Sec. 102-635 to 640. Reserved.