

**Amendments to the City of Belfast Ordinance: Chapter 102, Zoning, Article V, District Regulations, Division 1, Sec. 102-301, Official Zoning Map and Chapter 66, General Provisions.**

**Editor's Note:** The main purpose of the proposed amendments is to allow a property on which a single family residence is constructed to also be able to construct a one or two bedroom accessory dwelling unit in a structure that is detached from the single family residence. This proposed amendments to Chapter 102, Zoning, would apply to all zoning districts in which a single family residence is an allowed use. The ability to construct a detached accessory dwelling unit would be subject to the application being able to satisfy the specific performance standards (such as parking and driveway access) identified in this proposal and the maximum size of the structure would be 800 square feet. In addition, most properties that are located in a Shoreland Zoning district likely would not be able to construct an accessory dwelling unit because of density requirements identified in the State Shoreland regulations and City Ordinances (Chapter 82, Shoreland).

All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 102, Zoning or Chapter 66, General Provisions. **All text shown in red and bold font** is new language that is to be added, and **all text shown in blue and strike-through font** is language that is to be deleted. **Text shown in Green and bold font** is informational only to help the reader understand the amendments, and this language is not part of the final adopted amendments. (See attached text of adopted amendments)

**First Reading: September 5, 2017**

**Second Reading: December 5, 2017**

---

Signature

Date

**TEXT OF AMENDMENTS  
CHAPTER 102, ZONING**

**Chapter 102, Zoning**

**ARTICLE V. District Regulations.**

**DIVISION 1. Generally**

**Sec. 102-301. Official zoning map.**

The City of Belfast has adopted the attached map as the Official Zoning Map of the City of Belfast. This Zoning Map is provided to assist readers of the Ordinance in the interpretation and application of information in Chapter 102, Zoning, particularly Article V, District Regulations. The attached map reflects all Chapter 102, Zoning ordinances adopted by the City of Belfast through December 31, 2014, that can be found on the General Code Corporation website.

**DIVISION 2. General Purpose "A" District.**

**Sec 102-321. Permitted uses requiring Code Enforcement Officer review.**

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

- (1) Residential **uses, single family dwelling, including m**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.**
- (~~2~~ 4) Home occupations (expanded definition).
- (~~3~~ 5) Agricultural uses, including the keeping of farm animals and pleasure animals, forestry and horticultural uses (**also see 102-322(4) below**).
- (4 6) Recreational or community activities except those operated for profit.
- (~~5~~ 7) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- (~~6~~ 8) Essential services.
- (~~7~~ 9) Accessory structures ~~and uses and yard sales on no more than 10 days in a calendar year.~~
- (10) **Accessory uses and yard sales on no more than 10 days in a calendar year.**

**DIVISION 3. General Purpose "B" District**

**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 ~~uses, single family dwelling. including m~~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.**
- ~~(2 4)~~ Home occupations (expanded definition).
- ~~(3 5)~~ Agricultural uses, including the keeping of farm animals and pleasure animals, forestry and horticultural uses (**also see 102-342(4) below**).
- (4 6) Recreational or community activities except those operated for profit.
- ~~(5 7)~~ Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- ~~(6 8)~~ Essential services.
- ~~(7 9)~~ Accessory structures ~~and uses and yard sales on no more than 10 days in a calendar year.~~
- (10) **Accessory uses and yard sales on no more than 10 days in a calendar year.**

#### **DIVISION 4. Residential/Agricultural I District**

**Sec. 102-361. Permitted uses requiring ~~CEO~~ Code Enforcement Officer review.**  
[Ord. of 4-6-2010(2)]

Permitted uses **requiring Code Enforcement Officer review** in the Residential/Agricultural I District are as follows:

- (1) Residential, ~~(single-family dwelling, and two-family), including m~~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.**
- ~~(2 4)~~ Agricultural uses, including the keeping of farm animals and pleasure animals, agricultural processing, ~~forest management activities, timber harvesting,~~ and horticultural uses, excluding slaughter-houses and factories, piggeries or raising of poultry for commercial purposes.
- ~~(3) — Accessory uses and structures.~~
- ~~(4 5)~~ Recreational or community activities except those operated for profit. In the case of any such activity which operates a restaurant, the hours of operation of the restaurant do not begin before 5:00 a.m. and end no later than 10:00 p.m. The Belfast Curling Club, which is located at Map 2, Lot 87A, is specifically exempt ~~for~~ **from** this provision.
- ~~(5 6)~~ Municipal uses deemed necessary by the City Council, but, prior to taking such action thereon, the council shall hold a public hearing for which 10 days' notice shall be given.

- (6 7) Essential services.
- (7 8) Accessory uses **to principal uses for which the CEO can issue a permit**, including yard sales on no more than 10 days in any calendar year.
- (9) **Accessory structures.**
- (10) **Forest management, timber harvesting, woodlot management and on-site firewood processing activities.**

## **DIVISION 5. Residential/Agricultural II District**

### **Sec. 102-381. Permitted uses requiring ~~CEO~~ Code Enforcement Officer review.**

[Ord. No. 28-1997, § 604.1, 3-4-1997; Ord. No. 57-1997, 6-17-1997; Ord. No. 10-2001, 9-4-2001]

Permitted uses **requiring Code Enforcement Officer** review in the Residential/Agricultural II District are as follows:

- (1) Residential, ~~(single-family dwelling, and two-family), including m~~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.**
- (2 4) Agricultural uses, including the keeping of farm animals and pleasure animals, agricultural processing, ~~forest management activities, timber harvesting,~~ and horticultural uses, excluding slaughter-houses and factories, piggeries or raising of poultry for commercial purposes.
- ~~(3) Accessory uses and structures.~~
- (4 5) Recreational or community activities except those operated for profit. In the case of any such activity which operates a restaurant, the hours of operation of the restaurant do not begin before 5:00 a.m. and end no later than 10:00 p.m.
- (5 6) Municipal uses deemed necessary by the City Council, but, prior to taking such action thereon, the council shall hold a public hearing for which 10 days' notice shall be given.
- (6 7) Essential services.
- (7 8) Accessory uses **to principal uses for which the Code Enforcement Officer can issue a permit**, including yard sales on no more than 10 days in any calendar year.
- (9) **Accessory structures.**
- (10) **Forest management, timber harvesting, woodlot management and on-site firewood processing activities.**

## **DIVISION 7. Residential II District**

### **Sec. 102-421. Permitted uses requiring Code Enforcement Officer review.**

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

Permitted uses **requiring Code Enforcement Officer review** in the Residential II District are as follows:

- (1) Residential, ~~uses (single-family dwelling. and two-family), excluding m~~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.**
- ~~(2 4)~~ Public parks.
- ~~(3 7)~~ Accessory uses **to principal uses to which the Code Enforcement Officer can issue a permit**, including yard sales on no more than 10 days in any calendar year.
- ~~(4 5)~~ Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- ~~(5 6)~~ Domesticated chickens, subject to requirements of Chapter 10, Animals.
- (8) Accessory structures to principal structures for which the Code Enforcement Officer can issue a permit.**

### **DIVISION 13. Searsport Avenue Waterfront District**

#### **Sec. 102-561. Permitted uses requiring ~~CEO~~ 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 ~~and two-family~~ dwelling ~~structures~~. 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.**
- ~~(2 4)~~ Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- ~~(3 5)~~ Home occupations (expanded definition).
- ~~(4 6)~~ Bed and breakfast, including class 1, class 2 and class 3.
- ~~(5 7)~~ Craft fairs on no more than 10 days in any calendar year.
- ~~(6 8)~~ Essential services.
- ~~(7 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.
- ~~(8 10)~~ Public parks.
- ~~(9 11)~~ Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- ~~(10 12)~~ Accessory ~~structures and accessory~~ uses for principal uses ~~and principal structures~~ for which the CEO can issue a permit.
- (13) Accessory structures to principal structures for which the CEO can issue a permit.**

## **DIVISION 20. Protection Rural District**

**Sec. 102-701. Permitted uses requiring ~~CEO~~ Code Enforcement Officer review.**  
[Ord. of 4-6-2010(2)]

Permitted uses **which require Code Enforcement Officer review** in the Protection Rural District are as follows:

- (1) Residential ~~uses~~ (single-family ~~dwelling, and two-family~~), ~~including m~~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.**
- ~~(2 4)~~ Essential services.
- ~~(3 5)~~ Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- ~~(4 6)~~ Agricultural uses, agricultural processing including the keeping of farm animals and pleasure animals, ~~forest management activities and timber harvesting (see the erosion control measures in Article IX of this chapter)~~, and horticultural uses, except commercial piggeries or the raising of poultry for commercial uses and slaughterhouses and factories.
- ~~(5 7)~~ Farm stands.
- (6 10) Accessory use to residential uses or agricultural uses for which the CEO can issue a permit,** and yard sales on no more than 10 days in any calendar year.
- ~~(7 8)~~ Animal breeding/care.
- ~~(8 9)~~ ~~Forestry:~~ **Forest management, timber harvesting,** ~~W~~woodlot management and on-site firewood processing **activities.**
- (11) Accessory structures to a principal structure associated with a residential or agricultural use for which the CEO can issue a permit.**

## DIVISION 20.5 Protection Rural-2 District

### Sec. 102-711. Permitted uses requiring Code Enforcement Officer review.

[Ord. No. 1-2000, 7-5-2000]

Permitted uses **which require code enforcement officer review** in the Protection Rural-2 District are as follows:

- (1) **Residential, Ssingle-family ~~and two-family residential~~ dwellings, ~~including m~~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.**
- (2 4) Home occupations (expanded definition).
- (3 5) Agricultural, including the keeping of farm animals and pleasure animals, ~~forestry~~ and horticulture uses.
- (4 6) Municipal uses deemed necessary by the City Council, but prior to taking action thereon, the council shall hold a public hearing for which 10 days public notice shall be given.
- (5 7) Essential services.
- (6 8) Accessory ~~structures and~~ uses **to uses for which the CEO can issue a permit** and yard sales on no more than 10 days in a calendar year.
- (9) **Accessory structures to uses for which the CEO or Planning Board can issue a permit.**
- (10) **Forest management, timber harvesting, woodlot management and on-site firewood processing activities.**

## DIVISION 22. Residential Growth District

### Sec. 102-741. Permitted uses requiring Code Enforcement Officer review.

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

Permitted uses **which require code enforcement officer review** in the Residential Growth District are as follows:

- (1) Residential, (single-family ~~and two-family dwelling~~) ~~structures, excluding m~~Manufactured housing units **are permitted, provided that the unit is constructed on a permanent foundation.**
- (2) **Residential, two-family dwelling. Manufactured housing units are permitted, provided that the unit is constructed on a permanent foundation.**
- (3) **Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are permitted, provided that the unit is constructed on a permanent foundation.**
- (2 4) Public parks.
- (3 6) Accessory uses **to uses for which the Code Enforcement Officer can issue a permit, and including** yard sales on no more than 10 days in any calendar year.

~~(45)~~ Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.

~~(5) — Manufactured housing on permanent foundations.~~

**(7) Accessory structures to uses and structures for which the CEO or Planning Board can issue a permit.**

Sec. 102-742. Permitted uses requiring Planning Board review.

[Ord. No. 28-1997, § 621.2, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 21-2006, 2-7-2006]

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

**(15) Accessory uses for uses for which the Planning Board can issue a permit.**

## **Division 24. Route 3 Commercial District**

### **Sec. 102-767. Permitted uses requiring CEO review.**

[Ord. of 1-29-2008(1)]

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 ~~and two-family~~ dwelling ~~structures~~. 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.**

~~(2-11)~~ Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.

~~(3 4)~~ Home occupations (expanded definition).

~~(4 5)~~ Craft fairs on no more than 10 days in any calendar year.

~~(5 6)~~ Essential services.

~~(6-7)~~ 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.

~~(7 8)~~ Public parks.

~~(8 9)~~ Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.

~~(9 10)~~ Accessory ~~structures and accessory~~ uses for principal uses ~~and principal structures~~ for which the CEO can issue a permit.

**(12) Accessory structures to uses and structures for which the CEO can issue a permit.**



## DIVISION 25. Office Park District

### Sec. 102-773. Permitted uses requiring code enforcement officer review.

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

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

- (1) Residential, single-family ~~dwelling and duplex~~. Manufactured housing units may be permitted only if they are located 500 feet or more from the centerline of Route 3 or Route 52.
- (2) Residential, two-family dwelling. Manufactured housing units may be permitted only if they are located 500 feet or more from the centerline of Route 3 or Route 52.**
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units may be permitted only if they are located 500 feet or more from the centerline of Route 3 or Route 52.**
- ~~(2 11)~~ Yard sales are permitted as an accessory use for a residence on no more than 10 days in any calendar year.
- ~~(3 4)~~ Home occupations (expanded definition).
- ~~(4 5)~~ Bed and breakfast, including class 1, class 2 and class 3.
- ~~(5 6)~~ Essential services.
- ~~(6 7)~~ Municipal uses deemed necessary by the City Council, but prior to taking action thereon, the council shall hold a public hearing for which 10 days public notice shall be given.
- ~~(7 8)~~ Public park.
- ~~(8 9)~~ **Agriculture and Raising crops or keeping** farm animals ~~as an accessory use to a use permitted in the Office Park District. This~~ **excludes** a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- ~~(9 10)~~ Accessory ~~structures and accessory~~ uses for principal uses ~~and principal structures~~ for which the CEO can issue a permit.
- (12) Accessory structures to uses and structures for which the CEO can issue a permit.**

### Sec. 102-774. Permitted use requiring Planning Board review.

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

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

- (15) Accessory uses to use for which the Planning Board can issue a permit.**
- (16) Accessory structures to uses and structures for which the Planning Board can issue a permit.**

## **DIVISION 26. Route 141 and Mill Lane Commercial District**

### **Sec. 102-780. Permitted uses requiring CEO review.**

[Ord. No. 76-2001, 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 Route 141 and Mill Lane Commercial District:

- (1) Residential, single-family ~~and two-family dwelling structures~~. 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.**
- (2 12)** Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (3 4)** Home occupations (expanded definition).
- (4 5)** Bed and breakfast, including class 1, class 2 and class 3.
- (5 6)** Craft fairs on no more than 10 days in any calendar year.
- (6 7)** Essential services.
- (7 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.
- (8 9)** Public parks.
- (9 10)** Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (10 11)** Accessory ~~structures and accessory~~ uses for principal uses ~~and principal structures~~ for which the CEO can issue a permit.
- (13) Accessory structures to uses and structures for which the CEO can issue a permit.**

## **DIVISION 27. Route 137 Commercial District**

### **Sec. 102-786. Permitted uses requiring CEO review.**

[Ord. No. 77-2001, 6-5-2001; Ord. of 8-18-2009(1)]

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 ~~and two-family dwelling structures~~. Manufactured housing units are prohibited in that portion of the district ~~which 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 that portion of the district that is located southeasterly of Merriam Drive.**

- ~~(2 12)~~ Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- ~~(3 4)~~ Home occupations (expanded definition).
- ~~(4 5)~~ Bed and breakfast, including class 1, class 2 and class 3.
- ~~(5 6)~~ Craft fairs on no more than 10 days in any calendar year.
- ~~(6 7)~~ Essential services.
- ~~(7 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.
- ~~(8 9)~~ Public parks.
- ~~(9 10)~~ Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- ~~(10 11)~~ Accessory ~~structures and accessory~~ uses for principal uses ~~and principal structures~~ for which the CEO can issue a permit.
- (13) Accessory structures to uses and structures for which the CEO can issue a permit.**

## **DIVISION 28. Route One South District.**

**Sec. 102-792 Permitted uses requiring Code Enforcement Officer ~~CEO~~ review.**  
 [Ord. No. 81-2001, 6-7-2001]

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

- (1) Residential, single-family ~~and two-family~~ dwelling ~~structures~~. 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.**
- ~~(2 12)~~ Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- ~~(3 4)~~ Home occupations (expanded definition).
- ~~(4 5)~~ Bed and breakfast, including class 1, class 2 and class 3.
- ~~(5 6)~~ Craft fairs on no more than 10 days in any calendar year.
- ~~(6 7)~~ Essential services.
- ~~(7 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.
- ~~(8 9)~~ Public parks.
- ~~(9 10)~~ Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.

~~(1011)~~ Accessory ~~structures and accessory~~ uses for principal uses ~~and principal structures~~ for which the CEO can issue a permit.

**(13) Accessory structures to uses and structures for which the CEO can issue a permit.**

## **DIVISION 29. Searsport Avenue Commercial District**

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

[Ord. No. 81-2001, 6-7-2001]

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 Commercial District:

~~(1)~~ Residential, single-family ~~and two-family~~ dwelling ~~structures~~. 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.**

~~(2 12)~~ Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.

~~(3 4)~~ Home occupations (expanded definition).

~~(4 5)~~ Bed and breakfast, including class 1, class 2 and class 3.

~~(5 6)~~ Craft fairs on no more than 10 days in any calendar year.

~~(6 7)~~ Essential services.

~~(7 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.

~~(8 9)~~ Public parks.

~~(9-10)~~ Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.

~~(1011)~~ Accessory ~~structures and accessory~~ uses for principal uses ~~and principal structures~~ for which the CEO can issue a permit.

**(13) Accessory structures to uses and structures for which the CEO can issue a permit.**

**DIVISION 30. Table of Uses.**

**SECTION 102-850 Use Table**

The following Table of Uses identifies uses that are permitted in the identified zoning districts. This Table of Uses identifies permitted uses for the following zoning districts, as such are shown on the Official Zoning Map adopted by the City Council at its meeting of October 7, 2014: Residential 1, Residential 2, Residential 3, Downtown Commercial, Waterfront Mixed Use 1 and Waterfront Mixed Use 2. **(NOTE TO READER: Proposed Amendments Affect Only the Residential 1, Residential 2 and Residential 3 zoning districts).**

Section 102-851 Footnotes to Use Table, identifies additional requirements that apply to certain uses identified in the Use Table. Footnotes are identified in the table by the following designation: \* [number].

This Table of Uses does not identify certain properties located in the Residential 1 and Residential 2 zoning district which may be permitted to conduct additional uses as part of an application approved through the City contract rezoning process. Properties in the Residential 1 and Residential 2 zoning district which may use the contract rezoning process are identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 3, Residential 1 and Residential 2 Zoning Districts.

TYPE OF USE	Residential 1 (New)	Residential 2 (New)	Residential 3 (New)
<b>Residential Dwelling</b> , single-family <b>dwelling</b> .	P-CEO	P-CEO	P-CEO
<b>Residential, one or two bedroom Accessory dwelling apartment to a Single-family residential</b> unit in a detached <b>Accessory S</b> structure (See Footnote *[1]).	P-CEO	P-CEO	P-CEO
<b>Residential Dwelling</b> , two-family <b>dwelling</b> .	P-CEO	P-CEO	P-CEO

## DIVISION 30. TABLE OF USES

### SECTION 102 - 851 FOOTNOTES TO USE TABLE

The Footnotes identified below apply to the Use Table identified in Section 102-850. 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].

~~Footnote 1: An accessory apartment is a one bedroom dwelling unit that is constructed in a detached accessory structure to a single family residence, such as a garage, barn or similar outbuilding, and which is located on the same property as the single family residence. An accessory apartment is a permitted use provided all of the following conditions are met:~~

- ~~1) the single family residence is the primary use of the property;~~
- ~~2) the property is a conforming or nonconforming lot of record;~~
- ~~3) there is adequate wastewater disposal on the property;~~
- ~~4) a newly constructed detached accessory structure must conform to all structure setback requirements for the respective zoning district, however, an existing accessory structure may be nonconforming with respect to setback requirements;~~
- ~~5) the accessory apartment that is constructed complies with all applicable building code requirements for said structure.~~

---

**NOTE TO READER:** This proposal includes a recommendation to adopt specific performance standards that would apply to a property on which the construction of an accessory dwelling unit in a detached structure is proposed. The performance standards would be included in the Chapter 102, Zoning, Article IX, Performance Standards and would be a new division to this Article; Division 6, Supplemental Performance Standards for a one or two bedroom accessory dwelling unit in a detached structure. Following is the text of the proposed amendments.

## CHAPTER 102. ZONING.

### ARTICLE IX. Performance Standards.

**DIVISION 6. Supplemental performance standards for an accessory dwelling unit in a detached structure.**

#### **Sec. 102-1361. Applicability of city ordinances.**

**A property on which the construction of an accessory dwelling unit in a detached structure is proposed shall satisfy applicable requirements identified in Chapter 102, Zoning, Article V, District Regulations; Chapter 102, Zoning, Article VIII, Supplementary District Regulations; Chapter 102, Zoning, Article IX, Performance Standards, Division 2,**

**Environmental Standards; Chapter 98, Technical Standards; Chapter 82, Shoreland; Chapter 78, Floods; and Chapter 62, Utilities; and shall comply with the following Supplemental Performance Standards identified in this Division.**

**Sec. 102-1362. Wastewater Pollution and Subsurface Wastewater Disposal.**

**Consistent with requirements of Chapter 62, Utilities, and Chapter 102, Zoning, Article IX, Performance Standards, Division 2, Environmental Standards, all properties must provide adequate wastewater disposal for the uses that occur on the property. An accessory dwelling unit in a detached structure must either be connected to public sewer or must be served by a subsurface wastewater disposal system that has been designed and installed to provide adequate capacity for all of the uses that occur on the property. A subsurface system that has the capacity to serve the demand associated with the new accessory dwelling unit in a detached structure must be installed prior to issuance of an occupancy permit for said unit. The property owner shall provide evidence to the Code Enforcement Officer that the above standard can be satisfied.**

**Sec. 102-1363. Access to Property.**

**(a) Number of driveways. Notwithstanding access control standards identified in Chapter 98, Technical Standards, Section 98-154(f), a property on which an accessory dwelling unit in a detached structure is constructed shall have no more than one two-way driveway or two one-way driveway openings (one for egress and one for ingress) on the property. The accessory dwelling unit in a detached structure shall use the same driveway opening that serves the single family residence on the property. The exception to this standard is if two or more properly permitted (two-way) driveway openings existed on the property at the time that an application is submitted to construct an accessory dwelling unit in a detached structure.**

**If a property is subject to Maine Department of Transportation access management requirements, the property owner shall provide evidence to the City Code Enforcement Officer that the State has issued any driveway or entrance permit that may be required. The property owner also shall provide evidence that the City of Belfast Superintendent of Public Works has approved any road opening or driveway entrance permit that may be required.**

**(b) Turn-around requirement. If the posted speed limit is 40 mph or greater on the street on which a driveway opening is located for an accessory dwelling unit in a detached structure, the property shall include a properly constructed driveway that supports a vehicle being able to turn-around on said property so that a vehicle does not need to back out onto the adjacent street to exit the property.**

**Sec. 102-1364. Amount and Location of Parking.**

**Notwithstanding parking requirements identified in the Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-242, Off-Street Parking**

Requirements, if a property is located in the Residential 1, Residential 2 or Residential 3 zoning district, and the street or streets on which the property that has an accessory dwelling unit in a detached structure is located does not prohibit on-street parking, the minimum amount of on-site parking that must be provided for a single family dwelling unit and a one or two bedroom accessory dwelling unit in a detached structure shall be 3 parking spaces, provided the location of the parking complies with standards identified in Section 98-247, Front yard parking restricted in certain districts. In all other zoning districts the amount and location of on-site parking shall comply with standards identified in Section 98-242.

#### **Sec. 102-1365. Size of Accessory Dwelling Unit or Structure**

The maximum size of a one or two bedroom accessory dwelling unit shall be 800 square feet of habitable space, or a maximum of 75 percent of the size of the principal residential structure, whichever is less. Said accessory dwelling unit may also include a maximum of 200 square feet of attached open structures, such as a deck.

An accessory dwelling unit may be located in an accessory structure that is greater than 800 square feet in size, provided that the maximum amount of habitable space in said structure that is used as a dwelling unit is 800 square feet. Any such structure may also include a maximum of 200 square feet of attached open structures, such as a deck.

#### **Sec. 102-1366. Size of lot.**

A property which complies with the minimum lot size, both amount of area and street frontage (if the lot has street frontage), required for a residential use in a respective zoning district, may be used for a single family dwelling unit and an accessory dwelling unit in a detached structure, provided the proposed uses on the property comply with all applicable performance standards. A property that is a nonconforming lot of record with respect to the amount of lot area or street frontage may be used for a single family dwelling unit and an accessory dwelling unit in a detached structure, subject to compliance with the following requirements:

- 1) The proposed uses must comply with all applicable performance standards;
- 2) If a property is connected to public sewer the property must be a minimum of 4,500 square feet in size; and
- 3) If a property uses a subsurface wastewater disposal system, the lot shall be no less than 30,000 square feet in size and have a minimum of 100 feet of street frontage (if the lot has street frontage).

If a property is located in a shoreland zoning district, the property shall comply with all lot size and shore frontage requirements to allow the construction of more than one dwelling unit on the property; reference Chapter 82, Shoreland, for lot size and shore frontage requirements that apply to the respective shoreland zoning districts.



**Sec. 102-1367. Structure Setbacks, Structure Height and Lot Coverage.**

An accessory dwelling unit in a detached structure that is located in a new structure that is constructed pursuant to a building permit issued by the Department shall comply with all structure setback, structure height and lot coverage standards identified for the respective zoning district in which the dwelling unit and structure is located. If the proposed accessory dwelling unit is located in an existing accessory structure that is detached from a single family residence, such as but not limited to a garage or a barn, and the existing structure is nonconforming with respect to structure setback, structure height and/or lot coverage standards, the existing detached structure may be used for an accessory dwelling unit, provided one or more of the following standards are met:

- 1) The proposed construction does not result in the creation of any new nonconformities;
- 2) The City of Belfast Planning Board has approved a use permit to allow a nonconforming expansion as such may be permitted pursuant to requirements of Chapter 102, Zoning, Article III, Nonconformance; or
- 3) The Belfast Zoning Board of Appeals has granted a variance pursuant to Chapter 102, Zoning, Article II, Administration, Division 4, Appeals and Variances, to allow the proposed constructed.

If a property is located in a shoreland zoning district, the proposed accessory dwelling unit in a detached structure shall comply with all applicable structure setback, structure height and lot coverage requirements for the respective shoreland zoning district; reference Chapter 82, Shoreland, for applicable standards.

**Sec. 102-1368. Compliance with City building code.**

The accessory dwelling unit in a detached structure that is constructed shall comply with all building code requirements identified in Chapter 74, Buildings and Building Regulation.

---

**TEXT OF AMENDMENTS  
CHAPTER 66, GENERAL PROVISIONS**

**Note to Public.** The City adopted the following definition for an accessory apartment to a single family dwelling in October 2014 when the City adopted initial standards to allow a one bedroom accessory apartments in the Residential 1, Residential 2 and Residential 3 zoning districts. The City is now proposing to eliminate this definition and to adopt a new definition for an accessory dwelling unit in a detached structure to better address requirements associated with the current proposal to allow both one and two bedroom accessory dwelling units in a detached accessory structure, to allow such uses in more zoning districts, and because the City is now proposing specific performance standards that would apply to this type of use.

**EXISTING DEFINITION:** This definition is proposed to be deleted from Chapter 66.

~~*Accessory apartment to a single family dwelling means a one bedroom dwelling unit that is constructed in a new or existing detached accessory structure to a single family residence, such as a garage, barn or similar outbuilding, and which is located on the same property as the single family residence. An accessory apartment is a permitted use provided all of the following conditions are met:*~~

- ~~1) the single family residence is the primary use of the property;~~
- ~~2) the property is a conforming or nonconforming lot of record;~~
- ~~3) there is adequate wastewater disposal on the property;~~
- ~~4) a newly constructed detached accessory structure must conform to all structure setback requirements for the respective zoning district, however, an existing accessory structure may be nonconforming with respect to setback requirements;~~
- ~~5) the accessory apartment that is constructed complies with all applicable building code requirements for said structure.~~

**PROPOSED DEFINITION.** This definition is proposed to be added to Chapter 66.

***Accessory dwelling unit in a detached structure means a one or two bedroom dwelling unit that is constructed as an accessory dwelling unit to a single family dwelling unit and which is located in a structure that is detached from the single family dwelling unit. The structure in which the accessory dwelling unit is constructed can be used solely as a dwelling unit or may be constructed in an accessory structure that may also serve as a garage, a barn, or similar structure.***

