

**CITY OF BELFAST CITY COUNCIL
SECOND READING & PUBLIC HEARING
FEBRUARY 7, 2023 7:00 P.M.
COUNCIL CHAMBERS IN BELFAST CITY HALL**

**SECOND READING - PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE V. DISTRICT REGULATIONS
MULTIPLE DIVISIONS (ZONING DISTRICTS) TO BE REPEALED**

Notes and Information to the Public on the Proposed Amendments.

1) Purpose of Amendment:

The amendments the Planning Board is proposing to Chapter 102, Zoning, Article V, District Regulations, associated with the establishment of Division 11, Eastside Districts, and Division 14, Southerly Districts, as well as revisions to Division 16, Outside Rural Districts (adopted in April 2022) to establish such as Division 16, Northwesterly of Bypass and Outside Rural Districts, results in the need to repeal the current standards in Article V, District Regulations for 10 current zoning districts. The following current zoning districts will be repealed and the districts and accompanying standards will be established under the following new Divisions:

- a) Division 3, General Purpose B District will be repealed. It will be renamed the Lower Congress Mixed Use District, and will be included in Division 14, Southerly Zoning Districts. See pages 4 - 11 for the repealed language.
- b) Division 13, Searsport Avenue Waterfront District will be repealed. The standards for the Searsport Avenue Waterfront District will be included in Division 11, Eastside Districts. See pages 12 - 20 for the repealed language.
- c) Division 15, Business-Airport District will be repealed. It will be renamed as the Airport Business Park District, and will be included in Division 14, Southerly Zoning Districts. See pages 21 - 22 for the repealed language.
- d) Division 19, Route One South Business Park District will be repealed. The standards for the Route One South Business Park District will be included in Division 14, Southerly Zoning Districts. See pages 23 - 26 for the repealed language.
- e) Division 21, Airport Growth District will be repealed. The standards for the Airport Growth District will be included in Division 14, Southerly Zoning Districts. See pages 27 - 28 for the repealed language.
- f) Division 24, Route 3 Commercial District will be repealed. The standards for the Route 3 Commercial District will be included in Division 16, Northwesterly of Bypass and Outside Rural Districts. See pages 29 - 39 for the repealed language.

- g) Division 27, Route 137 Commercial District will be repealed. It will be renamed the Route 137 Mixed Use District, and the standards for this District will be included in Division 16, Northwesterly of Bypass and Outside Rural Districts. See pages 40 - 48 for the repealed language.
- h) Division 28, Route One South Commercial District will be repealed. It will be renamed the Route One South Mixed Use District, and the standards for this District will be included in Division 14, Southerly Zoning Districts. See pages 49 - 57 for the repealed language.
- i) Division 29, Searsport Avenue Commercial District will be repealed. The standards for the Searsport Avenue Commercial District will be included in Division 11, Eastside Districts. See pages 58 - 66 for the repealed language.
- j) Division 12, Office Park District will be repealed. The standards for the Office Park District will be included in Division 16, Northwesterly of Bypass and Outside Rural Districts. See pages 67 - 86 for the repealed language.

Other than the repeal of the current 10 Zoning Districts, there are no other changes identified in the following amendments.

2) Recommendation of Belfast Planning Board.

The amendments presented at First Reading and that are now under consideration by the Council as a Second Reading were reviewed and prepared under the direction of the Belfast Planning Board. The Planning Board conducted a public hearing on these amendments at its meeting of December 14, 2022. No public comment was received on these proposed amendments at the December 14 hearing. At this same December 14 meeting, the Planning Board voted 5-1 to recommend these amendments for Council consideration.

3) Council Process for Consideration of Proposed Amendments.

The proposed amendments were considered at a formal First Reading at the Tuesday, January 17, 2023 regular City Council meeting. The Council also conducted a public hearing at the First Reading. No public comment was received that was specific to the proposal regarding the zoning district proposed to be repealed.

The Council has scheduled the amendment language presented at the First Reading for Second Reading and public hearing at the regular Tuesday, February 7 meeting. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments.

4) How to Offer Public Comment:

The City of Belfast and Belfast City Council encourage public comment on the proposed amendments. Any member of the public can offer comment to the City Council 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 February 7, 2023. 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 February 7, 2023, so it can be photocopied and presented to the Council. 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 Council at the February 7, 2023 public hearing. Oral comment should be limited to 3 minutes. The Council meeting that begins at 7:00 P.M. in the Council Chambers of Belfast City Hall, and the hearing will start as soon as practical after 7:00 pm. All oral comment must be delivered at the Council meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Council.

The City notes that seating is limited in the Council Chambers. The public hearing and Council meeting can be live streamed on the City website www.cityofbelfast.org, seen live on BEL TV, channel 7 or channel 1303, or heard live on Belfast Community Radio WBFY 100.9.

5) Format of Amendment:

The proposed action to repeal the current zoning district is identified in **Red Font highlighted in Yellow**. Language/text proposed to be deleted from the existing Ordinance is shown in ~~Black Strike through Font~~. The title for the respective Division/Zoning District is shown in Black Font.

6) 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, February 7, 2023 Council Hearing, 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.

ARTICLE V, DISTRICT REGULATIONS

DIVISION 3. General Purpose "B" District (Division 3, General Purpose "B" District repealed by City Council on --- insert date of Council action ---. The standards for the former General Purpose B District are now included in Division 14, Southerly Zoning Districts, and the name of this District has been changed to Lower Congress Mixed Use.)

~~Sec 102-341. Permitted uses requiring Code Enforcement Officer review~~

~~Permitted uses requiring Code Enforcement Officer review in the General Purpose "B" District are as follows:~~

- ~~(1) Residential, single family dwelling. Manufactured housing units are permitted.~~
- ~~(2) Residential, two family dwelling. Manufactured housing units are permitted.~~
- ~~(3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted as an accessory dwelling unit. Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.~~
- ~~(4) Home occupations (expanded definition).~~
- ~~(5) Agricultural uses, including the keeping of farm animals and pleasure animals, forestry and horticultural uses (also see 102-342(4) below).~~
- ~~(6) Recreational or community activities, except those operated for profit.~~
- ~~(7) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the cCouncil shall hold a public hearing for which 10 days' public notice shall be given.~~
- ~~(8) Essential services.~~
- ~~(9) Accessory structures.~~
- ~~(10) Accessory uses and yard sales on no more than 10 days in a calendar year.~~
- ~~(11) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- ~~(12) Solar Energy Systems, Large Scale, roof mounted.~~
- ~~(13) Fill activities that involve the removal or addition of fill that exceeds 100 cubic yards of material.~~
- ~~(14) Bed and breakfast, including class 1, class 2 and class 3.~~

~~Sec. 102-342. Permitted uses requiring Planning Board review.~~

~~Permitted uses requiring Planning Board review in the General Purpose "B" District are as follows:~~

- ~~(1) Fill, loam, sand and gravel extraction operations (subject to site review under the provisions of Chapter 90, Site Plan, no matter what the size of the nonvegetated area), provided the operation does not include the removal of bedrock material through blasting or any other mechanical means or the crushing or further processing of such bedrock material.~~
- ~~(2) Cemeteries.~~
- ~~(3) Recreational activities operated for profit.~~

- ~~(4) Junkyards, including auto graveyards (subject to site review under the provisions of Chapter 90, Site Plan, no matter what the size of the non-vegetated area), commercial piggeries, and commercial poultry raising.~~
- ~~(5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.~~
- ~~(6) Residential planned unit development and cluster housing development.~~
- ~~(7) Congregate residential retirement housing.~~
- ~~(8) Health care offices and professional offices.~~
- ~~(9) Health care facilities.~~
- ~~(10) Non-municipal public and quasi-public uses.~~
- ~~(11) Veterinarians and veterinary clinics.~~
- ~~(12) Kennels for boarding of pets and pet training.~~
- ~~(13) Manufactured housing communities (mobile home parks), which may be located only within a Manufactured Housing Overlay District.~~
- ~~(14) Boat building, boat repair, boat retrofitting, and boat storage, including the on-site sale of boats and accessory equipment.~~
- ~~(15) Commercial structures and uses, including but not limited to funeral homes, small-scale retail and wholesale business establishments, small-scale retail stores and services, manufacturing, hotels, motels, restaurants (excluding fast food), ice cream stands, motor vehicle sales and services, mobile home and equipment sales and services, retail motor fuel and service establishments, shopping centers, drive-in theaters, warehouses, storage facilities, light industrial uses, office complexes, and crafts production and sales.~~
- ~~(16) Storage tanks for petroleum products, including propane (subject to site plan review under the provisions of Chapter 90, Site Plan, no matter what the size of the non-vegetated area).~~
- ~~(17) Bed and breakfast, including class 1, class 2 and class 3. Clause (17) repealed by Council vote on August 3, 2021. Reserved.~~
- ~~(18) Stealth telecommunications facilities.~~
- ~~(19) Reserved.~~
- ~~(20) Medical Marijuana manufacturing facilities.~~
- ~~(21) Medical Marijuana testing facilities.~~
- ~~(22) Solar Energy Systems, Large-Scale, ground-mounted.~~

Sec. 102-343. Applicability of shoreland zoning and floodplain regulations. Section 102-343 repealed by Council vote on August 3, 2021.
 [Ord. No. 28-1997, § 601.3, 3-4-1997]

Sec. 102-344. Standards. Sec. 102-344 repealed by Council vote on August 3, 2021.
 [Ord. No. 28-1997, § 601.4, 3-4-1997]

Sec. 102-344.25. Dimensional standards for residential uses and residential structures in the General Purpose 'B' district.

- ~~(a) Minimum lot size and minimum lot frontage requirements for residential uses.~~

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

<u>Type of Use on Sewer</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	14,520 sq ft.	100 lineal feet
Two-Family Residential	14,520 sq ft.	100 lineal feet
Single Family with Detached Accessory Dwelling Unit	14,520 sq ft.	100 lineal feet
Multi-Family Residential	Prohibited Use. 21,780 net sq ft for a nonconforming use of record	Prohibited Use. 150 ft for a nonconforming use of record

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

<u>Type of Use – Subsurface System</u>	<u>Lot Size</u>	<u>Lot Frontage</u>
Single Family Residential	43,560 sq ft.	150 lineal feet
Two-Family Residential	43,560 sq ft.	150 lineal feet
Single Family with Detached Accessory Dwelling Unit	43,560 sq ft.	150 lineal feet
Multi-Family Residential	Prohibited Use. 43,560 net sq ft for a nonconforming use of record	Prohibited Use. 150 ft for a nonconforming use of record

(3) ~~If a lot (property) is connected to public sewer or uses a subsurface system for managing wastewater, and there are one or more types of residential uses on the lot, the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective uses on the lot, reference standards (1) and (2) above, and the amount of use on the lot must comply with the residential density standards identified in Sec. 102-344.5. The total amount of lot frontage for the lot, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.~~

(b) ~~Minimum structure setback requirements for residential structures.~~

(1) ~~The following minimum structure setback requirements shall apply to the following types of residential structures and accessory structures to said residential structures:~~

<u>Type of Use</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Single Family	30 ft	15 ft	15 ft
Two Family	30 ft	15 ft	15 ft
Single Family with Detached Accessory Dwelling Unit	30 ft	15 ft	15 ft
Multi Family	Prohibited Use. 30 ft for a nonconforming use of record	Prohibited Use. 25 ft for a nonconforming use of record	Prohibited Use. 25 ft for a nonconforming use of record

(2) ~~The minimum amount of front setback for all structures identified in (1) above shall be determined as follows:~~

- ~~a. The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals one half the right-of-way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet.~~
- ~~b. Notwithstanding the front structure setback requirement identified in (1) above, if the amount of right-of-way width is unavailable or uncertain, and the owner chooses not to provide the City a survey, the minimum structure setback shall be 60 feet from the center of the respective traveled way.~~

~~(c) Maximum structure height for residential structures.~~

~~_____ The maximum height of the following types of residential structures shall comply with the following standards:~~

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

Multi-Family	Prohibited Use. -38 ft for a nonconforming use of record.
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Sec. 102-344.5. Density Standards for residential uses in the General Purpose 'B' district.

(a) ~~The following density standards shall apply to a lot (property) that is connected to public sewer and that is occupied by the following type of residential use:~~

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 14,520 sq. ft.
Two Family	Two units in one structure per 14,520 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 14,520 sq. ft. Also reference Article IX, Div 6 Supplemental Performance Standards
Multi-Family	Prohibited Use. For a nonconforming use of record: 3 units per 21,780 net square feet and an additional 7,260 net sq ft for each additional unit.

(b) ~~The following density standards shall apply to a lot (property) that uses a subsurface wastewater disposal system to manage wastewater, and that is occupied by the following types of residential use:~~

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 43,560 sq. ft.
Two Family	Two units in one structure per 43,560 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 43,560 sq. ft. Also reference Article IX, Div 6, Supplemental Performance Standards.
Multi-Family	Prohibited Use. For a nonconforming use of record: 3 units per 43,560 net sq ft, and an additional 14,520 net sq ft for each additional unit.

(c) ~~Residential planned unit development and cluster housing development.~~

~~A residential planned unit development or cluster housing development is a permitted use in the General Purpose B zoning district. The dimensional standards identified in Sec. 344.25, and the density standards identified in (a) and (b) of this Section, may be modified in accordance with the special provisions of Article VI of this Chapter. In addition, notwithstanding the prohibition on multi-family housing in the General Purpose 'B' district, a residential planned unit development and cluster housing development project may include multi-family housing as an alternative residential development option, provided all Article VI standards are satisfied. A residential planned unit development and cluster housing development shall be subject to review pursuant to requirements of the Subdivision Ordinance (Chapter 94) and Chapter 90, Site Plan.~~

- ~~(d) If a lot (property) is occupied by more than one type of residential use, the size (area) of the lot, in total, must satisfy the respective residential lot size standards identified in Sec. 102-344.25 for each type of residential use, and the respective residential density standards identified in (a) and (b) of this Section for each type of residential use. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive use that is on the property.~~
- ~~(e) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement identified in Sec. 102-345.5 for the nonresidential use, the respective residential lot size standards identified in Sec. 102-344.25 for each type of residential use, and the respective residential density standards identified in (a) and (b) of this Section for each type of residential use. The total amount of lot frontage for the lot, however, must only satisfy the minimum amount of lot frontage required for the most intensive use that is on the property.~~

~~**Sec. 102-347. Residential planned unit development and cluster housing development.**
Section repealed by Council vote on August 3, 2021.
[Ord. No. 28-1997, § 601.5, 3-4-1997]~~

~~**Sec. 102-345.5. Dimensional standards for nonresidential uses and nonresidential structures in the General Purpose 'B' district.**~~

- ~~(a) Minimum lot size and minimum frontage requirements for nonresidential uses.
 - ~~(1) A lot (property) that is connected to public sewer that is occupied by a nonresidential use shall be a minimum of 43,560 net square feet (one net acre) in size and shall have a minimum of 200 feet of road frontage, if the lot has frontage on a road.~~
 - ~~(2) A lot (property) that uses a subsurface wastewater disposal system for managing wastewater, and that is occupied by a nonresidential use, shall be a minimum of 43,560 net square feet (one net acre) in size and shall have a minimum of 200 feet of road frontage, if the lot has frontage on a road.~~~~

~~(3) Refer to Sec. 102-344.5(e) for lot size requirements for a lot that is occupied by both a nonresidential use and one or more types of residential uses.~~

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

~~The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures:~~

~~Front: 30 feet~~

~~Side: 25 feet~~

~~Rear: 25 feet~~

~~The minimum amount of front setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-344.25(b)(2).~~

~~(c) Maximum structure height for nonresidential structures.~~

~~The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a fuel storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.~~

Sec. 102-342.50. Prohibited uses.

~~{Ord. No. 28 1997, § 601.6, 3-4-1997}~~

~~Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review, Sec. 102-341, or permitted uses requiring Planning Board review, Sec. 102-342, are allowed within the General Purpose "B" District. All other uses are prohibited.~~

Sec. 102-347. Performance standards for the General Purpose 'B' district.

~~(a) All uses in the General Purpose B zoning district shall comply with the Article IX, Division 2, Environmental Standards, and specific uses that are proposed shall comply with other applicable standards in the City Code of Ordinances. All uses also shall comply with applicable requirements of the Chapter 98, Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.~~

~~(b) Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the General Purpose B district. See the adopted Shoreland map and the adopted FIRM Flood maps.~~

Sec. 102-348 – 102-360. (Reserved).

ARTICLE V. DISTRICT REGULATIONS

DIVISION 13. Searsport Avenue Waterfront District (Division 13, Searsport Avenue Waterfront District repealed by City Council on --- insert date of Council action --- . The standards for the former Searsport Avenue Waterfront District are now included in Division 11, Eastside Districts.)

Sec. 102-561. Permitted uses requiring Code Enforcement Officer review. [Ord. No. 78-2001, 6-5-2001]

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

- (1) ~~Residential, single family dwelling. Manufactured housing units are prohibited.~~
- (2) ~~Residential, two family dwelling. Manufactured housing units are prohibited.~~
- (3) ~~Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited. Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.~~
- (4) ~~Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.~~
- (5) ~~Home occupations (expanded definition).~~
- (6) ~~Bed and breakfast, including class 1, class 2 and class 3.~~
- (7) ~~Craft fairs on no more than 10 days in any calendar year.~~
- (8) ~~Essential services.~~
- (9) ~~Municipal uses deemed necessary by the City Council, subject to the Council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.~~
- (10) ~~Public parks.~~
- (11) ~~Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.~~
- (12) ~~Accessory uses for principal uses for which the CEO can issue a permit.~~
- (13) ~~Accessory structures to principal structures for which the CEO can issue a permit.~~
- (14) ~~Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- (15) ~~Solar Energy Systems, Large Scale, roof mounted.~~
- (16) ~~Fill activities that involve the removal or addition of fill that exceeds 100 cubic yards of material.~~

Sec. 102-562. Permitted uses requiring Planning Board review.

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

- (1) ~~Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet in size.~~

- ~~(2) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet in size.~~
- ~~(3) Service businesses.~~
- ~~(4) Hotels and motels.~~
- ~~(5) Restaurants, excluding fast food restaurants and restaurants with drive through windows.~~
- ~~(6) Ice cream stands.~~
- ~~(7) Professional offices and health care offices.~~
- ~~(8) Office complexes.~~
- ~~(9) Funeral homes.~~
- ~~(10) Health care facilities.~~
- ~~(11) Congregate retirement residential housing.~~
- ~~(12) Multifamily housing, if connected to public sewer.~~
- ~~(13) Residential planned unit development and cluster housing development.~~
- ~~(14) Non-municipal public and quasi-public uses.~~
- ~~(15) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.~~
- ~~(16) Indoor recreational activities and facilities.~~
- ~~(17) Campgrounds.~~
- ~~(18) Marinas and marine-related businesses.~~
- ~~(19) Boat building, boat repair, boat retrofitting, and boat storage, including the on-site sale of boats and accessory equipment.~~
- ~~(20) Lobster pound and fish processing.~~
- ~~(21) Water borne transportation and recreation.~~
- ~~(22) Aquaculture, Freshwater or Marine.~~
- ~~(23) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.~~
- ~~(24) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.~~
- ~~(25) Stealth telecommunication facilities.~~
- ~~(26) Medical Marijuana caregiver retail stores~~
- ~~(27) Medical Marijuana manufacturing facilities.~~
- ~~(28) Medical Marijuana testing facilities.~~
- ~~(29) Solar Energy Systems, Large Scale, ground-mounted.~~

Sec. 102-563. Prohibited uses.

Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review, Section 102-561, or permitted uses requiring Planning Board review, Section 102-562, are allowed within the Searsport Avenue Waterfront District. All other uses are prohibited.

Sec. 102-564. Applicability of shoreland zoning and floodplain regulations. Section 102-564 repealed by Council voted on August 3, 2021.

~~Sec. 102-565 Dimensional and density standards. Section 102-565 repealed by Council vote on August 3, 2021.~~

~~[Ord. No. 78-2001, 6-5-2001]~~

~~Sec. 102-564.5 Dimensional and density standards for residential uses in the Searsport Avenue Waterfront district.~~

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

~~(b) The minimum lot size and minimum frontage requirements for residential uses in the Searsport Avenue Waterfront district shall comply with the following standards.~~

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

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

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

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

Multi-Family Residential	Prohibited use after August 19, 2001. 43,560 net sq. ft. for a nonconforming use of record.	150 lineal feet for a use that is a nonconforming use of record.
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~~(3) If there are one or more types of residential uses on the lot (property), the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective uses on the lot, reference standards (1) and (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.~~

~~(e) Minimum structure setback requirements for residential structures:~~

~~(1) The minimum setback requirements for following types of residential structures and accessory structures to said residential structures shall comply with the standards in the following table:~~

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

~~(2) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements shall be considered a nonconforming structure of record with respect to setback requirements. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.~~

~~(3) All structure setbacks shall be measured from the property lines, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right of way, a property deed, or similar information to assist in determining the location of the property lines and minimum amount of setback required. The Code~~

Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.

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

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

<u>Type of Structure</u>	<u>Maximum Height</u>
Single Family	35 ft
Two Family	35 ft
Single Family with Detached Accessory Dwelling Unit	35 ft
Multi Family	35 ft

(e) ~~Density standard.~~

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

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

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

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft.
Two Family	Two units in one structure per 30,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi Family	Prohibited use after August 19, 2001. 43,560 net sq ft. for the initial 4 units for a nonconforming use of record and 10,890 net sq. ft. for each additional unit.

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

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

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

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft
Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.

Multi Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit
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(2) ~~A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Searsport Avenue Waterfront district shall comply with the following density standards.~~

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft.
Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.
Multi Family	Multi family is a prohibited use, however, a planned unit development may include multi-family as a housing option, subject to a density standard of 20,000 sq ft of land area for the first 2 units, and 10,000 sq ft for each additional unit.

(g) ~~Lot coverage standards for residential uses.~~

~~Residential structures shall occupy (lot coverage) a maximum of 30% (thirty percent) of the lot (property). Lot coverage for the Searsport Avenue Waterfront district is defined as the amount of footprint of all structures, buildings only, and does not include roads, driveways, parking areas, in-ground patios, and similar features that are present on a property. However, if all or a portion of a property is located in a Shoreland Zoning district, the more inclusive definition of lot coverage (impervious surface coverage) identified in Chapter 82, Shoreland, shall apply to the portions of the property that are in a Shoreland Zoning district.~~

~~Sec. 102-565.5. Dimensional standards for nonresidential uses and structures in the Searsport Avenue Waterfront district.~~

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

(1) ~~A lot (property) created on or after August 19, 2001 that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have~~

~~a minimum of 150 feet of road frontage, if the lot has road frontage. The minimum size of such a lot, however, shall be greater than 43,560 square feet, and the minimum amount of road frontage shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242(a), (b), and (c).~~

~~(2) A lot (property) that was created before August 19, 2001 that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Performance Standards, Section 102-1242(a), (b), (c), (d), and (e).~~

~~(3) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-564.5(b), and the respective density standards identified in Section 102-564.5(e) and (f), for each type of residential use that is on the property.~~

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

~~The minimum front, side, and rear structure setback requirements for a nonresidential structure in the Searsport Avenue Waterfront district are identified in the following Article IX, Division 4, Performance Standards: Section 102-1243, Minimum Front Setback Requirements for Nonresidential Structures; Section 102-1244, Minimum Side Setback Requirements for Nonresidential Structures; and Section 102-1245, Minimum Rear Setback Requirements for Nonresidential Structures.~~

~~The method of measurement for the minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-564.5(e)(3).~~

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

~~The maximum height of a nonresidential structure or an accessory structure to a nonresidential structure shall be 38 feet, unless a portion of the property is located in a Shoreland District, in which case the respective Shoreland District maximum height standard shall apply. This maximum height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. The height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.~~

~~(d) Lot coverage requirements for a nonresidential structure.~~

~~A nonresidential structure shall occupy (lot coverage) a maximum of 30% (thirty percent) of the lot (property). Lot coverage for the Searsport Avenue Waterfront district is defined as the amount of footprint of all structures, buildings only, and does not include roads, driveways or parking areas, that are present on a property. However, if all or a portion of a property is located in the Shoreland Zone, the more inclusive definition of lot coverage (impervious surface coverage) identified in Chapter 82, Shoreland, shall apply to the portions of the property that are in a Shoreland District. In addition, the amount of lot coverage for a nonresidential use may vary in accordance with the Article IX, Performance Standards, Division 4, Section 102-1276 view protection standards for the Searsport Avenue Waterfront district, for the purposes of preserving public views of the water.~~

~~**Sec. 102-566. Performance Standards.**~~

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

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

~~(b) Performance standards for nonresidential uses.~~

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

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

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

~~**Sec. 102-567 through Sec. 102-580. (Reserved)**~~

ARTICLE V. DISTRICT REGULATIONS

DIVISION 15. Business Park-Airport District (Division 15, Business Airport District repealed by City Council on --- insert date of Council action ---. The Airport Business Park District is now included in Division 14, Southerly Zoning Districts)

Sec. 102-601. Permitted uses requiring CEO review.

[Ord. No. 28 1997, § 614.1, 3-4-1997; Ord. No. 33 2004, 4-20-2004]

The City code enforcement officer shall review and make decisions regarding applications for a use permit for the following uses in the Business Park Airport District:

- (1) Manufacturing or other industrial activities.
- (2) Retail sales as an accessory use to a manufacturing or industrial use, provided that the accessory use occupies no more than 50% of the total floor area, and at least a portion of the products sold at the site are manufactured at the site.
- (3) Essential services.
- (4) Aviation and uses accessory to aviation.
- (5) Professional offices, excluding offices used to provide health care or legal services.
- (6) Office complexes, excluding offices used to provide health care or legal services.
- (7) Warehouse facilities, including warehouse facilities that primarily make sales to persons in the building trades.
- (8) Service businesses.
- (9) Auto repair and auto body repair, excluding fuel sales. Auto sales are permitted as an accessory use to auto repair or auto body repair, provided that a maximum of three automobiles are available for sale.
- (10) Boat building and repair, with limited amounts of boat storage allowed as an accessory use.
- (11) Municipal uses deemed necessary by the City council, but prior to taking action thereon, the council shall hold a public hearing for which a minimum of 10 days' notice shall be provided.
- (12) Quasi-public uses deemed necessary by the City council, but prior to taking action thereon, the council shall hold a public hearing for which a minimum of 10 days' notice shall be provided.

Sec. 102-602. Permitted uses requiring Planning Board review.

[Ord. No. 21 2006,
2-7-2006]

- (1) ~~Stealth telecommunications facilities.~~

~~Sec. 102-603. Standards.~~

~~[Ord. No. 28 1997, § 614.3, 3-4-1997; Ord. No. 33 2004, 120-2004]~~

- (a) ~~The general standards of performance in article IX of this chapter shall be observed in the Business Park Airport District.~~
- (b) ~~The following standards shall also apply:~~
 - (1) ~~Minimum lot size is 40,000 square feet.~~
 - (2) ~~Maximum building lot coverage is 85%.~~
 - (3) ~~Minimum lot frontage is 150 feet.~~
 - (4) ~~The minimum front, side and rear yard setback for a structure and parking areas shall be established by the Belfast City Council or its designee, and shall be established as a covenant included in the deed for each property.~~

~~Sec. 102-604. Prohibited uses.~~

~~[Ord. No. 28 1997, § 614.4, 3-4-1997; Ord. No. 33 2004, 4-20-2004]~~

~~Only those uses specifically listed as permitted uses or permitted uses requiring planning board review are allowed within the Business Park Airport District. All other uses are excluded.~~

~~Sec. 102-605. Compliance with deed restrictions for property in Belfast Business Park, and satisfaction of business park regulations.~~

~~[Ord. No. 28 1997, § 614.5, 3-4-1997; Ord. No. 33 2004, 4-20-2004]~~

~~For properties located in the Belfast Business Park, the applicant shall comply with any and all covenants and deed restrictions relating to the property for which an application is made, and shall comply with all business park regulations established by the City of Belfast.~~

~~Sec. 102-606. Enumeration of uses does not restrict uses in other districts.~~

~~[Ord. No. 33-2004, 4-20-2004]~~

~~The express enumeration of a permitted use requiring CEO review or a permitted use requiring Planning Board review in the Business Park Airport District is not intended to implicitly exclude those same uses in other districts in which those uses enumerated in this division (district) are not specifically listed or mentioned in another district.~~

~~Sec. 102-607. through Sec. 102-620. (Reserved)~~

ARTICLE V, DISTRICT REGULATIONS

DIVISION 19. Route One South Business Park District (Division 19, Route One South Business Park District repealed by City Council on --- insert date of Council action -- -. The standards for the former Route One South Business Park District are now included in Division 14, Southerly Zoning Districts.)

Sec. 102-681. Permitted uses requiring Code Enforcement Officer review.

The City Code Enforcement Officer shall review and make decisions regarding applications for a Use Permit for the following uses in the Route One South Business Park District

- (1) ~~Essential services.~~
- (2) ~~Recreational and community activities.~~
- (3) ~~Recreational facility, outside, excluding motorized vehicles.~~
- (4) ~~Public park.~~
- (5) ~~Municipal uses deemed necessary by the City Council for which the Council shall hold a public hearing with ten days' public notice given.~~
- (6) ~~Quasi public and nonmunicipal public uses.~~
- (7) ~~Commercial agriculture, dairy and horticultural activities.~~
- (8) ~~Animal breeding/husbandry.~~
- (9) ~~Forestry, woodlot management and timber harvesting.~~
- (10) ~~Fill activities that exceed 25 cubic yards.~~
- (11) ~~Accessory nonresidential structures that are less than 500 square feet in size (to a permitted use or a nonconforming use of record).~~

Sec. 102-682. Permitted uses requiring Planning Board review.

The City Planning Board shall review and make decisions regarding an application for the following types of uses in the Route One South Business Park District:

- (1) ~~Light industrial and light manufacturing, including accessory retail sales.~~
- (2) ~~Manufacturing, processing and industrial activities, including accessory retail sales.~~
- (3) ~~Aquaculture, land based, including uses that are accessory to the aquaculture operation, such as but not limited to: fish processing, byproducts, research laboratory, offices, on-site child care, storage, accessory retail sales, and a visitor's center. A land-based aquaculture operation may discharge wastewater to and use water from a marine or fresh waterbody.~~
- (4) ~~Research laboratory.~~
- (5) ~~Professional office.~~
- (6) ~~Storage facility/warehouse.~~
- (7) ~~Docks, floats, and similar uses that occur below the normal high water mark/high annual tide.~~
- (8) ~~Hydropower generation.~~
- (9) ~~Significant groundwater well.~~
- (10) ~~Significant water intake or significant water discharge/outfall pipe.~~

- ~~(11) Accessory nonresidential structures that are 500 square feet or greater in size and accessory nonresidential uses (to a permitted use or nonconforming use of record).~~
- ~~(12) Stealth telecommunications facilities.~~

~~Sec. 102-683. Prohibited uses.~~

~~Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review or permitted uses requiring Planning Board review are allowed within the Route One South Business Park District. All other uses are prohibited.~~

~~Sec. 102-684. Dimensional standards for nonresidential uses and nonresidential structures located in the Route One South Business Park District.~~

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

~~A lot (property) that is occupied by a nonresidential use shall be a minimum of 87,120 net square feet (2 net acres) in size and shall have a minimum of 250 lineal feet of road frontage, if the lot has frontage on a road. This lot size requirement applies regardless if the lot is connected to public sewer or uses a subsurface system for wastewater disposal.~~

- ~~(b) Minimum structure setback requirements for nonresidential structures.~~

- ~~(1) The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures that are located on a lot (property) that has road frontage on Route One or on another road other than Perkins Road:~~

~~Front — 75 feet
Side — 50 feet
Rear — 50 feet~~

~~All structure setbacks shall be measured from the respective property lines. If a lot does not have frontage on a road, the front setback requirement shall not apply and all structures shall comply with the side and rear setback requirements.~~

- ~~(2) The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures that are located on a lot (property) that has road frontage on Perkins Road:~~

~~Front — 40 feet
Side — 50 feet
Rear — 50 feet~~

~~All structure setbacks shall be measured from the respective property lines. If a lot does not have frontage on a road, the front setback requirement shall not apply and all structures shall comply with the side and rear setback requirements.~~

~~(3) Parking areas/spaces and solid waste/recycling containers shall be prohibited in the structure setback areas identified in (1) and (2) above.~~

~~(e) Minimum vegetated buffer yard areas.~~

~~A lot (property) on which a nonresidential use or structure is located shall retain or provide a naturally vegetated buffer yard area in all structure setback areas identified in subsection (b) above. The vegetated bufferyard area shall comply with the following standards:~~

~~(1) The minimum width of the buffer yard area shall be 80 percent of the amount of the respective structure setback area. An exception to this standard applies to a front setback area located adjacent to Route One. In such cases, the front buffer yard area shall be no less than the amount of minimum front setback area for structures; reference b), 1) of this Section.~~

~~(2) Vegetation in any naturally vegetated buffer yard area shall be consistent with the type and amount of vegetation that existed prior to the construction of the nonresidential use or structure for which a permit is requested. An applicant shall retain the maximum amount of existing mature trees as is practical, and shall supplement such mature plantings with understory and other plantings to provide a more effective visual buffer. The buffer yard area may incorporate approaches such as berms, fences and similar techniques to enhance the quality of the vegetative buffer. The planting plan for a vegetated buffer yard that is submitted to the City shall be prepared by an appropriately licensed professional.~~

~~(3) Parking spaces/areas and solid waste/recycling containers are prohibited in any buffer yard area. Roads/driveways shall only be permitted to the extent that such must cross the buffer yard area to access the area permitted for development. The only other structures permitted in the buffer yard area, when there is no practical alternative as determined by the Planning Board, are utilities, stormwater management control facilities, significant water intake or significant water discharge/outfall pipes, and essential services.~~

~~(4) The buffer yard and vegetation standards identified in (1) and (2) above shall not apply to any structure that existed as of April 17, 2018, on property identified on the City of Belfast tax maps as map 4, lot 12A. This exemption also shall apply to any addition to a qualifying existing structure, provided the addition is physically connected to the existing structure. The buffer yard and vegetation/landscaping requirement for said qualifying structures are the standards identified in permits for said structures issued by the City Code Enforcement Officer or City Planning Board.~~

~~(d) Maximum lot coverage for a lot (property) occupied by a nonresidential use.~~

~~The maximum amount of lot coverage for any lot shall be 70 percent. Lot coverage is based on the amount of impervious surface on a lot.~~

~~(e) Maximum structure height for a nonresidential structure.~~

~~The maximum structure height for a nonresidential structure or an accessory structure to a nonresidential structure shall be 45 feet. The height requirement does not apply to a water standpipe storage tank, a utility pole, a storage silo for an agricultural use, and structures similar in function and design to the above structures.~~

~~Sec. 102-685. Performance standards for nonresidential uses and structures.~~

~~All nonresidential uses in the Route One South Business Park District shall comply with applicable performance standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, and Article IX, Performance Standards, Division 2, Environmental Standards. The City shall use the Chapter 98, Technical Standards to assist in implementation of applicable performance standards and to establish requirements for the construction of project infrastructure.~~

~~Sec. 102-686. Applicability of Shoreland Zoning and Floodplain Regulations.~~

~~(a) The provisions of Chapter 82, Shoreland, shall apply to any portion of a lot (property) in the Route One South Business Park District that is located in any district of the Shoreland Zone, as such is identified in Chapter 82, Shoreland.~~

~~(b) The provisions of Chapter 78, Floods, shall apply to any portion of a lot (property) in the Route One South Business Park District that is located in the floodplain, as such is identified on the Flood Insurance Rate Maps that the City has adopted as part of Chapter 78, Floods.~~

~~Sec. 102-687 through Sec. 102-700. (Reserved)~~

ARTICLE V. DISTRICT REGULATIONS

DIVISION 21. Airport Growth District (Division 21, Airport Growth, repealed by City Council --- insert date of Council action ---. The standards for the former Airport Growth District are now included in Division 14, Southerly Zoning districts.)

Sec. 102-721. Permitted uses.

~~[Ord. No. 28-1997, § 619.1, 3-4-1997; Ord. No. 42-1997, 4-15-1997; Ord. No. 57-1997, 6-17-1997; Ord. of 3-20-2007; Ord. of 8-3-2010(2)]~~

Permitted uses in the Airport Growth District are as follows:

- ~~(1) Aviation and uses accessory to aviation.~~
- ~~(2) Business parks.~~
- ~~(3) Essential services.~~
- ~~(4) Manufacturing, processing or industrial activities which add value to goods produced elsewhere.~~
- ~~(5) Parks and open space.~~
- ~~(6) Recreational and community activities except those operated for profit.~~
- ~~(7) Accessory uses, including yard sales on no more than 10 days in any calendar year, for residential properties created prior to March 10, 1997.~~
- ~~(8) The existing structure on property identified as Map 5, Lot 6B, as such is shown on the City 2006 Tax Assessor maps, may be used as a single family residence in addition to other uses permitted in this zone. Any potential expansion of this structure shall be governed by terms of Section 102-218, Type 5, Nonconformity.~~
- ~~(9) Domesticated chickens, subject to requirements of Chapter 10, Animals.~~

Sec. 102-722. Permitted uses requiring Planning Board review.

~~[Ord. No. 28-1997, § 619.2, 3-4-1997; Ord. No. 57-1997, 6-17-1997; Ord. No. 49-2003, 5-20-2003; Ord. No. 21-2006, 2-7-2006]~~

Permitted uses requiring Planning Board review in the Airport Growth District are as follows:

- ~~(1) Light industrial uses.~~
- ~~(2) Nonresidential planned unit development.~~
- ~~(3) Home occupation (expanded definition) for residential properties created prior to March 10, 1997.~~
- ~~(4) Non-municipal public and quasi-public uses, provided such uses are located a~~

~~minimum of 1,200 feet from Route 52 (Lincolnton Avenue) and that access for the use does not occur via Route 52 (Lincolnton Avenue).~~

~~(5) Stealth telecommunications facilities.~~

~~Sec. 102-723. Standards. [Ord. No. 28-1997, § 619.3, 3-4-1997]~~

~~(a) The general standards of performance in article IX of this chapter shall be observed in the Airport Growth District.~~

~~(b) The following standards shall also apply:~~

~~(1) Minimum lot size is one net acre.~~

~~(2) The minimum side and rear setback is 15 feet.~~

~~(3) Maximum building height is 50 feet, but maximum height may be limited by airport height restrictions.~~

~~(4) The minimum setback shall be 30 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals 1/2 the right of way distance plus 30 feet, or determining the right-of-way boundary by a survey at the owner's expense and adding 30 feet. Where the right-of-way width is unavailable or uncertain, the setback shall be 60 feet from the center of the traveled way.~~

~~Sec. 102-724. Applicability of shoreland zoning and floodplain regulations.~~

~~[Ord. No. 28-1997, § 619.4, 3-4-1997]~~

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

~~Sec. 102-725. Prohibited uses.~~

~~[Ord. No. 28-1997, § 619.5, 3-4-1997]~~

~~Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review, are allowed within the Airport Growth District. All other uses are excluded.~~

~~Sec. 102-726. through Sec. 102-740. (Reserved)~~

ARTICLE V, DISTRICT REGULATIONS

DIVISION 24. Route 3 Commercial District (Division 24, Route 3 Commercial District repealed by City Council on --- insert date of Council action ---. The standards for the former Route 3 Commercial District are now included in Division 16, Northwesterly of Bypass and Outside Rural Districts.)

Sec. 102-767. Permitted uses requiring Code Enforcement Officer (CEO) review.

The City Code Enforcement Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route 3 Commercial District:

- ~~(1) Residential, single family dwelling. Manufactured housing units are prohibited.~~
- ~~(2) Residential, two family dwelling. Manufactured housing units are prohibited.~~
- ~~(3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited.~~
- ~~(4) Home occupations (expanded definition).~~
- ~~(5) Craft fairs on no more than 10 days in any calendar year.~~
- ~~(6) Essential services.~~
- ~~(7) Municipal uses deemed necessary by the City Council, subject to the Council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.~~
- ~~(8) Public parks.~~
- ~~(9) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.~~
- ~~(10) Accessory uses for principal uses or which the CEO can issue a permit.~~
- ~~(11) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year~~
- ~~(12) Accessory structures to uses and structures for which the CEO can issue a permit.~~

Sec. 102-768. Permitted uses requiring Planning Board review.

[Ord. of 1-29-2008(1); Ord. of 10-16-2007]

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route 3 Commercial District:

- ~~(1) In Areas 1, 2 and 3 of the Route 3 Commercial District; reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, general merchandise, clothing, building supply or grocery retail uses are permitted, provided that no single retail use and no structure in which a retail use or uses are located is greater than 75,000 square feet in size. (Note: Also reference 102-768-A for exceptions to this provision).~~
- ~~(1.25) In Area 4 of the Route 3 Commercial District, the area located westerly of Crocker Road, reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, a general merchandise, clothing, building supply or grocery 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. A use also may have an accessory structure to the principal structure that is a maximum of 2,000 square feet in size. There shall be a~~

~~maximum of one structure/use on a lot based on the minimum lot size for a nonresidential use. Any such use shall comply with the Supplemental Performance Standards identified in Sec 102-774. Notwithstanding the above size limitations, the retail use (Perry's Furniture, that operated on Map 5, Lot 30, prior to April 7, 2020, may continue and may expand up to 100% of the total amount of gross floor area of all structures in which a retail use operated as of April 7, 2020. Also, the existing retail use located on Map 5, Lot 30 is not subject to the Sec 102-773 Supplemental Performance Standards.~~

- ~~(1.5) Subsection deleted on April 7, 2020.~~
- ~~(2) Service businesses.~~
- ~~(3) Movie theaters and performing arts centers.~~
- ~~(4) In Areas 1, 2, and 3 of the Route 3 Commercial District, reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, shopping centers, including mixed-use development (service, general merchandise clothing and grocery retail, building supply, restaurant, and/or office in the same complex) are a permitted use, provided that no structure in the shopping center is greater than 75,000 square feet, and provided that the gross floor area of all structures located on the property is less than 150,000 square feet. A shopping center is a prohibited use in the section of the Route 3 Commercial District located westerly of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 4. (Note: Also reference Sec. 102-768 A).~~
- ~~(5) Hotels and motels.~~
- ~~(6) Restaurants, indoor or outdoor seating, provided the use is connected to public sewer. In Area 4 of the Route 3 Commercial District, a restaurant is limited to a maximum of 75 seats, and shall comply with the Supplemental Performance Standards identified in Sec 102-774.~~
- ~~(7) In Areas 1, 2 and 3 of the Route 3 Commercial District; reference Article IV, Description of Districts, Section 102-281, Route 3 Commercial District, fast food restaurants are a permitted use, provided that the use is connected to public sewer. A fast food restaurant is a prohibited use in Area 4 of the Route 3 Commercial District, the area located westerly of Crocker Road.~~
- ~~(8) Professional offices and offices.~~
- ~~(9) Office complexes.~~
- ~~(10) Funeral homes.~~
- ~~(11) Health care facilities.~~
- ~~(12) Veterinarians and veterinary clinics.~~
- ~~(13) Kennels for boarding and/or training of pets.~~
- ~~(14) Retail and wholesale distribution establishments.~~
- ~~(15) Warehouses and storage facilities.~~
- ~~(16) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.~~
- ~~(17) Motor vehicle fuel and service establishments, except in Area 4 of the Route 3 Commercial District that is located westerly of Crocker Road; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District.~~
- ~~(18) Light industrial uses.~~
- ~~(19) Planned unit development (residential and nonresidential).~~
- ~~(20) Non-municipal public and quasi-public uses.~~
- ~~(21) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.~~

- ~~(22) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.~~
- ~~(23) Laundromats.~~
- ~~(24) Indoor recreational activities and facilities.~~
- ~~(25) Outdoor recreational activities and facilities, excluding shooting ranges.~~
- ~~(26) Stealth telecommunication facilities.~~
- ~~(27) Boat building, boat repair, boat retrofitting and boat storage, including the on-site sale of boats and accessory equipment.~~
- ~~(28) Residential, multi family.~~
- ~~(29) Medical Marijuana caregiver retail stores~~
- ~~(30) Medical Marijuana manufacturing facilities.~~
- ~~(31) Medical Marijuana testing facilities.~~

~~Sec. 102-768-A. Special uses requiring City review pursuant to contract rezoning.~~
~~{Ord. of 1-29-2008(1)}~~

~~The City shall use the contract rezoning process identified in Article X, Contract Rezoning, Division 2, to review and make a decision regarding the following applications in the Route 3 Commercial District:~~

- ~~a. — An applicant may request that the City allow a retail use that offers general merchandise, clothing and/or groceries for sale that exceeds the maximum size limit identified in 102-768(1) or a shopping center that exceeds the maximum size limit identified in 102-768(4), for that section of the Route 3 Commercial District that is located northerly of Route 3/Belmont Avenue and between the Route One by pass to the east and Crocker Road to the west; reference Article IV, Descriptions of Districts, Section 102-281, Route 3 Commercial District, Area 2. The City may consider an application subject to requirements of Chapter 102, Article X, Contract Rezoning, Division 2. In Area 2, the Council has the authority to allow one such retail use that exceeds the maximum size limit, or one shopping center in which no more than one of the retail uses in the center exceeds the maximum size limit on a retail use.~~
- ~~b. — An application for a use permit, site plan permit, subdivision permit or similar permit for any use or structure located on Map 5, Lot23, as such property was depicted on the City Tax Assessor maps in effect on April 1, 2019, shall require review pursuant to the contract rezoning process. An application for any such permit or permits shall include a master plan (a planned unit development) prepared by the applicant that identifies how development of this entire tract of land is proposed to occur. A City decision on said master plan shall, at a minimum, identify the total amount of development permitted, the location of said development on the property, and how services and infrastructure will be constructed to serve the proposed development. Unless the application is for a use identified in subsections 102-768(1) or 102-768(4), the application shall be exempt from the requirements to conduct the comprehensive economic and community impact study identified in Division 2.~~

Sec. 102-769. Prohibited uses.

~~{Ord. of 1-29-2008(1)}~~

~~Only those uses specifically listed as Permitted Uses Requiring CEO review or Permitted Uses Requiring Planning Board review are allowed within the Route 3 Commercial District. All other uses are prohibited.~~

~~**Sec. 102-770. Applicability of shoreland zoning and floodplain regulations.**~~

~~{Ord. of 1-29-2008(1)}~~

~~Provisions of Chapter 82, pertaining to Shoreland Zoning, and Chapter 78, pertaining to floodplains, may apply in the Route 3 Commercial District. See the adopted shoreland map and the adopted FIRM flood maps.~~

~~**Sec. 102-771. Dimensional and density standards for residential uses and structures in the Route 3 Commercial district.**~~

~~**(a) The minimum lot size and minimum frontage requirements for residential uses are as follows:**~~

- ~~(1) Any lot (property) that is connected to City sewer and that is used for a single-family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two-family residence, shall be a minimum of 21,780 square feet (one-half acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road.~~
- ~~(2) Any lot (property) that is not connected to City sewer and that is used for a single-family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two-family residence, shall be a minimum of 21,780 square feet (one-half acre) in size and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road.~~
- ~~(3) Any lot (property) that does not comply with either or both the minimum lot size and minimum frontage requirements established in clauses (1) and (2) above shall be considered a nonconforming lot of record, and may be used for a single family residence, a single family residence with an accessory dwelling unit in a detached structure, or a two-family residence, subject to the provisions of the state plumbing code for subsurface wastewater disposal (if applicable), and the provisions in this Chapter, Article IX, Performance Standards, Division 6, Supplemental Performance Standards, regarding the minimum lot size for a nonconforming lot of record for the construction of an accessory dwelling unit to a single family residence in a detached structure (if applicable). For the purposes of determining if a lot is a conforming or non-conforming lot of record, the date of record for lot size requirements identified in clauses (1) and (2) above shall be January 24, 2001.~~
- ~~(4) Any lot (property) that is connected to public sewer, regardless of when it was created, that is used for a multi-family residential use established on or after April 7, 2020, shall~~

~~be a minimum of 21,780 net square feet (one half net acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The multi-family use on the lot also shall comply with the density standard identified in clause (b)(1) below.~~

~~(5) Any lot (property) that is not connected to public sewer, regardless of when it was created, that is used for a multi-family residential use established on or after April 7, 2020, shall be a minimum of 43,560 net square feet (one net acre) in size, and shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The multi-family use on the lot also shall comply with the density standard identified in clause (b)(2) below.~~

~~(6) Any lot (property) that was used for a multi-family residential use before April 7, 2020 that does not comply with any one or all standards identified in clauses (4) and (5) above, shall be considered a nonconforming use of record. Said nonconforming use may continue, and may expand, subject to compliance with the requirements of Article III, Nonconformance, of this Chapter and all applicable performance standards identified in Article IX of this Chapter.~~

~~(b) — Density standards for residential uses.~~

~~(1) The following density standards shall apply to a lot (property) that is connected to public sewer and that is occupied the following type of residential use:~~

- ~~a. Single family residence. One unit per 21,780 square feet.~~
- ~~b. Two family residence. One structure (two units) per 21,780 square feet.~~
- ~~c. Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 21,780 square feet. Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter, regarding the lot size requirement for a nonconforming lot of record on which construction of an accessory dwelling unit to a single family residence in a detached structure is proposed. —~~
- ~~d. Multi family residence. A maximum of 6 multi family dwelling units located in one or more structures on the first 21,780 net square feet (one half net acre) of land area, and an additional 1,500 net square feet of land area for each additional multi-family dwelling unit that is constructed. Said units must be located in a structure that has 3 or more dwelling units in the respective structure to be considered a multi family dwelling.~~

~~(2) The following density standards shall apply to a lot (property) that is not connected to public sewer, that uses a subsurface wastewater disposal system to manage wastewater, and that is occupied by the following type of residential use:~~

- ~~a. Single family residence. One unit per 21,780 square feet.~~
- ~~b. Two family residence. One structure (2 units) per 21,780 square feet.~~

- ~~e. Single family residence with an accessory dwelling unit in a detached structure. One principal and one accessory structure per 21,780 square feet. Also reference Article IX, Division 6, Supplemental Performance Standards in this Chapter regarding the lot size requirement for a nonconforming lot of record on which construction of an accessory dwelling unit in a detached structure is proposed.~~
 - ~~d. Multi family residence. A maximum of 4 multi family dwelling units located in one or more structures on the first 43,560 net square feet (1 net acre) of land area, and an additional 7,500 net square feet (about one sixth net acre) of land area for each additional multi family dwelling unit that is constructed. Said units must be located in a structure that has 3 or more dwelling units in the respective structure to be considered a multi family dwelling.~~
- (3) ~~If a lot (property) is occupied by one or more types of residential use, the total size (area) of the lot must satisfy both the respective lot size and density standards identified in (1) and (2) above for each type of residential use that is proposed. This standard, however, does not require an accompanying increase in the minimum amount of road frontage.~~
- (4) ~~If a lot (property) is occupied by both a nonresidential use and one or more types of residential use, the total size (area) of the lot must satisfy the minimum lot size (area) requirement for the nonresidential use identified in Sec. 102.772, the respective residential lot size standards identified in (a) of this section, and the respective density standards identified in (1) and (2) above for each type of residential use that is proposed. This standard, however, does not require an accompanying increase in the minimum amount of road frontage.~~
- 5) ~~If a lot (property) is proposed for development as a residential planned unit development, the density standards identified in (1) above may be modified in accordance with the following applicable guidelines, and the lay out of the project shall comply with the special provisions of Article VI of this Chapter. A planned unit development shall be subject to review by the Planning Board pursuant to the Subdivision Ordinance and Chapter 90, Site Plan, and shall comply with applicable performance standards identified in Article IX of this Chapter.~~

~~The following maximum density standards shall apply to a residential planned unit development that is connected to public sewer for the following types of residential housing.~~

- ~~a. Single family residence on public sewer. One unit per 10,000 square feet.~~
- ~~b. Two family on public sewer. Two units in one structure per 12,500 square feet.~~
- ~~c. Accessory dwelling unit to a single family residence in a detached structure on public sewer. One accessory unit and 1 single family residence per 12,500 square feet.~~
- ~~d. Multi family residence on public sewer. No increase in density; refer to standards identified in (b)(1).~~

~~(6) If a lot (property) is proposed for development a residential planned unit development, and the property is not connected to public sewer, the density standards identified in (2) above shall apply to said development. The lay out of the project shall comply with the special provisions of Article VI of this Chapter, the project shall be subject to review by the Planning Board pursuant to the Subdivision Ordinance and Chapter 90, Site Plan, and the project shall comply with applicable performance standards identified in Article IX of this Chapter.~~

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

~~The following minimum setback requirements shall apply to the following types of residential structures and accessory structures to said residential structures:~~

~~(1) Single family residential structure.~~

~~Front: 30 feet~~

~~Side: 15 feet~~

~~Rear: 15 feet.~~

~~(2) Two family residential structure.~~

~~Front: 30 feet~~

~~Side: 15 feet~~

~~Rear: 15 feet~~

~~(3) Accessory dwelling unit to a single family residence in a detached structure.~~

~~Front: 30 feet~~

~~Side: 15 feet~~

~~Rear: 15 feet~~

~~(4) Multi family dwelling residential structure:~~

~~Front: 30 feet~~

~~Side: 25 feet~~

~~Rear: 25 feet~~

~~(5) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed, or similar information to determine the minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

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

~~The maximum height of residential structures shall comply with the following standards:~~

~~(1) Single family residential structure, 38 feet.~~

- ~~(2) Two-family residential structure, 38 feet.~~
- ~~(3) Accessory dwelling unit to a single family residence in a detached structure, 38 feet.~~
- ~~4) Multi-family residential structure, 45 feet.~~
- ~~5) Accessory structures to all of the above residential structures, 38 feet.~~

~~(e) Performance standards for residential uses.~~

~~All residential uses in the Route 3 Commercial district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter.~~

~~Sec. 102-772. Dimensional standards for nonresidential uses and structures in the Route 3 Commercial district.~~
~~{Ord. of 1-29-2008(1)}~~

~~(a) The minimum lot size requirements for a nonresidential use are as follows:~~

- ~~(1) The minimum size of any lot (property) created on or after January 24, 2001, shall be 43,560 square feet (one acre). The minimum size of such a lot, however, shall be greater than one acre, if warranted, to comply with the requirements of the Article IX, Division 3 Performance Standards, Subsections 102-1182(a) and (b) of this Chapter.~~
- ~~(2) A lot (property) created on or before January 23, 2001, that is less than 43,560 square feet (one acre) in size shall be considered a nonconforming lot of record, and shall be considered a buildable lot, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 3 Performance Standards, Subsections 102-1182(a), (b), (d) and (e) of this Chapter.~~

~~(b) Minimum lot frontage requirement for a nonresidential use.~~

- ~~(1) A lot (property) that is created on or after January 24, 2001, that has frontage on Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, shall have a minimum of 200 feet of road frontage. The minimum amount of frontage, however, shall be greater than 200 feet, if warranted, to comply with the requirements of the Article IX, Division 3 Performance Standards, Subsection 102-1182(a) and (c) of this Chapter.~~
- ~~(2) A lot (property) created on or before January 23, 2001, that has frontage on Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue that has less than the required amount of frontage [reference subsection (1)] shall be considered a nonconforming lot of record, provided that the lot, if warranted, complies with the requirements of the Article IX, Division 3 Performance Standards, Subsections 102-1182(a), (c), (d) and (e) of this Chapter.~~
- ~~(3) A lot (property) that is created on or after January 24, 2001, that has frontage on any street, road or driveway other than Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, shall have a minimum of 100 feet of road frontage.~~

~~(4) A lot (property) created on or before January 23, 2001, that has frontage on any street, road or driveway other than Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue, that has less than the required amount of frontage [reference subsection (3)] shall be considered a nonconforming lot of record.~~

~~(c) **Minimum structure setback requirements for a nonresidential structure.**~~

~~(1) The minimum setback requirements for a nonresidential use are identified in the Article IX, Division 3 Performance Standards, reference Sections 102-1183, 102-1184 and 102-1185 of this Chapter.~~

~~(2) All setbacks shall be measured in accordance with the standards identified in Sec 102-770(c)(5).~~

~~(d) **Structure height for a nonresidential structure.**~~

~~The maximum height of any nonresidential structure located within 200 feet of Route 3/Main Street/Belmont Avenue, Crocker Road, or Lincolnville Avenue shall be 45 feet. The maximum height of any structure located more than 200 feet from any of the above roads or located elsewhere in the Route 3 Commercial District shall be 60 feet.~~

~~**Sec. 102-773. Nonresidential Performance Standards.**~~

~~{Ord. of 1-29-2008(1)}~~

~~All nonresidential uses proposed in the Route 3 Commercial District, except those subject to the provisions of Section 102-768 A, shall comply with the Article IX, Division 3 Nonresidential Development Performance Standards identified in this Chapter.~~

~~**Sec. 102-774. Supplemental Performance Standards that apply to Section 102-768, Subsections (1.25) and (6) Uses.**~~

~~The following supplemental performance standards shall apply to any use identified in Section 102-768, Permitted Uses Requiring Planning Board Review, Subsections (1.25) and (6), that are located on any property located in Area 4 of the Route 3 Commercial zoning district, except the property identified as Map 5, Lot 30. 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. 102-778(c)(1).~~

- ~~2. If an existing structure is used for a use identified in Subsection 102-768, Subsection (1.25) or (6), 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. 102-1302(a).
 2. If a property with an existing building cannot satisfy the minimum front bufferyard requirement identified in b.1. above, the amount of the existing area that must be 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 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. 102-1186.~~
- ~~d. Nonresidential structural design requirements. At the time of adoption of these Ordinance standards, the predominant use in the area located westerly of Crocker Road was residential housing. Existing residential structures that are converted to a retail or restaurant use shall retain their residential character, and newly constructed structures shall also reflect 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.~~
- ~~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 84, Signs for the Route 3 Commercial zoning district.~~

~~Notwithstanding the above standards, an existing sign as of April 7, 2020 for an existing nonresidential use that does not conform to the above standards, shall be exempt from these standards and shall comply with the Chapter 84 requirements for the Route 3 Commercial zoning district, provided that the existing nonresidential use continues to operate.~~

ARTICLE V. DISTRICT REGULATIONS

DIVISION 27. Route 137 Commercial District (Division 27, Route 137 Commercial District repealed by City Council on --- insert date of Council action ---. The standards for the former Route 137 Commercial District are now included in Division 16, Northwesterly of Bypass and Outside Rural Districts, and the name of this District has been changed to Route 137 Mixed Use.)

Sec. 102-786. Permitted uses requiring Code Enforcement Officer review.

The City Code Enforcement Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route 137 Commercial District:

- ~~(1) Residential, single family dwelling. Manufactured housing units are prohibited in that portion of the district that is located southeasterly of Merriam Drive.~~
- ~~(2) Residential, two family dwelling. Manufactured housing units are prohibited in that portion of the district that is located southeasterly of Merriam Drive.~~
- ~~(3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited in the portion of the district that is located southeasterly of Merriam Drive, and are allowed in the portion of the district that is located northwesterly of Merriam Drive. Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.~~
- ~~(4) Home occupations (expanded definition).~~
- ~~(5) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(6) Craft fairs on no more than 10 days in any calendar year.~~
- ~~(7) Essential services.~~
- ~~(8) Municipal uses deemed necessary by the City Council, subject to the eCouncil conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.~~
- ~~(9) Public parks.~~
- ~~(10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.~~
- ~~(11) Accessory uses for principal uses for which the CEO can issue a permit.~~
- ~~(12) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.~~
- ~~(13) Accessory structures to uses and structures for which the CEO can issue a permit.~~
- ~~(14) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- ~~(15) Solar Energy Systems, Large Scale, roof mounted.~~
- ~~(16) Fill activities that involve the removal or addition of fill that exceeds 100 cubic yards of material.~~

Sec. 102-786.25. Permitted uses requiring Planning Board review.

~~The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route 137 Commercial District:~~

- ~~(1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet in size.~~
- ~~(2) Service businesses.~~
- ~~(3) Movie theaters and performing arts centers.~~
- ~~(4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet in size.~~
- ~~(5) Hotels and motels.~~
- ~~(6) Restaurants, excluding fast food restaurants and restaurants with drive through windows.~~
- ~~(7) Ice cream stands.~~
- ~~(8) Professional offices and health care offices.~~
- ~~(9) Office complexes.~~
- ~~(10) Funeral homes.~~
- ~~(11) Health care facilities.~~
- ~~(12) Veterinarians and veterinary clinics~~
- ~~(13) Kennels for boarding and/or training of pets.~~
- ~~(14) Warehouses and storage facilities.~~
- ~~(15) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.~~
- ~~(16) Motor vehicle fuel and service establishments.~~
- ~~(17) Light industrial uses.~~
- ~~(18) Residential planned unit development and cluster housing development.~~
- ~~(19) Non-municipal public and quasi-public uses.~~
- ~~(20) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.~~
- ~~(21) Multifamily housing. Also reference the Article IX, Division 7, Supplemental Performance Standards for Multi-family Dwelling Units and Structures.~~
- ~~(22) Congregate retirement residential housing.~~
- ~~(23) Indoor recreational activities and facilities.~~
- ~~(24) Laundromats.~~
- ~~(25) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.~~
- ~~(26) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.~~
- ~~(27) Stealth telecommunications facilities.~~
- ~~(28) Medical Marijuana caregiver retail stores, provided that the property is located southerly of Merriam Drive on the westerly side of Route 137 (Waldo Avenue) and a line parallel to Merriam Drive on the easterly side of Route 137.~~
- ~~(29) Medical Marijuana manufacturing facilities.~~
- ~~(30) Medical Marijuana testing facilities.~~
- ~~(31) Solar Energy Systems, Large Scale, ground-mounted.~~

Sec. 102-786.5. Prohibited uses.

~~{Ord. No. 77-2001, 6-5-2001}~~

~~Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review, Sec 102-786, or permitted uses requiring Planning Board review, Sec 102-786.25, are allowed within the Route 137 Commercial District. All other uses are prohibited.~~

~~**Sec. 102-789. Applicability of shoreland zoning and floodplain regulations. Section 102.789 repealed by Council vote on August 3, 2021.**~~

~~{Ord. No. 77-2001, 6-5-2001}~~

~~**Sec. 102-790. Dimensional and density standards. Section 102.790 repealed by Council vote on August 3, 2021.**~~

~~{Ord. No. 77-2001, 6-5-2001}~~

~~**Sec. 102-787.25. Dimensional and density standards for residential uses and structures in the Route 137 Commercial zoning district.**~~

~~(a) The Route 137 Commercial zoning district was established on August 19, 2001. Any property or structure established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001 and do not satisfy applicable dimensional requirements, shall be considered nonconforming lots of record, and must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001 and do not satisfy all dimensional requirements, may continue to exist, and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.~~

~~(b) The minimum lot size and minimum lot frontage requirements for residential uses shall comply with the following standards:~~

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

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

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

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

~~(3) If there are one or more types of residential uses on the lot (property), the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective uses on the lot, reference standards (1) and (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.~~

~~(c) Structure setback requirements for residential structures.~~

~~(1) The minimum setback requirements for following types of residential structures and accessory structures to said residential structures shall comply with the standards in the following table.~~

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

~~(2) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements shall be considered a nonconforming structure of record with respect to setback requirements. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.~~

~~(3) All structure setbacks shall be measured from the property lines, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right of way, a property deed or similar information to assist in determining the location of the property lines and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

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

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

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

~~(e) Density standard.~~

~~(1) The following density standards shall apply to all residential uses in the Route 137 Commercial District that are connected to public sewer. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.~~

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft
Two Family	Two units in one structure per 15,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.

Multi Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit
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~~(2) The following density standards shall apply to all residential uses in the Route 137 Commercial district that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in Subsection (f) below.~~

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

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

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

~~(1) A residential planned unit development or cluster housing development that is connected to public sewer in the Route 137 Commercial district shall comply with the following density standards:~~

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 10,000 sq. ft

Two Family	Two units in one structure per 10,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 10,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

(2) ~~A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Route 137 Commercial district shall comply with the following density standards.~~

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

~~Sec. 102-788.25. Dimensional standards for nonresidential uses and structures in the Route 137 Commercial district.~~

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

(1) ~~Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, reference Section 102-1242(a), (b), and (c).~~

(2) ~~A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements~~

~~identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242(a), (b), (c), (d), and (e).~~

~~(3) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement identified for the nonresidential use identified in (1) or (2) above, the respective residential lot size standards identified in Section 102-787.25(b), and the respective residential density standards identified in Section 102-787.25(e) or (f), for each type of residential use that is located on the property.~~

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

~~The minimum front, side and rear setback requirements for a nonresidential structure are identified in the following Article IX, Division 4, Nonresidential Performance Standards: Section 102-1243, Minimum Front Setback Requirements for Nonresidential Structures; Section 102-1244, Minimum Side Setback Requirements for Nonresidential Structures; and Section 102-1245, Minimum Rear Setback Requirements for Nonresidential Structures.~~

~~—The minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-787.25(e)(3).~~

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

~~—The maximum height of a nonresidential structure shall be 45 feet, and an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.~~

Sec. 102-789.25. Performance standards.
[Ord. No. 76-2001, 6-5-2001]

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

~~—All residential uses proposed in the Route 137 Commercial district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards.~~

~~(b) Performance standards for nonresidential uses.~~

~~— All nonresidential uses proposed in the Route 137 Commercial district shall comply with the Article IX, Division 4 Nonresidential Development Performance Standards, applicable requirements of the Chapter 98. Technical Standards, and if the project qualifies as a Site Plan, the requirements of Chapter 90.~~

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

~~Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Route 137 Commercial District. See the adopted Shoreland map and the adopted FIRM Flood maps.~~

~~**Sec 102-789 - 790. Reserved.**~~

ARTICLE V. DISTRICT REGULATIONS

DIVISION 28. Route One South Commercial District (Division 28, Route One South Commercial District repealed by City Council on --- insert date of Council action ---. The standards for the former Route One South Commercial District, are now included in Division 14, Southerly Zoning Districts, and the name of this District has been changed to Route One South Mixed Use.)

~~Sec. 102-791.25 Permitted uses requiring Code Enforcement Officer review.~~

The City Code Enforcement Officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route One South Commercial District:

- ~~(1) Residential, single family dwelling. Manufactured housing units are prohibited.~~
- ~~(2) Residential, two family dwelling. Manufactured housing units are prohibited.~~
- ~~(3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited. Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.~~
- ~~(4) Home occupations (expanded definition).~~
- ~~(5) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(6) Craft fairs on no more than 10 days in any calendar year.~~
- ~~(7) Essential services.~~
- ~~(8) Municipal uses deemed necessary by the City Council, subject to the council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.~~
- ~~(9) Public parks.~~
- ~~(10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.~~
- ~~(11) Accessory uses for principal uses for which the CEO can issue a permit.~~
- ~~(12) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.~~
- ~~(13) Accessory structures to uses and structures for which the CEO can issue a permit.~~
- ~~(14) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof mounted.~~
- ~~(15) Solar Energy Systems, Large Scale, roof mounted.~~
- ~~(16) Fill activities that involve the removal or addition of fill that exceeds 100 cubic yards of material.~~

~~Sec. 102-791.50 Permitted uses requiring Planning Board review.~~

~~{Ord. No. 81-2001, 6-7-2001; Ord. No. 21-2006, 2-7-2006}~~

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route One South Commercial District:

- ~~(1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet. Reference Section 102-794(c) regarding the amount of structure expansion allowed for the existing retail store located at Map 30, Lot 37A.~~
- ~~(2) Service businesses.~~
- ~~(3) Movie theaters and performing arts centers.~~
- ~~(4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet.~~
- ~~(5) Hotels and motels.~~
- ~~(6) Restaurants, excluding fast food restaurants and restaurants with drive-through windows.~~
- ~~(7) Ice cream stands.~~
- ~~(8) Professional offices and health care offices.~~
- ~~(9) Office complexes.~~
- ~~(10) Funeral homes.~~
- ~~(11) Health care facilities.~~
- ~~(12) Veterinarians and veterinary clinics.~~
- ~~(13) Kennels for boarding and/or training of pets.~~
- ~~(14) Warehouses and storage facilities.~~
- ~~(15) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.~~
- ~~(16) Motor vehicle fuel and service establishments.~~
- ~~(17) Light industrial uses.~~
- ~~(18) Residential planned unit development and cluster housing development.~~
- ~~(19) Non-municipal public and quasi-public uses.~~
- ~~(20) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.~~
- ~~(21) Residential, multi-family housing, if connected to public sewer.~~
- ~~(22) Congregate retirement housing.~~
- ~~(23) Laundromats.~~
- ~~(24) Retail and wholesale distribution establishments.~~
- ~~(25) Indoor recreational activities and facilities.~~
- ~~(26) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.~~
- ~~(27) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.~~
- ~~(28) Stealth telecommunication facilities.~~
- ~~(29) Boat building, boat repair, boat retrofitting, and boat storage, including the on-site sale of boats and accessory equipment.~~
- ~~(30) Medical Marijuana caregiver retail stores.~~
- ~~(31) Medical Marijuana manufacturing facilities.~~
- ~~(32) Medical Marijuana testing facilities.~~
- ~~(33) Solar Energy Systems, Large Scale, ground-mounted.~~

~~Sec. 102-791.75 Prohibited uses.~~

~~{Ord. No. 81-2001, 6-7-2001}~~

~~Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review, Sec. 102-791.25, or permitted uses requiring Planning Board review, Sec. 102-791.50, are allowed within the Route One South Commercial District. All other uses are prohibited.~~

~~**Sec. 102-795. Applicability of shoreland zoning and floodplain regulations. Section repealed by Council vote on August 3, 2021.**~~

~~{Ord. No. 81-2001, 6-7-2001}~~

~~**Sec. 102-796 Dimensional and density standards. Section repealed by Council vote on August 3, 2021.**~~

~~**Sec. 102-792.25. Dimensional and density standards for residential uses in the Route One South Commercial district.**~~

- ~~(a) The Route One South Commercial zoning district was established on August 19, 2001. Any property or structure established on or after August 19, 2001 must comply with all applicable dimensional and density standards in this Section. Lots that may be nonconforming because such were created prior to August 19, 2001 and do not satisfy applicable dimensional requirements, shall be considered nonconforming lots of record, and must satisfy all standards that apply to a nonconforming lot of record. All structures that may be nonconforming because such were constructed prior to August 19, 2001 and do not satisfy all dimensional requirements, may continue to exist, and may expand in accordance with the Article III, Nonconformance provisions in this Chapter.~~
- ~~(b) The minimum lot size and minimum frontage requirements for residential uses shall comply with the following standards:
 - ~~(1) Minimum lot size and lot frontage requirements for a property connected to public sewer.~~~~

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

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

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

- (3) ~~If there are one or more types of residential uses on the lot (property), the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective uses on the lot, reference standards (1) and (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. The total amount of lot frontage, however, only needs to satisfy the minimum amount of lot frontage required for the most intensive use on the property.~~

- (c) ~~Minimum structure setback requirements for residential structures.~~

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

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

- (2) ~~A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements shall be considered a nonconforming structure of record with respect to setbacks. Said residential structure may continue and may expand, subject to requirements of Article III,~~

~~Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.~~

~~(3) All structure setbacks shall be measured from the property lines, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to assist in determining the location of the property lines and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

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

~~The maximum structure height for the following types of residential structures and accessory structures to said residential structures are as follows:~~

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

~~(e) Density standard.~~

~~(1) The following density standards shall apply to all residential uses that are connected to public sewer in the Route One South Commercial District. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in (f) of this Section.~~

<u>Type of Use</u>	<u>Connected to Sewer</u>
Single Family	One unit in one structure per 15,000 sq. ft
Two Family	Two units in one structure per 15,000 sq. ft.

Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 15,000 sq. ft.
Multi-Family	Six units per 21,780 net square feet and an additional 1,500 net square feet for each additional unit

~~(2) The following density standards shall apply to all residential uses in the Route One South Commercial District that use a subsurface wastewater disposal system for managing wastewater. These density standards are subject to modification in accordance with the planned unit development and cluster housing development requirements identified in (f) of this Section.~~

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft.
Two Family	Two units in one structure per 30,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 30,000 sq. ft.
Multi-Family	Prohibited Use. For a nonconforming use of record, 4 units per 43,560 net square feet and an additional 10,890 net square feet for each additional unit.

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

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

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

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

~~(2) A residential planned unit development or cluster housing development that uses a subsurface wastewater disposal system for managing wastewater in the Route One South Commercial district shall comply with the following density standards:~~

<u>Type of Use</u>	<u>Subsurface System for Wastewater</u>
Single Family	One unit in one structure per 20,000 sq. ft
Two Family	Two units in one structure per 20,000 sq. ft.
Single Family with Detached Accessory Dwelling Unit	Primary and detached unit structures per 20,000 sq. ft.
Multi-Family	Multi-family is a prohibited use, however, a planned unit development may include multi-family as a housing option, subject to the above density standards for two-family uses.

~~**Sec. 102-793.25. Dimensional standards for nonresidential uses and structures in the Route One South Commercial district.**~~

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

~~(1) Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The minimum size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242 (a), (b), and (c).~~

~~(2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Nonresidential Performance Standards, Section 102-1242 (a), (b), (c), (d), and (e).~~

~~(3) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement identified for the nonresidential use identified in (1) or (2) cited above, the respective residential lot size standards identified in Section 102-792.25(b), and the respective density standards identified in Section 102-792.25(e) or (f), for each type of residential use that is located on the property.~~

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

~~The minimum front, side and rear structure setback requirements for a nonresidential structure are identified in the following Article IX, Division 4, Performance Standards: Section 102-1243, Minimum Front Setback requirements for Nonresidential Structures; Section 102-1244, Minimum Side Setback Requirements for Nonresidential Structures; and Section 102-1245, Minimum Rear Setback Requirements for Nonresidential Structures.~~

~~The measurement for the minimum amount of setback for a nonresidential structure shall be determined by the method for residential structures identified in Section 102-792.25(b)(3).~~

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

~~The maximum height of a nonresidential structure shall be 45 feet, and an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.~~

~~Sec. 102-794.25. Performance standards.~~

~~{Ord. No. 81-2001, 6-7-2001}~~

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

~~All residential uses in the Route 1 South Commercial district shall comply with applicable performance standards identified in Article VIII and Article IX of this Chapter, and applicable requirements of the Chapter 98, Technical Standards.~~

~~(b) Performance standards for nonresidential uses.~~

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

~~(c) Expansion of a retail use or structure that is greater than 20,000 square feet in size.~~

~~Notwithstanding the provisions of Sec. 102-1277 in the Article IX, Div 4, Nonresidential Performance Standards entitled 'Nonconforming size of use or size of structure', and pursuant to the enabling provisions in Sec. 791.50, the total amount of square feet allowed for all structures located on Map 30, Lot 37A, shall be 40,000 square feet. In enacting this provision, the City found that the existing retail use located at Map 30, Lot 37A was created before the City established the 20,000 square feet size cap on retail uses, and that the total size of all structure(s) located on this property on August 19, 2001 exceeded 20,000 square feet. The City determined that it was appropriate to allow a greater expansion of the structures located on this property than would be permitted pursuant to the provisions of Sec. 102-1277.~~

~~(d) Shoreland zoning and floodplain regulations.~~

~~Provisions of Chapter 82, Shoreland Zoning, and Chapter 78, Floods, may apply to a property in the Route One South Commercial District. See the adopted Shoreland map and the adopted FIRM Flood maps.~~

~~Sec. 102-795 to 796. Reserved.~~

ARTICLE V. DISTRICT REGULATIONS.

DIVISION 29. Searsport Avenue Commercial District (Division 29, Searsport Avenue Commercial District repealed by City Council on --- insert date of Council action -- -. The standards for the former Searsport Avenue Commercial District are now included in Division 11, Eastside Districts, and the name of this District has been changed to Searsport Avenue Mixed Use.)

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

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

- ~~(1) Residential, single-family dwelling. Manufactured housing units are a permitted use.~~
- ~~(2) Residential, two-family dwelling. Manufactured housing units are a permitted use.~~
- ~~(3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are a permitted use. Also reference the Article IX, Division 6, Supplemental Performance Standards in this Chapter.~~
- ~~(4) Home occupations (expanded definition).~~
- ~~(5) Bed and breakfast, including class 1, class 2 and class 3.~~
- ~~(6) Craft fairs on no more than 10 days in any calendar year.~~
- ~~(7) Essential services.~~
- ~~(8) Municipal uses deemed necessary by the City Council, subject to the Council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.~~
- ~~(9) Public parks.~~
- ~~(10) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.~~
- ~~(11) Accessory uses for principal uses for which the CEO can issue a permit.~~
- ~~(13) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.~~
- ~~(12) Accessory structures to uses and structures for which the CEO can issue a permit.~~
- ~~(14) Solar Energy Systems, Small Scale and Medium Scale, ground mounted and roof-mounted.~~
- ~~(15) Solar Energy Systems, Large Scale, roof-mounted.~~
- ~~(16) Fill activities that involve the removal or addition of fill that exceeds 100 cubic yards of material.~~

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

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

- ~~(1) Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 40,000 square feet.~~

- ~~(2) Retail stores, both a single retail store (use) and a structure in which a retail store (use) or stores are located, that are greater than 40,000 square feet in size, but less than 75,000 square feet in size are permitted, subject to requirements of the floating zone, Section 102-1382, and the contract rezoning process, Section 102-1383 et seq. The maximum size retail store or structure that is permitted through this procedure is 75,000 square feet.~~
- ~~(5) Service businesses.~~
- ~~(6) Movie theaters and performing arts centers.~~
- ~~(3) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet.~~
- ~~(4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet, but less than 75,000 square feet in size are permitted, subject to the floating zone, Section 102-1382, and the contract rezoning process, Section 102-1383 et seq. The maximum size structure that includes one or more retail uses that is permitted through this procedure is 75,000 square feet.~~
- ~~(7) Hotels and motels.~~
- ~~(8) Restaurants.~~
- ~~(9) Fast food restaurants.~~
- ~~(10) Ice cream stands.~~
- ~~(11) Professional offices and health care offices.~~
- ~~(12) Office complexes.~~
- ~~(13) Funeral homes.~~
- ~~(14) Health care facilities.~~
- ~~(15) Veterinarians and veterinary clinics.~~
- ~~(16) Kennels for boarding and/or training of pets.~~
- ~~(17) Warehouses and storage facilities.~~
- ~~(18) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.~~
- ~~(19) Motor vehicle fuel and service establishments.~~
- ~~(20) Light industrial uses.~~
- ~~(21) Planned unit development (residential) and cluster housing development.~~
- ~~(22) Non-municipal public and quasi-public uses.~~
- ~~(23) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.~~
- ~~(24) Residential, multi-family housing. Also reference the Article IX, Division 7, Supplemental Performance Standards for Multi-family Dwelling Units and Structures.~~
- ~~(25) Congregate retirement housing.~~
- ~~(26) Laundromats.~~
- ~~(27) Retail and wholesale distribution establishments.~~
- ~~(28) Indoor and outdoor recreational activities and facilities.~~
- ~~(29) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants, or similar items commonly associated with landscaping activities.~~
- ~~(30) Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.~~
- ~~(31) Stealth telecommunications facilities.~~

- (32) ~~Boat building, boat repair, boat retrofitting, and boat storage, including on-site sale of boats and accessory equipment.~~
- (33) ~~Medical Marijuana caregiver retail stores.~~
- (34) ~~Medical Marijuana manufacturing facilities.~~
- (35) ~~Medical Marijuana testing facilities.~~
- (36) ~~Solar Energy Systems, Large Scale, ground-mounted.~~

~~Sec. 102-798.50 Prohibited uses.~~

~~{Ord. No. 75-2001, 6-5-2001}~~

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

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

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

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

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

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

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

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

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

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

- (3) ~~If there are one or more types of residential uses on the lot (property), the total size (area) of the lot must be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective uses on the lot, reference standards (1) and (2) above, and the amount of use (density) on the lot must comply with the residential density standards identified in (e) or (f) of this Section. The total amount of lot frontage, however, must only satisfy the minimum amount of lot frontage required for the most intensive use on the property.~~

- (e) ~~Minimum structure setback requirements for residential structures.~~

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

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

Multi-Family	30 ft	25 ft	25 ft
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~~(2) A residential structure that was constructed on or before August 19, 2001 that does not comply with the above structure setback requirements, shall be considered a nonconforming structure of record with respect to setback requirements. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter, and in the case of an accessory dwelling unit in a detached structure, compliance with the Article IX, Division 6, Supplemental Performance Standards.~~

~~(3) All structure setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board may use a MDOT or City road layout or right-of-way, a property deed or similar information to determine the location of the property line and minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

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

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

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

~~(e) Density standard.~~

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

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

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

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

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

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

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

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

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

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

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

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

- (1) ~~Any lot created on or after August 19, 2001, that is used for a nonresidential use shall be a minimum of 43,560 square feet (one acre) in size, and the lot shall have a minimum of 150 feet of road frontage, if the lot has frontage on a road. The minimum~~

~~size of such a lot, however, shall be greater than one acre, and the minimum amount of frontage, however, shall be greater than 150 feet, if warranted, to comply with the requirements of the Article IX, Division 4, Performance Standards, Section 102-1242(a), (b), and (c).~~

~~(2) A lot that was created before August 19, 2001, that does not comply with the minimum lot size and minimum lot frontage (if the lot has road frontage) requirements identified in clause (1) above, shall be considered a nonconforming lot of record, and shall be considered a buildable lot for a nonresidential use, provided that the lot complies, if warranted, with the requirements of the Article IX, Division 4, Performance Standards, Section 102-1242(a), (b), (c), (d), and (e).~~

~~(3) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, must satisfy the minimum lot size (area) requirement identified for the nonresidential use identified in (1) or (2) above, and the respective residential lot size standards identified in Section 102-799.2(b), and the respective density standards identified in Section 102-799.2(e) or (f), for each type of residential use that is on the property.~~

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

~~The minimum front, side and rear setback requirements for a nonresidential structure are identified in the following Article IX, Division 4, Performance Standards: Section 102-1243, minimum front setback requirements for nonresidential structures; Section 102-1244, minimum side setback requirements for nonresidential structures; and Section 102-1245, minimum rear setback requirements for nonresidential structures.~~

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

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

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

~~1) The maximum height of a nonresidential structure shall be 45 feet, and an accessory structure to a nonresidential structure shall be 38 feet. This height requirement does not apply to the following specific uses: a telecommunication facility (subject to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunication Facilities), a water standpipe storage tank, a utility pole, and a storage silo for an agricultural use. This height requirement similarly does not apply to structures that may be exempt from the measurement of height pursuant to the City definition for height of a structure.~~

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

Sec. 102-799.6 Performance standards.

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

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

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

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

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

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

ARTICLE V, DISTRICT REGULATIONS

DIVISION 12. TABLE OF USES - OFFICE PARK DISTRICT (Division 12, Office Park District repealed by City Council on --- insert date of Council action ---. The standards for the former Office Park District, are now included in Division 16, Northwesterly of Bypass and Outside Rural Districts.)

~~SECTION 102-541. Introduction to Use Table~~

~~The Table of Uses in this Section, 102-543, identifies uses that are permitted in the Office Park zoning district, as such is shown on the Official Zoning Map adopted by the City Council. This Table of Uses was adopted by the City Council at its meeting of March 19, 2019, and as was amended on April 19, 2019. The City Council, in adopting this Table of Uses, concurrently repealed all provisions of the Article V, District Regulations, Division 25, Office Park District standards.~~

~~Section 102-544 identifies Footnotes to the Use Table. The Footnotes identify additional requirements that apply to certain uses identified in the Use Table, and are more fully described in Section 102-544. Footnotes are identified in the Table of Uses by the following designation: * [number]. Footnote number 4 applies to a specific property, Map 5, Lot 31, as such was depicted on the City of Belfast Tax Assessor maps that were in effect on August 21, 2001; a property that is identified on the City Tax Assessor maps that were in effect on April 1, 2019 as being a part of Map 5, Lot 26.~~

~~Section 102-542. Standards That Apply To Uses Identified On Use Table.~~

~~The standards identified in this Section universally apply to uses identified in the Use Table.~~

~~a) Applicability of Shoreland Zoning and floodplain regulations.~~

~~Provisions of Chapter 82, pertaining to Shoreland Zoning, and Chapter 78, pertaining to Floodplains, may apply in the Office Park District. See the adopted Shoreland map and the adopted FIRM Flood maps.~~

~~b) Performance standards for residential uses.~~

~~All residential uses proposed in the Office Park District shall comply with the Article IX, Performance Standards, Division 2, Environmental Standards, and applicable requirements of the Article VIII, Supplementary District Regulations. A proposal to establish a detached accessory dwelling unit to a single family residence shall comply with standards identified in Article IX, Performance Standards, Division 6, Supplemental performance standards for an accessory dwelling unit in a detached structure.~~

~~c) Performance standards for nonresidential uses.~~

~~All nonresidential uses proposed in the Office Park District shall comply with the Article IX, Performance Standards, Division 5, Nonresidential Development Performance Standards, and if applicable, shall comply with Supplemental Performance Standards identified in this Division. A nonresidential use does not need to comply with performance standard requirements identified in Article IX, Performance Standards, Division 2, Environmental Standards.~~

~~**d) Residential Planned Unit Development, Cluster Housing Development and Nonresidential Planned Unit Development.**~~

~~—A property that is developed as a residential planned unit development, cluster housing development, or nonresidential planned unit development shall be subject to review by the Planning Board pursuant to Chapter 90, Site Plan and Chapter 94, Subdivision (not codified), and shall comply with requirements identified in Chapter 102, Zoning, Article VI, Residential Planned Unit Development, Cluster Housing Development, and Nonresidential Planned Unit Development.~~

~~**e) Prohibited Uses.**~~

~~Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review or permitted use requiring Planning Board review are allowed within the Office Park district. All other uses are prohibited.~~

~~**SECTION 102-543 Use Table (See Use Table Attached to the End of this Ordinance)**~~

~~**SECTION 102-544. Footnotes to Use Table**~~

~~The Footnotes identified below apply to the Use Table identified in Section 102-543. The respective footnote identifies additional requirements that apply to the use identified in the Use Table. The footnotes are identified in the Use Table by the following designation: * [number of footnote].~~

~~Footnote 1: —A manufactured housing unit shall only be permitted if it is located 500 or more feet from the centerline of Belmont Avenue (Route 3) or Lincolnville Avenue (Route 52).~~

~~Footnote 2: —An indoor seating restaurant, outdoor seating restaurant or take-out restaurant must be connected to public sewer to be considered a permitted use.~~

~~Footnote 3: The following standards shall apply to the size of a general merchandise, clothing or grocery retail use or building supply retail use in the Office Park zoning district.~~

~~a) —A general merchandise, clothing, or grocery retail use or building supply retail use shall be a permitted use on Map 5, Lot 5 and Lot 7, (as such were depicted on the City Tax Assessor Maps in effect on April 1, 2018), subject to the following standards: no single retail use is greater than 4,000 square feet in size, there is a maximum of three retail uses in any single~~

~~structure, there is a maximum of one structure in which any retail use occurs located on a single property, and the retail use can 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 either of the above two properties in addition to (in combination with) an allowed retail use.~~

~~— Notwithstanding the above limitation on the size of certain retail stores, an applicant may request that the City allow a general merchandise, clothing, or grocery retail use or building supply retail use greater than the above size limits on Map 5, Lot 7, provided the gross floor area of all structures is less than 75,000 square feet in size. The City may consider an application subject to requirements of Chapter 102, Zoning, Article X, Contract Rezoning, Division 2. An applicant subject to the contract rezoning process is exempt from requirements to prepare the comprehensive economic and community impact study identified in these standards.~~

~~b) — A general merchandise, clothing, or grocery retail use or building supply retail use shall be a permitted use on the following properties, Map 5, Lot 29, 29 B, and 31 B (as such were depicted on the City Tax Assessor Maps that were in effect on April 1, 2018), subject to the following standards: there shall be no more than one retail use located on a property, the retail use is located in a structure that is a maximum of 6,000 square feet in size, the retail use may have an accessory structure that is a maximum 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 102-545, 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. Other uses permitted in the District may occur on any of the above three properties in addition (in combination with) to an allowed retail uses.~~

~~c) — A general merchandise, clothing, or grocery retail use or building supply retail use shall be a permitted use on the following properties, Map 5, Lot 1 (as such was depicted on the City Tax Assessor Maps in effect on April 1, 2018) and the portion of Map 5, Lot 26, (as such was depicted on the Tax Assessor Maps in effect on April 1, 2018) that excludes the portion of said lot that was depicted as Map 5, Lot 31 on the Tax Assessor Maps in effect on April 21, 2001, subject to the following standards: any single retail use shall be a maximum of 75,000 square feet in size and the retail use 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 any of the above three properties in addition (in combination with) to an allowed retail uses.~~

~~Footnote 4: Footnote 4 applies only to Map 5, Lot 31, as depicted on the tax maps in effect on August 21, 2001; reference map below. This lot is depicted on the April 1, 2019 Tax Maps as being part of Map 5, Lot 26.~~

~~The owner of Map 5, Lot 31, shall develop this property as a planned unit development. This property may be developed for any permitted use identified in the Table of Uses that applies to~~

~~the Office Park District, reference Section 102-543, except the following: a general merchandise, clothing, or grocery retail use; a building supply retail use; or a restaurant.~~

~~A project that involves only nonresidential development shall be exempt from compliance with the planned unit development standard identified in Article VI of this Chapter regarding the provision of open space. In lieu of this standard, a nonresidential development project shall be required to reserve a minimum of 10 percent of the site as permanent open space. The performance standards for the Office Park District shall apply to a planned unit development proposal considered under this section, and all primary access to this property shall occur via a curb cut and access road located on Route 3. Only an emergency access shall be allowed from this property to Edgecomb Road.~~

~~Sec. 102-545. Supplemental Performance Standards that apply to certain retail and restaurant uses on properties identified as Map 5, Lot 29, 29-B and 31-B.~~

~~The Section 102-543 Table of Uses, Use 81), as defined by Section 102-544, Footnote 3, b), identifies certain retail uses, that can occur on the following properties, Map 5, Lot 29, 29-B and 31-B. The Table of Uses also identifies several types of restaurants that can occur in the Office Park zoning district, reference Use 71), 72) and 73), as defined by Section 102-544, Footnote 2). The above identified retail uses [reference Use 81] and restaurant uses [reference Use 71), 72) and 73)], that may be proposed to occur on Map 5, Lot 29, 29-B and 31-B, shall satisfy the following supplemental performance standards in addition to the Nonresidential Development Standards identified in Article IX of this Chapter for the Office Park 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 Sec. 102-778(c)(1).~~
- ~~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(a).~~
- ~~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.

~~SECTION 102-551 Introduction to Dimensional Standard Table~~

~~The Dimensional Table in this Section, 102-553, identifies dimensional standards that apply to permitted uses and properties located in the Office Park zoning district, as such is shown on the Official Zoning Map adopted by the City Council. This Dimensional Table was adopted by the City Council at its meeting of April 2, 2019. The City Council, in adopting this Dimensional Table, concurrently repealed all provisions of the Article V, District Regulations, Division 25, Office Park District standards.~~

~~Section 102-554 identifies Footnotes to the Dimensional Table. The Footnotes identify additional requirements that apply to certain properties and standards identified in the Dimensional Table, and are more fully described in Section 102-544. Footnotes are identified in the Dimensional Table by the following designation: * [number].~~

~~Section 102-552. Standards that Universally Apply to the Dimensional Table.~~

~~The standards identified in this Section shall universally apply to the standards identified in the Dimensional Table, Section 102-553.~~

~~a) The date of record for determining if a lot complies with minimum lot size requirements identified in the Dimensional Table is August 21, 2001, which is the date that the City initially adopted the Office Park zoning district. A lot that was established prior to this date that does not satisfy minimum lot size requirements identified in the Dimensional Table shall be considered a nonconforming lot of record and may be developed for uses identified in the Use Table subject to the following standards:~~

- ~~1) A property that is developed for a multi-family housing project shall satisfy the minimum lot size requirement identified in Section 102-553, Dimensional Table, Subsection 1, Minimum Lot Size Requirement, Paragraphs i. and j, and shall satisfy the density standard identified in Subsection 6, Density Standard, Paragraphs g. and h.~~
- ~~2) A property that is developed for a non-residential use shall satisfy the minimum lot size requirement identified in Section 102-553, Dimensional Table, Subsection 1, Minimum Lot Size Requirement, Paragraphs k., l., and m.~~

~~b) If a lot (property) is occupied by one or more types of residential use, the total size (area) of the lot shall be no less than the amount of square feet needed to satisfy the minimum lot size requirement for each of the respective uses on the lot and the amount of residential use on the lot shall comply with residential density standards. The total size of such a lot involves only the amount of area (square feet); it does not require an increase in the amount of lot frontage.~~

~~c) If a lot (property) is occupied by a nonresidential use and one or more types of residential use, the size (area) of the lot, in total, shall satisfy the minimum lot size (area) requirement~~

for the nonresidential use, and the minimum lot size requirement and accompanying density standards requirement for the respective residential uses. The total size of such a lot involves only the amount of area (square feet); it does not require an increase in the amount of lot frontage.

- ~~d) A property that has a nonconforming amount of road frontage may be developed, provided the property can obtain any required traffic or road opening permit from the City or the State Maine Department of Transportation.~~
- ~~e) A residential structure that was constructed on or before August 21, 2001 that does not conform with structure setback requirements shall be considered a nonconforming structure of record with respect to setbacks. Said residential structure may continue and may expand, subject to requirements of Article III, Nonconformance, of this Chapter.~~
- ~~f) A non-residential structure that was constructed on or before August 21, 2001 that does not conform with structure setback requirements shall be considered a nonconforming structure of record with respect to setbacks. Said non-residential structure may expand. Any expansion in the nonconforming setback area shall comply with the following requirements:
 - ~~1) the amount of expansion in the nonconforming setback area is limited to 30 percent of the total amount of area located in the respective nonconforming setback area;~~
 - ~~2) none of the expansion in the nonconforming setback area shall be any closer to a lot line than the existing nonconforming structure setback; and~~
 - ~~3) the Planning Board finds that the applicant has taken reasonable measures to comply with structure setback requirements.~~~~
- ~~g) A property that is developed as a planned unit development or cluster housing development shall be subject to review by the Planning Board pursuant to Chapter 90, Site Plan and Chapter 94, Subdivision (not codified), and shall comply with requirements identified in Chapter 102, Zoning, Article VI, Residential Planned Unit Development and Cluster Housing Development.~~
- ~~h) All setbacks shall be measured from the property line, and the applicant shall be responsible for verifying that all setback requirements are met. The applicant, Code Enforcement Officer or Planning Board, may use a MDOT or City road layout or right of way, a property deed or similar information to determine the minimum amount of setback required. The Code Enforcement Officer or Planning Board, however, may require the applicant to provide a survey to identify property lines and setback requirements if either deems that a survey is necessary to verify the applicant's representations.~~

~~**Section 102-553. Dimensional Table. (See Dimensional Table Attached to the End of this Ordinance).**~~

~~**Section 102-554. Footnotes to Dimensional Standard Chart.**~~

~~The Footnotes identified below apply to the Dimensional Standard Table in Section 102-553. The respective footnote identifies additional requirements that apply to the standard identified in the Dimensional Standard Table. The footnotes are identified in the Dimensional Standard Table by the following designation: * [number].~~

~~**Footnote *[1].**—The minimum lot size for any multi-family residential use shall comply with both the minimum lot size standard and density standard requirement identified in the Dimensional Standard Table.~~

~~**Footnote *[2].**—The amount of front setback for a general merchandise, grocery or clothing retail store, a building supply retail store, or a restaurant, that is located on the following properties Map 5, Lots 29, 29 B and 31 B, shall comply with the front setback for structures identified in Section 102-545 (Use Table Standards).~~

~~**Footnote *[3].**—In a Planned Unit Development in which all dwelling units are connected to public sewer, and all uses on the property are a single family residence, a single family residence with a detached accessory dwelling structure, or a two family residence, the minimum lot size identified in the Dimensional Table for 1. a), b) e) and f) may be decreased from 14,520 square feet to 10,000 square feet, and the density standard for said uses identified in 6. a), c) and e) can similarly be decreased from 14,520 square feet to 10,000 square feet. A property that is developed as a Planned Unit Development or Cluster Housing Development shall comply with all standards identified in Chapter 102, Zoning, Article VI, Residential Planned Unit Development, Cluster Housing Development and Nonresidential Planned Unit Development, and shall require Planning Board review pursuant to Chapter 90, Site Plan and Chapter 94, Subdivision (non-codified).~~

Section 102-543 Table of Uses

Key to Table of Uses P means permitted with no permit required from CEO or Planning Board NO means that the identified use is a prohibited use P-CEO means use is permitted subject to permit issued by CEO P-PBR means use is permitted subject to permit issued by Planning Board If an identified use includes an "[footnote in brackets]", consult the Footnotes for the Table of Uses Shoreland Zone Use Identified in Chapter 82, Shoreland. YTBD means Yet to Be Determined; City has not yet identified all standards for this use							
TYPE OF USE	OFFICE PARK						
1) Dwelling, single family	P-CEO						
2) Accessory dwelling unit to a Single-family residential unit in a detached Accessory Structure	P-CEO						
3) Dwelling, two-family	P-CEO						
4) Dwelling, multi-family (3 or more units in one structure)	P-PBR						
5) Dwelling, multi-family in a residential planned unit development	P-PBR						
6) Planned unit development (PUD), residential	P-PBR						
7) Rural affordable housing development PUD	NO						
8) Cluster housing development Open space subdivision PUD	P-PBR						
9) Manufactured housing on a chassis/mobile home	P-CEO*[1]						
10) Manufactured housing (units on permanent foundation)	P-CEO*[1]						
11) Manufactured housing community (units on chassis) or mobile home park	NO						
12) Accessory residential structures	P-CEO						
13) Accessory residential uses	P-CEO						
14) Accessory non-residential structures	P-PBR						
15) Accessory non-residential uses	P-PBR						
16) Accessory residential uses on the upper stories of commercial and office buildings	P-PBR						
17) Yard sales, residential held no more than 10 days in a calendar year	P-CEO						
18) Home occupation class 1: Small scale	P-CEO						
19) Home occupation class 2: Mid-scale	P-CEO						
20) Home occupation class 3: Large scale	P-CEO						
21) Owner occupied boarding or owner occupied lodging house with up to 3 borders or lodgers	P-CEO						
22) Owner occupied boarding or owner occupied lodging house with 4 or more borders or lodgers	P-PBR						
23) Owner occupied group home or owner occupied hospice with a capacity of up to 8 residents	P-PBR						
24) Owner occupied group home or owner occupied hospice with a capacity of 9 or more residents	P-PBR						
25) Group home with a capacity of up to 8 residents	P-PBR						
26) Group home with a capacity of 9 or more residents	P-PBR						
27) Up to 6 residents in the following: Congregate care, residential retirement housing, assisted living facility or hospice. [State defined Levels I, II and III Residential Care Facility and State defined Levels I, II and III Private Non-Medical Institution]	P-PBR						
28) Seven or more residents in the following: Congregate care, residential retirement housing, assisted living facility or hospice. [State defined Level IV Residential Care Facility, and State defined Level IV Private Non-Medical Institution]	P-PBR						
29) Nursing home/Nursing center/Nursing facility	P-PBR						
30) Bed and breakfast class 1	P-CEO						
31) Bed and breakfast class 2	P-CEO						
32) Bed and breakfast class 3	P-CEO						
33) Bed and breakfast, non-owner occupied	P-CEO						
34) Hotel and motel	NO						
35) Convention center	P-PBR						
36) Campground excluding Recreation Vehicle (RV) Park	NO						
37) Recreation Vehicle (RV) park including motor homes	NO						
38) Cemetery	NO						

Section 102-543 Table of Uses

39) Church, religious facility.	P-PBR						
40) Community center.	P-PBR						
41) Social club.	P-PBR						
42) Care facility, child care facility serving up to 12 children. [State defined Small Childcare Facility for 3-12 children]	P-PBR						
43) Care facility, child care facility serving more than 12 children. [State defined Child Care Center]	P-PBR						
44) Care facility, youth and adult.	P-PBR						
45) School, private/parochial.	P-PBR						
46) School, public/charter.	P-PBR						
47) Dance studio.	P-PBR						
48) Fitness center.	P-PBR						
49) Recreational facility, indoor.	P-PBR						
50) Recreational facility, outdoor excluding motorized vehicles.	P-PBR						
51) Municipal uses deemed necessary by the City Council for which the council shall hold a public hearing with ten days' public notice given.	P-CEO						
52) Museum.	P-PBR						
53) Shooting or rifle range.	NO						
54) Parking facility.	P-PBR						
55) Public park.	P-CEO						
56) Theater/Performing arts center.	P-PBR						
57) Drive-in movie theater.	NO						
58) Theater, outdoor.	P-PBR						
59) Quasi-public and non-municipal public uses.	P-PBR						
60) Recreational or community activities.	P-PBR						
61) Amusement park.	NO						
62) Motor vehicle repair with a maximum of three vehicles offered for sale on the property as an accessory use.	NO						
63) Motor vehicle repair with a maximum of six vehicles offered for sale on the property as an accessory use.	NO						
64) Motor vehicle repair business.	NO						
65) Motor vehicle fuel sales.	NO						
66) Motor vehicle sales including automobiles, snowmobiles, utility-terrain vehicles (UTV) and all-terrain vehicles (ATV).	NO						
67) Recreational vehicle sales, motor homes, heavy trucks, and related equipment sales, repairs and services.	NO						
68) Mobile home, manufactured home and modular home sales.	NO						
69) Restaurant, fast food.	NO						
70) Restaurant, formula.	NO						
71) Restaurant, indoor seating.	P-PBR*[2]						
72) Restaurant with outdoor seating.	P-PBR*[2]						
73) Restaurant, take-out.	P-PBR*[2]						
74) Restaurant with drive-through window.	NO						
75) Restaurant, ice cream stand.	NO						
76) Funeral home/mortuary.	NO						
77) Dry cleaner or Laundromat.	NO						
78) Personal services.	P-PBR						
79) Professional offices.	P-PBR						
80) Retail stores, both a single retail store (use) and a structure in which a retail store (use) or stores are located, that are greater than 40,000 square feet in size, but less than 75,000 square feet in size.	P-PBR*[3]						
81) Retail stores, small-scale, up to 20,000 square feet in size.	P-PBR*[3]						
82) Retail stores, mid-scale, between 20,001 and 39,999 square feet in size.	P-PBR*[3]						
83) Shopping centers, including mixed-use development (service, general merchandise clothing and grocery retail, building supply, restaurant, and/or office in the same complex), provided that no structure in the shopping center is greater than 75,000 square feet, and provided that the gross floor area of all structures is less than 150,000 square feet.	P-PBR*[3]						
84) Shopping centers, including mixed-use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure in which a retail store is located is greater than 40,000 square feet, but less than 75,000 square feet in size.	P-PBR*[3]						
85) Convenience stores up to 5,000 square feet in size.	NO						
86) Convenience stores, greater than 5,000 square feet in size.	NO						
87) Redemption centers for beverage containers.	NO						
88) Planned unit development, non-residential.	P-PBR						
89) Light industrial/Light manufacturing.	P-PBR						
90) Manufacturing, processing and industrial activities, including accessory retail.	NO						
91) Bituminous asphalt plant/mixing operations.	NO						
92) Storage, commercial exterior.	P-PBR						
93) Research laboratory.	P-PBR						
94) Storage, self-storage facility.	P-PBR						

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95) Storage tanks for petroleum products, including propane for sale.-	NO						
96) Storage, facility/warehouse.-	P-PBR						
97) Septage, storage and spreading.-	NO						
98) Junkyards, including auto graveyards.-	NO						
99) Health care facilities/offices.-	P-PBR						
100) Health services.-	P-PBR						
101) Hospital.-	P-PBR						
102) Aquaculture, land based.-	NO						
103) Boat building/repair/retrofitting/storage that includes onsite sales.-	NO						
104) Commercial storage of boats.-	NO						
105) Lobster pound and fish/seafood processing.-	NO						
106) Marinas and marina related service businesses.-	NO						
107) Docks, floats and similar uses that occur below the normal high water mark.-	NO						
108) Water borne transportation and recreation.-	NO						
109) Commercial agricultural, dairy and horticultural activities.-	P-CEO						
110) Commercial Poultry.-	NO						
111) Non-commercial domestic chicken raising.-	P						
112) Slaughterhouse.-	NO						
113) Horses and horse barns/Stables.-	P-CEO						
114) Animal breeding, husbandry.-	P-CEO						
115) Craft sales.-	P-PBR						
116) Farm stand.-	P-PBR						
117) Farmers Market including food and craft sales.-	P-PBR						
118) Fill, loam, sand, and gravel extraction operations provided the operation does not include the removal of bedrock material through blasting or any other mechanical means or the crushing or further processing of such bedrock material.-	NO						
119) Fill, loam, sand, gravel extraction, excluding bedrock, with restrictions on extent of area to be extracted at one time, and establishment of a continuing reclamation and reforestation program.-	NO						
120) Fill activities that exceed 25 cubic yards.-	P-CEO						
121) Commercial agricultural greenhouse or nursery: Sale of materials, plants or similar items commonly associated with landscaping activities.-	P-PBR						
122) Tree farm.-	P-PBR						
123) Animal kennel Class 1.-	P-PBR						
124) Animal kennel Class 2.-	P-PBR						
125) Veterinary clinic and veterinary hospital.-	P-PBR						
126) Forestry: Woodlot management and timber harvesting.-	NO						
127) Forestry: Commercial firewood processing.-	NO						
128) Hydropower generation.-	NO						
129) Aviation and uses accessory to aviation.-	NO						
130) Stealth telecommunications facilities.-	P-CEO						
131) Minor telecommunications facilities (TO BE DEFINED) including co-location on existing structures.-	P-PBR						
132) Telecommunications facilities.-	NO						
133) Essential Services	P-CEO						
134) Medical Marijuana caregiver retail stores	P-PBR						
135) Medical Marijuana manufacturing facilities	P-PBR						
136) Medical Marijuana testing facilities	P-PBR						
137) Significant Groundwater Wells	NO						
138) Map 5, Lot 31, Specific Use Requirements	P-PBR*[4]						

CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

DIMENSIONAL STANDARD	OFFICE PARK-	
<u>1) MINIMUM LOT SIZE</u>		
a. Minimum Lot Size, Single Family Residential, Public Sewer, with or without detached accessory dwelling unit.	14,520 sq ft *[3]	
b. Minimum Lot Size, Single Family Residential, Back Lot, Public Sewer, with or without detached accessory dwelling unit.	14,520 sq ft *[3]	
c. Minimum Lot Size, Single Family Residential, Subsurface System, with or without detached accessory dwelling unit.	21,780 sq ft	
d. Minimum Lot Size, Single Family Residential, Back Lot, Subsurface System, with or without detached accessory dwelling unit.	21,780 sq ft	
e. Minimum Lot Size, Two Family Residential, Public Sewer	14,520 sq ft *[3]	
f. Minimum Lot Size, Two Family Residential, Back Lot, Public Sewer	14,520 sq ft *[3]	

When an * asterisk and [] are on the Dimensional Chart, such as * [1], Refer to Footnotes in Section 102-471 that accompany this Chart

CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

g. Minimum Lot Size, Two-Family Residential, Subsurface System	21,780 sq ft	
h. Minimum Lot Size, Two-Family Residential, Back Lot, Subsurface System	21,780 sq ft	
i. Minimum Lot Size, Multi-Family Residential, Public Sewer	21,780 sq ft*[1]	
j. Minimum Lot Size, Multi-Family Residential, Subsurface System	43,560 sq ft *[1]	
k. Minimum Lot Size, Non-Residential, Public Sewer	43,560 sq ft	
l. Minimum Lot Size, Non-Residential (No-Frontage), Public Sewer	43,560 sq ft	
m. Minimum Lot Size, Non-Residential, Subsurface System	43,560 sq ft	

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CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

DIMENSIONAL STANDARD	OFFICE PARK	
2) MINIMUM STREET FRONTAGE FOR A LOT		
a. Minimum Street Frontage – Residential	150 ft	
b. Minimum Street Frontage – Non-Residential	200 ft	
c. Minimum Width Lot – Back Lot – Residential	150 ft	
d. Minimum Width Lot – Back Lot – Non-Residential	200 ft	

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CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

DIMENSIONAL STANDARD	OFFICE PARK	
<u>3) MINIMUM FRONT SETBACK FOR A STRUCTURE</u>		
a. Front Setback, Structure Residential (Primary Structure), Single Family, Two-Family and Single Family with Detached Accessory Dwelling Unit.	25 ft	
b. Front Setback, Structure Residential, Multi-Family (Primary Structure)	50 ft	
c. Front Setback, Structure Residential (Accessory Structure), Single Family, Two-Family and Single Family with Detached Accessory Dwelling Unit.	25 ft	
d. Front Setback, Structure Residential, Multi-Family (Accessory Structure)	50 ft	
e. Front Setback, Structure Nonresidential (Primary Structure)	Structure Size In Square Feet 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 Also See Footnote *[2]	

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CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

f. Front Setback, Structure - Nonresidential (Accessory Structure)	Same Front Setback Requirement as Primary Structure Also See Footnote *[2]	
DIMENSIONAL STANDARD	OFFICE PARK	
4) MINIMUM SIDE SETBACK FOR A STRUCTURE		
a. Side Setback Residential Primary Structure	25 feet	
b. Side Setback Residential Accessory Structure	25 feet	
c. Side Setback Non Residential Primary & Accessory Structures, provided the property abuts another property(ies) that is located in the Office Park Zoning District	Structure Size In Square Feet 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	
d. Side Setback Non Residential Primary & Accessory Structures, if the property does not abut another property that is located in the Office Park Zoning District	Structure Size In Square Feet 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	

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CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

DIMENSIONAL STANDARD	OFFICE PARK	
5) MINIMUM REAR SETBACK FOR A STRUCTURE		
a. Rear Setback – Residential – Primary Structure	25 feet	
b. Rear Setback – Residential – Accessory Structure	25 feet	
c. Rear Setback – Nonresidential – Primary & Accessory Structures – provided the property abuts another property(ies) that is located in the Office Park Zoning District	Structure Size In Square Feet – 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	
d. Rear Setback – Nonresidential – Primary & Accessory Structures – if the property does not abut another property that is located in the Office Park Zoning District	Structure Size In Square Feet 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	

When an * asterisk and [] are on the Dimensional Chart, such as * [1], Refer to Footnotes in Section 102-471 that accompany this Chart

CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

DIMENSIONAL STANDARD	OFFICE PARK-	
<u>6) DENSITY STANDARD (Number of Units/Size of Lot)</u>		
a. Single Family Residential (Public Sewer)	14,520 sq ft *[3]	
b. Single Family Residential (Subsurface System)	21,780 sq ft	
c. Single Family Residential with One Accessory Detached Dwelling Unit (Public Sewer)	14,520 sq ft *[3]	
d. Single Family Residential with One Accessory Detached Dwelling Unit, (Subsurface System)	21,780 sq ft	
e. Two Family Residential, Public Sewer	14,520 sq ft *[3]	
f. Two Family Residential, Subsurface System	21,780 sq ft	
g. Multi Family Residential, Public Sewer	21,780 sq ft minimum lot size (net acreage). This size of lot (net acre) can allow 6 multi-family dwelling units in one or more multi-family structures. Each additional multi-family unit requires 1,500 square feet of net acreage.	
h. Multi Family Residential, Subsurface System	43,560 sq ft minimum lot size (net acreage). This size of lot (net acre) can allow 4 multi-family dwelling units in one or more multi-family structures. Each additional multi-family unit requires 7,500 square feet of net acreage.	

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DIMENSIONAL STANDARD	OFFICE PARK-	
7) MAXIMUM LOT COVERAGE		
a. Maximum Lot Coverage – Residential (Impervious Surface Ratio); Single Family, Two Family & Detached Accessory Dwelling Units	None	
b. Maximum Lot Coverage – Residential (Structure Coverage)	None	
c. Maximum Lot Coverage – Nonresidential (Impervious Surface Ratio) – Standard for New Nonresidential Construction, including Multi-Family Housing, on a Vacant Lot	None	
d. Maximum Lot Coverage – Nonresidential (Impervious Surface Ratio) – Standard for Nonresidential Construction, including Multi-Family Housing, on an Existing Lot Developed for a Nonresidential Use	None	
e. Maximum Lot Coverage – Nonresidential (Structure Coverage)	None	

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CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS, DIVISION 12, DIMENSIONAL STANDARDS, SECTION 102-553 DIMENSIONAL CHART

DIMENSIONAL STANDARD	OFFICE PARK-	
<u>8) MAXIMUM STRUCTURE HEIGHT</u>		
a. Maximum Height, Residential, Single-Family and Two-Family and Detached-Accessory Dwelling Unit – Non-Shoreland Area	38 Feet	
b. Maximum Height, Multi-Family-Residential-	45 feet	
c. Maximum Height, All Residential Uses – Shoreland –	Refer to Chapter 82, Shoreland and refer to height standard for respective Shoreland District	
d. Maximum Height, Nonresidential – Non-Shoreland Areas	a). 45 feet for a non-residential structure located within 200 feet of Route 3 or Lincolnville Avenue. b). 60 feet for a non-residential structure located 201 feet or more from Route 3 or Lincolnville Avenue.	
e. Maximum Height, Nonresidential – Shoreland Areas	Refer to Chapter 82, Shoreland and refer to height standard for respective Shoreland District	

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