

**AMENDMENTS TO CITY CODE OF ORDINANCES
CHAPTER 102, ZONING**

Editor's Note: All text shown in black font is the text in the adopted City Code of Ordinances, Chapter 102, Zoning, as such existed prior to the Council vote of April 17, 2018 to adopt amendments to identified sections of Chapter 102, Zoning. All text shown in red font is new language that was added to the Zoning Ordinance by the Council votes of April 17, 2018 and June 5, 2018 (height amendments), or by the Council voted of September 25 at the First Reading of these amendments. All text shown in blue and strike-through font is language that was deleted from the Zoning by the Council votes of April 17, 2018 and June 5, 2018 (height amendment), or by the Council vote of September 25 at the First Reading of these amendments. Text shown in green font under the heading, Note to Public, is provided to help explain the proposed amendments. (See attached text of adopted amendments)

First Reading: September 25, 2018

Second Reading: October 16, 2018

Signature

Date

Chapter 102. Zoning

ARTICLE V. District Regulations.

DIVISION 7. Residential II District.

Sec. 102-422. Permitted uses requiring Planning Board review.

[Ord. No. 28-1997, § 606.2, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 21-2006, 2-7-2006]

Permitted uses with Planning Board review in the Residential II District are as follows:

- (1) Bed and breakfast, including class 1, class 2 and class 3.
- (2) Health service offices and professional offices.
- (3) Essential services.
- (4) Funeral homes.
- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) Nonmunicipal public and quasipublic uses.
- (7) Residential planned unit development and cluster housing development.
- (8) Congregate retirement residential housing.
- (9) Health care facilities.
- (10) Home occupations.
- (11) Stealth telecommunications facilities.
- (12) Significant water intake or significant water discharge or outfall pipes.**

~~DIVISION 18. Industrial IV Perkins Road~~

~~Sec. 102-661. Permitted uses. [Ord. No. 28-1997, § 617.1, 3-4-1997; Ord. No. 39, 5-3-2005]~~

~~The City code enforcement officer shall review and make decisions regarding applications for a use permit for the following uses in the Industrial IV Perkins Road District:~~

- ~~(1) Essential services.~~
- ~~(2) Accessory uses and accessory structures.~~

~~Sec. 102-662. Permitted uses requiring Planning Board review. [Ord. No. 28-1997, § 617.2, 3-4-1997; Ord. No. 39, 5-3-2005; Ord. No. 21-2006, 2-7-2006]~~

~~The City Planning Board shall review and make decisions regarding an application for the following types of uses in the Industrial IV Perkins Road District:~~

- ~~(1) Light industrial, manufacturing, processing and 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 20% of the total floor area, and at least a portion of the products sold at the site are manufactured at the site.~~
- ~~(3) Stealth telecommunication facilities.~~

~~Sec. 102-663. Standards. [Ord. No. 28-1997, § 617.3, 3-4-1997; Ord. No. 39, 5-3-2005]~~

~~(a) The general standards of performance in article VIII and IX of this chapter shall be observed in the Industrial IV Perkins Road District.~~

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

- ~~(1) Minimum lot size is 40,000 square feet.~~
- ~~(2) Maximum structure coverage of 65%. Structure coverage is defined as the amount of footprint of all structures, building only, and does not include roads, driveways or parking areas on a property.~~
- ~~(3) The minimum side and rear yard setback is 50 feet.~~
- ~~(4) The minimum setback from the right-of-way line is 50 feet.~~

~~Sec. 102-664. Prohibited uses. [Ord. No. 28-1997, § 617.4, 3-4-1997; Ord. No. 39, 5-3-2005]~~

~~Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the Industrial IV Perkins Road District. All other uses are excluded.~~

~~Sec. 102-665. through Sec. 102-680. (Reserved)~~

Division 18 was repealed on _____ (Note to Public: date to be determined based on Council vote).

DIVISION 19. Route One South Business Park District

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. (Note to Public: Includes amendment recommended by Planning Board that was incorporated at the September 25 First Reading by the City Council.)

- (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 ~~does not have~~ has road frontage on Route One or on another road other than Perkins Road:

Front - ~~50~~ 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.

- (c) **Minimum vegetated buffer yard areas.** (Note to Public: The language in the following standards was revised by the Council following the September 25, 2018 First Reading to incorporate recommendations of the Belfast Planning Board.)

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 ~~obtained~~ 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 ~~and~~ or significant water discharge/outfall pipes, and essential services.
- (4) ~~Notwithstanding this standard,~~ 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, ~~shall be exempt from this buffer yard requirement.~~ 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-~~81~~ **687** through Sec. 102-700. (Reserved)

[Note to Public: The City Council, at the September 25, 2018 First Reading, voted to accept a Planning Board recommendation to not consider any amendments to Division 20, Protection Rural District. The October 9, Second Reading, does not include any amendments to Division 20, Protection Rural District, and the adopted language for this Division would revert to the language that existed prior to the Council's April 17, 2018 vote.]

DIVISION 20. Protection Rural District

Sec. 102-702. Permitted uses requiring Planning Board review.

[Ord. of 4-6-2010(2)]

Permitted uses requiring Planning Board review in the Protection Rural District:

- (1) Residential planned unit development and cluster housing development project, including the following types of such development:
 - a) Planned unit development and cluster housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 1; or
 - b) Rural affordable housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 2.
- (2) Bed and breakfast, including class 1, class 2 and class 3.
- (3) Veterinary hospital.
- (4) Kennel or stable.
- (5) Telecommunications facilities and stealth telecommunications facilities.
- (6) Churches.
- (7) Community centers/clubs.
- (8) Day care facilities.
- (9) Cemeteries.

- (10) Fill, loam, sand, and gravel extraction, excluding bedrock, with restrictions on the extent of area to be extracted at one time and the establishment of a continuing reclamation and reforestation program (subject to the provisions of Chapter 90, no matter what the size of the nonvegetated area).
 - (11) Parks and recreation facilities.
 - (12) Raising of poultry for commercial uses.
 - (13) Home occupation (expanded definition).
 - (14) Essential services.
 - (15) Fire/police stations.
 - (16) Accessory uses for commercial, educational, institutional or public activities and outdoor resource-based uses/activities.
 - (17) Storage and spreading of septage provided such storage and spreading is found to be in compliance with Chapter 90, the site is approved by the City Council and storage and spreading of septage is in compliance with all state, federal, and City laws, rules, regulations and codes.
-

Chapter 102. Zoning

ARTICLE IV. Descriptions of Districts

Sec. 102-256. Residential II District.

[Ord. No. 28-1997, appendix, 3-4-1997; Ord. No. 81-2001, 6-7-2001]

The boundaries of the Residential II District ~~are as follows~~ **include 6 distinct areas. A description of the boundaries of the respective areas is as follows.**

Area 1. An area that includes all of the following properties, as such were identified on the City Tax Maps that were in effect on April 1, 2018, that are located in the area that is bounded by the Little River to the east, the City of Belfast/Town of Northport municipal boundary to the south, and Herrick Road to the northwest: Tax Map 4, Lots 23, 23-A, 23-B, 23-C, 23-D, 26, 27, 28, 28-A, 30 and 30-A. The northwesterly bound of this area is the centerline of Herrick Road.

Area 2. An area that includes the following four properties that have road frontage on and which are located directly adjacent to Perkins Road, as such were identified on the City Tax Maps that were in effect on April 1, 2018: Tax Map 4, Lots 10, 10-A, 12 and 12-D. The northerly bound of this area shall be the centerline of Perkins Road, the easterly bound shall be the common property line between Map 4, Lot 12-D and Map 4, Lot 12-A, the southerly bound shall be the rear property line for the 4 properties in this area (Lots 10, 10-A, 12 and 12-D), and the westerly bound shall be the Little River.

Area 3. An area that includes the following four properties that have road frontage on and that are located westerly of Northport Avenue (Route 1), and that are located southerly of

Perkins Road, as such were identified on the City Tax Maps that were in effect on April 1, 2018: Tax Map 29, Lots 40, 41, 42 and 43. The northerly bound of this area shall be the centerline of Perkins Road, the easterly bound shall be the centerline of Northport Avenue (Route 1), the southerly bound shall be the common property line between Lot 40 and Map 29, Lot 39, and the westerly bound shall be the rear property line for the 4 properties in this area (Lots 40, 41, 42 and 43).

Area 4. Beginning at a point that is the centerline of Northport Avenue (Route 1) that is located at the Belfast/Northport municipal boundary; thence northerly by the centerline of Northport Avenue for a distance of about 2,000 feet to the northwesterly corner of a property identified as Tax Map 29, Lot 4, which has road frontage on Northport Avenue; thence easterly along the northerly bound of Map 29, Lot 4 for a distance of 176 feet and thence continuing in a southerly direction along the rear bound of Map 29, Lot 4 for a distance of 50 feet; thence easterly along the southerly bound of Tax Map 29, Lot 2 for a distance of about 585 to the southeasterly most corner of this property; thence northerly along the common property lines shared by Map 29, Lot 2 and Map 29, Lots 1 and 3 for a distance of about 461 feet to the northeasterly most corner of Map 29, Lot 2; thence westerly along the northerly most property line for Map 29, Lot 2 for a distance of about 265 feet to a point that is located 500 feet from the centerline of Northport Avenue (Route 1); thence in a northerly direction from said point continuing along a line that is parallel to and 500 feet from the centerline of Northport Avenue (Route 1) for a distance of about 1,660 feet until said line intersects with the southerly bound of a property identified as Map 31, Lot 6; thence easterly along the southerly bound of a property identified as Map 31, Lot 6 for a distance of about 835 feet until said line intersects with a point that is the normal high water mark of Belfast Bay; and thence southerly along the normal high water mark (coast) of Belfast Bay and continuing along the normal high water mark of the Little River for a distance of about 8,000 feet to the point of beginning. The property lines referenced in this description are the property lines that were shown on the City Tax Maps in effect on April 1, 2018.

Area 5. An area that includes all or portions of the following properties, as such were identified on the City Tax Maps that were in effect on April 1, 2018, that are located near the intersection of High Street and Vine Street. All of the following properties: Map 14, Lots 18, 19, 20-A, 26, 27 and 28. The portions of the following properties as described:

- a) Map 14, Lot 20. Beginning at a point along Vine Street that is about 40 feet from the northeasterly corner of said lot; thence easterly along Vine street for a distance of 40 feet to the northeasterly corner of said lot; thence southerly along the easterly lot line for said lot to a point that is about 145 feet from the northeasterly corner; and thence northwesterly at an angle of about 45 degrees to the point of beginning. The remainder of said property, as of April 1, 2018, is located in the Route 137 Commercial zoning district.
- b) Map 14, Lot 24. Beginning at a point that is the northwesterly rear corner of a property identified as Map 14, Lot 25; thence easterly for a distance of about 110 feet along the southerly bound of said lot to the southeasterly most corner of said lot; thence in a northerly direction for a distance of about 100 feet to the northeasterly most corner of said lot; thence westerly along the common property line shared by Lot 25 and Map

14, Lot 29, to a point that is about 160 feet westerly of the northeasterly most corner of Lot 25; and thence in a southeasterly direction for a distance of about 121 feet through Lot 25 to the point of beginning. The area identified in this description is equal to about 14,215 square feet of the total land area for Map 14, Lot 25. The remaining portion of Map 14, Lot 25, as of April 1, 2018, was located in the Route 137 Commercial zoning district.

- c) Map 14, Lot 25. The City identifies the size of this property as about 6,789 square feet. The portion of this property that is located in the Residential II zoning district is about 5,155 square feet, with the remainder, about 1,634 square feet, as of April 1, 2018, being located in the Route 137 Commercial zoning district. The portion of the property located in the Residential II zoning district is as follows: beginning at the southeasterly most corner of Lot 25 and continuing about 77 feet along the easterly most bound of the property to the northeasterly most corner of the lot; thence westerly along the northerly most bound of Lot 25 for a distance of about 90 feet to the northwesterly most bound of Lot 25; thence in a southeasterly direction through Lot 25 for a distance of about 80 feet to a point that is about 40 feet from the southwesterly most corner of said lot and that is located adjacent to Vine Street; and thence northeasterly along the front lot line for this property located adjacent to Vine Street for a distance of about 50 feet to the point of beginning.

Area 6. A portion of a property identified on the City Tax Maps as Map 16, Lot 23-B, that is about 6.25 acres in size, as such was identified on the City Tax Maps that was in effect on April 1, 2018. The westerly most portion of this property is about 475 feet in width and is parallel to a line that is 500 feet from the centerline of Route 137/Waldo Avenue. The easterly most portion of this property is about 615 feet in width and directly borders the common property line of a property identified as Map 16, Lot 25.

~~Beginning at a point at the mean high water on the Belfast/Northport line at the mouth of Little River; thence westerly by the Belfast/Northport Town Line to the centerline of Herrick Road; thence northerly by the centerline of Herrick Road to the centerline of Congress Street; thence by the centerline of Congress Street to the centerline of Perkins Road; thence easterly along the centerline of Perkins Road to the centerline of Northport Avenue (U.S. Route 1); thence southerly along the centerline of Northport Avenue (U.S. Route 1) to the westerly extension of the southerly bound of Tax Map 29, Lot 3 (bound that existed on August 21, 2001); thence easterly along the southerly bound of Tax Map 29, Lot 3 (bound that existed on August 21, 2001) for a distance of about 176 feet and thence continuing southerly along the southerly bound of this property for a distance of about 50 feet; thence easterly along the southerly bound of Tax Map 29, Lot 3 (bound that existed on August 21, 2001) for a distance of about 520 feet; thence northerly for a distance of about 460 feet along a line that is parallel to Northport Avenue (U.S. Route One) and about 760 feet easterly of the centerline of Northport Avenue (U.S. Route One), a portion of said line being the easterly bound of a property identified as Tax Map 29, Lot 2 (bound that existed on August 21, 2001); thence westerly along the northerly bound of a property identified as Tax Map 29, Lot 2 (bound that existed on August 21, 2001) to a point 500 feet easterly of Northport Avenue (U.S. Route 1) as measured along the northerly line of a property identified as Tax Map 29, Lot 2 (bound that existed on August 21, 2001); thence northerly~~

~~parallel to the centerline of Northport Avenue (U.S. Route 1) and 500 feet easterly therefrom 2,940 (+/-) to the northerly line of Tax Map 31, Lot 2 which lies on the easterly side of U.S. Route 1 By-pass right of way; thence westerly by the northerly line of Tax Map 31, Lot 2 to the centerline on the U.S. Route 1 By-pass right of way; thence northwesterly by the centerline of the U.S. Route 1 right of way to the centerline of Congress Street; thence easterly along the centerline of Salmond Street and Condon Street to the mean high water mark on the westerly shore of Belfast Bay; thence southerly along the mean high water mark of the westerly shore of Belfast Bay to the point of beginning. Excepting the legal description of the Industrial IV District-Perkins Road.~~

~~Beginning at the intersection of the centerline of Congress Street and Main Street; thence easterly along the centerline of Main Street to the centerline of Waldo Avenue; thence northerly along the centerline of Waldo Avenue to the centerline of Primrose Street; thence easterly along the centerline of Primrose Street to the centerline of High Street; thence northerly along the centerline of High Street to the centerline of Green Street; thence easterly along centerline of Green Street and the easterly extension of Green Street to the centerline of Front Street; thence northerly along the centerline of Front Street to the centerline of Pierce Street; thence westerly along centerline of Pierce Street to the centerline of River Avenue; thence northerly along centerline of River Avenue to the centerline of Field Street; thence westerly along centerline of Field Street to the centerline of High Street; thence northerly along the centerline of High Street to the centerline of the Route 1 bypass; thence westerly along the centerline of the Route 1 bypass to a point located on the westerly bound of Tax Map 12 Lot 44 and 500 feet northerly of the centerline of Main Street; thence easterly and parallel to Main Street and 500 feet northerly therefrom to a point 500 feet easterly of the westerly bound of Tax Map 12 Lot 44; thence southerly and parallel to the westerly bound of Tax Map 12 Lot 44 to the centerline of Main Street; thence easterly along the centerline of Main Street to a point 300 feet westerly of Alto Street; thence southerly and parallel to Alto Street to the intersection of such line parallel to Alto Street and a line parallel to Lincolnville Avenue and 300 feet northwesterly of Lincolnville Avenue; thence southwestly and parallel to Lincolnville Avenue and 300 feet northwesterly of Lincolnville Avenue to the northeasterly bound of Tax Map 12 Lot 17C; thence southeasterly along the northeasterly bound of Tax Map 12 Lot 17C and an extension thereof to the centerline of Lincolnville Avenue; thence southwestly along the centerline of Lincolnville Avenue to the southeasterly extension of the northeasterly bound of Tax Map 12 Lot 17D; thence northwesterly, then westerly along Lot 17C to the intersection of the northeasterly bound of Tax Map 12 Lot 17B; thence southeasterly by the northeasterly bound of Tax Map 12 Lot 17B to the easterly-most corner of Lot 17B; thence southwestly to the northerly-most corner of Tax Map 12 Lot 16; thence southerly by the northeasterly bound of Tax Map 12 Lot 16 to the centerline of Miller Street; thence easterly along the centerline of Miller Street to the centerline of Congress Street; thence northerly along the centerline of Congress Street back to the point of beginning.~~

~~Sec. 102-267. Industrial IV Perkins Road District.~~

~~[Ord. No. 28-1997, appendix, 3-4-1997; Ord. No. 39, 5-3-2005]~~

~~The boundaries of the Industrial IV Perkins Road district are as follows:~~

~~All land encompassed by Tax Map 4, Lot 12A as such was depicted on the City tax maps on May 3, 2005.~~

~~Section 102.267 was repealed on -----.~~ (Note to Public: Date to be determined based on Council vote.)

Sec. 102-282. Route One South Business Park District.

The boundaries of the Route One South Business Park district are as follows:

All land encompassed by the following properties: Tax Map 4, Lot 12A, Tax Map 4, Lot 104, and Tax Map 29, Lot 39, as such were depicted on the City Tax Maps in effect on April 1, 2018. The northerly most bound of any of said properties is Perkins Road; the easterly most bound of any of said properties is Northport Avenue (Route 1); and the southerly and southwesterly most bound of any of said properties is the Little River and the lower reservoir associated with the Little River, as such border the municipal boundary of the City of Belfast and the Town of Northport. The total area included in this District is about 100.5 acres.

CHAPTER 102, ZONING

ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS

Division 7. Significant Groundwater Well Permit.

Sec 102-1075. Purpose and Applicability.

Any person who proposes to remove groundwater in the amounts identified in this Division as part of a residential, commercial, industrial or land excavation operation, where such is allowed under Chapter 82, Shoreland or Chapter 102, Zoning, shall be required to obtain approval by the City Planning Board. The Planning Board, through its review of a permit application, shall establish that the water extraction associated with the significant groundwater well or wells will not have a significant adverse impact on the ongoing sustainability and quality of water supplies, will avoid the interruption or degradation of water quality and quantity to members of the general public within the City, and will generally protect the health, safety and welfare of persons dependent upon such water supplies.

This Division shall not apply to the extraction of groundwater by the Belfast Water District for the purposes of providing a public water supply, or for any public fire suppression operation.

Sec. 102-1076. Definitions.

- a) **Extraction (or "water extraction" or "extraction of water") means withdrawal, removal, diversion, taking or collection by any means of water from groundwater sources, aquifers, springs, wells, pumps or similar sources.**
- b) **Extraction point or extraction facility means the physical location where water is extracted, whether by well, pump, pipeline, catchment, or other similar method.**
- c) **Ground water means underground water located in an aquifer or unconsolidated sediment or rock below the water table.**
- d) **Significant Groundwater Well. A well, wellhead, excavation, or other structure, device method used by a private person to obtain groundwater that is:**
 - (1) **Withdrawing at least 75,000 gallons during any week or at least 50,000 gallons on any day and is located at a distance of 500 feet or less from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well not owned or controlled by the private person (applicant), or river, stream or brook; or**
 - (2) **Withdrawing at least 216,000 gallons during any week or at least 144,000 gallons on any day and is located at a distance of more than 500 feet from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well now owned or controlled by the private person (applicant), or river, stream or brook.**

Withdrawals of water for firefighting or preoperational capacity testing are not applied to the above thresholds.
- e) **Significant Groundwater Well Permit. A permit required from the City Planning Board from any private person who proposes to operate a significant groundwater well.**
- f) **Water table means the underground water surface at which the pressure is equal to that of the atmosphere. The water table changes throughout the year in response to precipitation recharge and the level of nearby surface waters. The water table fluctuates naturally in response to recharge by precipitation and discharge to surface water.**

Sec. 102-1077. Application and Information Requirements.

- a) **A private person who proposes an activity that qualifies as a significant groundwater well shall submit the following information to the Belfast Planning Board for review,**

and shall pay the specific fees identified in this Section. Said fees shall be in addition to fees identified in Chapter 82, Shoreland for a Shoreland Permit, Chapter 90, Site Plan, for a Site Plan Permit, Chapter 94, Subdivision, for a Subdivision Permit, and in Chapter 102, Zoning for a Use Permit, if said application for a significant groundwater well is submitted in conjunction with one or more of the above permit applications.

b) Permit Fees.

- 1) The permit fee to establish one or more significant groundwater wells shall be \$500.00 for the first significant groundwater well and \$250.00 for each additional significant groundwater well identified in the application, plus the cost of any required advertising associated with a public hearing that may be required. The City may waive the advertising cost for any application that is submitted as a component of a request for a Shoreland Permit, Site Plan Permit, Subdivision Permit, or Use Permit that requires advertising for a public hearing, and for which the City collects a fee for advertising.
- 2) A request to amend a permit for a significant groundwater well granted by the Belfast Planning Board shall be \$250.00, plus the cost of any required advertising for a public hearing for said permit. The City may waive the advertising cost for any application that is submitted as a component of a request for a Shoreland Permit, Site Plan Permit, Subdivision Permit or Use Permit that requires advertising for a public hearing, and for which the City collects a fee for advertising.

c) Application Requirements

The application shall be in writing and be accompanied by site plans prepared by a licensed surveyor, licensed engineer, or similar appropriately licensed professional. The application shall include:

- 1) Evidence of the Applicant's right, title and interest in and to the properties from which water is to be extracted.
- 2) A statement of the total maximum quantity of water to be extracted, expressed as the annual total, the maximum monthly rate, the maximum weekly rate, and the maximum daily rate. The rate shall be provided for the total number of wells operated on the property and for each well involved in the operation.
- 3) A site plan that accurately identifies the location(s) of the points of extraction by the groundwater well(s). The site plan shall identify the location of the proposed wells in relation to other proposed project development.
- 4) A hydro-geologic investigation report stamped by a Maine certified professional geologist or Maine registered professional engineer. The report shall, at a minimum, include the following information:

- (a) A map of the entire topographic drainage basin associated with the water extraction well(s) that identifies the basin boundaries, sub-basin boundaries that may be of significance to the recharge of the water extraction well(s), and the location of the groundwater well(s). The map shall identify wetlands that are greater than .5 acre in size, all streams, and all open bodies of water located on the site and in the surrounding area. The identification of off-site resources may be based on the best publicly available information.
- (b) A map that identifies the location of all public and private wells located within 1,000 feet of the proposed extraction wells. The map also shall identify all properties located within 2,000 feet of the proposed extraction wells that are served by public water.
- (c) An assessment of how the short-term and long-term rate and amount of groundwater extraction are estimated to impact local and regional ground water levels, wetlands, pond or lake levels, base flow in streams and any water quality changes in ground water and in surface water.
- (d) The characteristics of the groundwater resource or aquifer from which groundwater is proposed to be extracted, the rates of drawdown and rebound, the sustainable yearly rates, any depression(s) which may develop about the proposed wells, and other impacts on the water table and private or public wells located within 1,000 feet of the proposed extraction facilities shall be assessed. This assessment also shall identify potential impacts that could occur to water table and public or private wells located greater than 1,000 feet from the proposed extraction facilities.
- (e) An assessment (calculation) of how the proposed rates of extraction will be sustainable during a drought and how such rates of extraction would affect groundwater supplies located within the watershed. In conducting this assessment, the following shall be considered: historical data on the amount of rainfall and the length and severity of drought conditions that have occurred in Belfast, and said impacts on the variability of groundwater supplies in the Little River watershed; information that projects how future levels of rainfall over the next 10 years, 20 years and 50 years may affect drought conditions in Belfast and in Maine, particularly the length and severity of future drought conditions, and impacts on the variability of groundwater supplies in the Little River watershed; and an assessment of how a drought that has a probability of occurring in both a one in ten year period and in a two year in ten year period would affect groundwater supplies in the Little River watershed.
- (f) The report that is prepared shall identify and consider impacts on groundwater supplies located in the Little River watershed, including impacts that may occur on land areas that are located outside the municipal boundaries of Belfast.

- 5) Identification of an effective monitoring program that the City could implement to assist in ensuring that the rate and amount of groundwater extraction does not adversely affect groundwater resources and public and private wells located within 1,000 feet of the proposed extraction facilities.
- 6) A copy of all required permit applications that are submitted to a state or federal agency that has jurisdiction over the extraction of groundwater from a significant groundwater well, and copies of all correspondence issued by said state or federal agency regarding the respective permit application.
- 7) An applicant/person who proposes any of the following shall be required to obtain an amendment to the approved groundwater permit application: increase the amount of groundwater that was approved to be extracted; develop and use groundwater wells that were not identified in the approved application; cease use of groundwater wells identified in the original application and to shift the amount of water extracted from said well to another well; or to change the purpose for which groundwater is being extracted. Any request to amend an approved permit for the above purposes shall require an applicant/person to obtain an amendment from the Planning Board to the approved permit, and any amendment shall be considered pursuant to the process identified in this Division.

Sec. 102-1078. Planning Board review of application.

The Planning Board shall use the following process to review an application for a permit for a significant groundwater well. The Planning Board, in conducting its review of an application for a significant groundwater well permit that is submitted to the Board as a component of a request for one or more of the following permits: a Shoreland Permit pursuant to Chapter 82, Shoreland, Site Plan Permit pursuant to Chapter 90, Site Plan, Subdivision Permit pursuant to Chapter 94, Subdivision, or a Use Permit pursuant to Chapter 102, Zoning, may choose to conduct the public hearing process for the significant groundwater well permit in conjunction with the public hearings that are held for one or more of the above permits, and shall not be required to conduct an independent public hearing on the request for a permit for a significant groundwater well.

- a) Applicant shall submit a permit application to the Code and Planning Department that addresses all information required in Sec 102-1077.
- b) The Code and Planning Department, within 45 days of receiving a permit application that addresses requirements of Sec 102-1077, shall schedule the application for review by the City Planning Board.
- c) The City Planning Board shall conduct a public hearing on any permit application that is submitted. The Code and Planning Department, a minimum of 13 calendar days prior to the Planning Board meeting, shall provide written notice of the application and hearing date by first class mail to all property owners located within a radius of 1,000 feet of the proposed groundwater well(s), and shall publish notice of

the hearing in a newspaper with local circulation and on the City website. The first notice in the newspaper shall occur a minimum of 13 days prior to the Board meeting and the second notice a maximum of 7 days prior to the hearing.

- d) The Planning Board shall review the application and determine if it complies with the performance standards identified in Sec. 102-1079. The Board may establish conditions of approval as a requirement to obtain applicant compliance with the performance standards. The Planning Board shall adopt findings of fact to identify how it determined that the applicant proposal did or did not comply with City requirements.

Sec. 102-1079. Performance Standards.

The City Planning Board must determine that an applicant request to extract groundwater by a significant groundwater well(s) has and will meet the following performance standards to grant a permit for a significant groundwater well(s).

- a) The quantity of water to be taken from a ground water source will not substantially lower the water table beyond the property lines, cause saltwater intrusion that would affect groundwater located on a property not owned by the applicant, cause unreasonable impacts to ground water flow patterns, or cause unreasonable ground subsidence beyond the property lines.
- b) Any proposed use shall not cause unreasonable adverse diminution in water quality or quantity of the aquifer or surrounding surface/ground water. This includes any impacts to the upwelling of a natural spring, ground water source, aquifer recharge area, or wetlands.
- c) Safe and healthful conditions shall be maintained at all times within and about the proposed use and structures.
- d) The proposed use shall require the applicant to provide a stormwater management plan prepared and stamped by a professional engineer registered in the State of Maine that details both construction and long-term controls associated with the groundwater wells. The Planning Board may accept a stormwater management plan submitted for its review as a component of a Site Plan Permit, Shoreland Permit or Use Permit that satisfactorily addresses this requirement.
- e) The proposed extraction site is not within the defined aquifer or groundwater recharge area of a public water supply, unless public notice is provided to the operator thereof, and the Planning Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.
- f) The operator shall keep monthly operating records of the quantity of water extracted and shall make said operating records available to representatives of the City Code and Planning Department or a designee upon request.

- g) Nothing in this procedure, and no decision by the City Planning Board shall be deemed to create groundwater rights other than those rights that the applicant may possess under Maine law.
- h) The City Planning Board, based on its review of all information submitted and considered as part of a permit application, shall have the authority to establish the maximum daily, weekly, monthly and annual quantity of groundwater that may be extracted; said amount shall not exceed the amount specified by the Applicant in its application. If an Applicant exceeds said amounts, the City shall have the authority to require the Applicant to reduce the volume of water it is using to the maximum amounts established in the City Permit.
- i) The applicant shall demonstrate that it possesses the expertise and financial resources to construct and operate the requested significant groundwater wells and to adhere to the conditions of approval adopted by the City Planning Board.
- j) The City Planning Board shall consider conditions of approval established by a state or federal agency that has jurisdiction to regulate a significant groundwater well and the extraction of groundwater resources and how said permit conditions may interact with the City Significant Groundwater Well Permit. The Planning Board may choose to use conditions enacted by a state or federal agency as a method to identify and obtain applicant compliance with conditions identified by the Planning Board.
- k) The City Planning Board shall have the authority to require an applicant to prepare and implement a monitoring program of wells located within 1,000 feet of the boundary line of the applicant property, and to require that said monitoring program be in effect for the time period that any significant groundwater well is in operation. The monitoring program shall consider the rate and total amount of groundwater being extracted, and shall monitor potential adverse impacts on private or public wells located in the above identified area. The Board, in establishing the monitoring program, shall, at a minimum, consider the following: recommendations from a hydro-geologist engaged by the City, recommendations from a hydro-geologist engaged by the applicant, recommendations identified by a state or federal permitting authority, and information provided by the public. The Planning Board may consider requiring the applicant to implement a monitoring program for private or public wells located more than 1,000 feet of the boundary line of a property on which one or more wells is operating, if information identified in a hydro-geologic assessment establishes the value of requiring a larger area to be subject to monitoring. All information obtained from a monitoring program shall regularly be provided to the City Code and Planning Department and all such information shall be considered public records.

CHAPTER 102, ZONING
ARTICLE IX, PERFORMANCE STANDARDS

DIVISION 2. Environmental Standards.

[Ord. No. 28-1997, § 700.0, 3-4-1997; Ord. No. 48-2001, 1-23-2001; Ord. No. 75-2001, 6-5-2001; Ord. No. 76-2001; 6-5-2001; Ord. No. 77-2001, 6-5-2001; Ord. No. 78-2001, 6-5-2001; Ord. No. 80-2001, 6-7-2001; Ord. No. 81-2001, 6-7-2001]

Sec. 102-1121. Applicability.

These standards apply to all properties located within the City, except properties that are located in the Route 3 Commercial District, the Searsport Avenue Waterfront District, the Searsport Avenue Commercial District, the Route 141 and Mill Lane Commercial District, the Route 137 Commercial District, the Route One South Commercial District, and the Office Park District, that are used for nonresidential uses.

- (1) Properties in the Route 3 Commercial District that are used for a nonresidential use are subject to the nonresidential development performance standards found in article IX, division 3 of this chapter.
- (2) Properties in the Searsport Avenue Water-front District, the Searsport Avenue Commercial District, the Route 141 and Mill Lane Commercial District, the Route 137 Commercial District, and the Route One South Commercial District that are used for a nonresidential use are subject to the nonresidential development performance standards found in article IX, division 4 of this chapter.
- (3) Properties in the Office Park District that are used for a nonresidential use are subject to the nonresidential development performance standards found in article IX, division 5 of this chapter.

[NOTE TO READER:

The current language for the Division 2, Environmental Standards, Sec. 102-1122. Subsurface Wastewater Disposal - through - Sec 102-1136, Soils, is not shown in these amendments. The current language for these Sections are not proposed to be changed as part of this proposal and are intended to remain in effect as currently adopted. This proposal involves the addition of two new Environmental Standards, including: Sec 102-1137. Significant Groundwater Well, and Sec 102-1138. Significant Water Intake or Significant Water Discharge/Outfall Pipe. It is specifically noted that the City Council, at the September 25, 2018 First Reading, chose to accept two recommendations from the Belfast Planning Board and that the final language for the October 9 Second Reading is different than the language for these two Sections that the Council adopted on April 17, 2018.]

Sec. 102-1137. Significant Groundwater Well.

(a) Exploration to establish a significant groundwater well.

A person may conduct exploratory drilling and testing to identify the potential availability of significant groundwater resources in anticipation of establishing a significant groundwater well. A permit from the Code Enforcement Officer shall be required for all such exploratory drilling. All areas disturbed by such exploratory drilling shall be restored and revegetated to prevent erosion.

(b) Extraction of a significant groundwater resource.

A request to extract water from a significant groundwater resource by the development of one or more significant groundwater wells shall require the issuance of a permit by the Belfast Planning Board pursuant to the process and standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 7, Significant Groundwater Well Permit.

~~A significant groundwater well may be permitted under the following conditions:~~

- ~~(1) The groundwater well complies with the minimum structure setback requirement identified for a permitted use in the respective Shoreland district, and the respective minimum structure setback requirements identified for the zoning district in which the groundwater well is located.~~
- ~~(2) A person (applicant) who proposes to install one or more significant groundwater wells shall prepare and submit a hydrological assessment to the City that~~
- ~~(3) A person (applicant) who proposes to install one or more significant groundwater wells shall provide evidence to the City that they can or have obtained a State Department of Environmental Natural Resources Protection Act permit for any and all proposed significant groundwater wells.~~
- ~~(4) In keeping with the purposes of this chapter, the Planning Board may impose such conditions designed as are necessary to minimize the adverse impacts associated with the drilling and operation of a significant groundwater well on surrounding uses and resources.~~

[Note to Reader: The language for this Section that will be considered at the October 9 Second Reading incorporates language (changes) identified by the City Council at the September 25 First Reading.]

Sec. 102-1138. Significant Water Intake or Significant Water Discharge/Outfall Pipe.

A significant water intake or significant water discharge/outfall pipe may be permitted by the Planning Board under the following conditions:

- (1) The installation of and physical location of the pipe or pipes does not have a significant ~~the degree of~~ adverse impact, if any, on a shoreland regulated area ~~associated with the physical location of the pipe in said area,~~ and the amount of area disturbed by the installation of the pipe is minimized to the greatest extent practical.
- (2) The applicant restores the area disturbed by the installation of a significant water intake or significant water discharge/outfall pipe so as to prevent both short-term and long-term soil erosion and sedimentation and the area is revegetated to present a natural appearance that is consistent with the surrounding area.
- (3) The location of any above ground structures associated with the intake or discharge/outfall pipes complies with the minimum structure setback requirement for the respective Shoreland District, subject to consideration of structure setback requirements that apply to a structure that is a water dependent activity.
- (4) A person who proposes to install a significant water intake or significant water/discharge pipe shall provide evidence to the City that they can or have obtained any and all state and federal permits associated with the location and operation of the proposed water intake or discharge, including ongoing monitoring, that may be required.

The Planning Board is responsible for the review and issuance of the required City permit. The permit application does not require review by any other City board, committee, or similar body.

Effective date of Amendments and Conditional Expiration Date for Amendments.

Pursuant to the City Charter, the amendments to Chapter 102, Zoning, Article IV and Article V shall be in full force and effect upon their adoption by the City Council and upon publication by the City Clerk in Belfast City Hall. Publication shall occur no earlier than 7 days and no more than 14 days of adoption by the Council.

The following amendments to Chapter 102, Zoning, Article IV, Description of Districts, Sec. 102-256, Residential II District, Sec. 102-267, Industrial IV Perkins Road District, and Sec. 102-282, Route One South Business Park District, and to Chapter 102, Zoning, Article V, District Regulations, Division 7, Residential II District, Division 18, Industrial IV Perkins Road District, Division 19, Route One South Business Park District, and Division 20, Protection Rural District, that were adopted by the City Council on ----- (Note to Public: Date to be established pursuant to Council October 2018 vote), shall expire and no longer be in effect if a person (applicant) does not submit an initial Use Permit and Site Plan Permit application to construct a land based salmon aquaculture farm to the Belfast

Planning Board by December 31, 2019. If the identified Permit applications are not submitted by December 31, 2019, the provisions of Article IV and Article V associated with these amendments shall revert to the respective zoning regulations that were in effect on --- (Note to Public: date to be established pursuant to Council October 2018 vote).

Notwithstanding the expiration clause for the amendments identified above, the City Council, upon an affirmative vote of at least 3 voting members, may vote to extend the expiration date of December 31, 2019 for good cause.