

**CITY OF BELFAST CITY COUNCIL
SECOND READING & PUBLIC HEARING
TUESDAY, APRIL 17, 2018 7:00 PM
COUNCIL CHAMBERS OF BELFAST CITY HALL**

**PROPOSED AMENDMENTS (Per 3-20-18 Council Vote)
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING, ARTICLE V, DISTRICT
DIVISION 7, RESIDENTIAL II DISTRICT
DIVISION 18, INDUSTRIAL IV PERKINS ROAD DISTRICT &
DIVISION 20, PROTECTION RURAL DISTRICT
&
ARTICLE IV, DESCRIPTION OF DISTRICTS
SEC 102-256, RESIDENTIAL II & 102-267 INDUSTRIAL IV
&
ARTICLE IX, PERFORMANCE STANDARDS
DIVISION 2, ENVIRONMENTAL STANDARDS**

FOCUS OF AMENDMENTS - NORDIC AQUAFARMS PROJECT

Notes to Public

1) Background Information and Explanation of Proposed Amendments

Nordic Aquafarms, a Norwegian company, conducted a press conference in Belfast on January 30, 2018 to announce their plans to construct a major land based salmon aquaculture farm near the lower Reservoir on the Little River. The proposed farm would be located on a 40 acre site now owned by the Belfast Water District (about 28 acres) and Sam Cassida (about 12 acres). Nordic Aquafarms has stated that the project represents an initial investment of \$150 million and when all phases of construction are completed, a \$400 - \$500 million investment. Nordic Aquafarms has stated that it will employ about 60 persons by 2020 and more at full build-out.

The property that Nordic Aquafarms proposes to acquire and develop as a land based salmon aquaculture farm is now located in the Residential II zoning district. This zoning district does not allow aquaculture or any type of industrial use. An adjacent zoning district, Industrial IV Perkins Road, where Mathews Brothers is located, allows industrial uses. The main purposes of the amendments identified in this proposal are: 1) to include the property that Nordic Aquafarms and/or the City would acquire from the Belfast Water District and Sam Cassida in the Industrial IV Perkins Road district; and 2) to identify land based aquaculture and accompanying uses as permitted activities. The proposal also identifies proposed development standards for the Industrial IV zoning district, such as but not limited

to: minimum structure setbacks, minimum vegetated buffer yards, and maximum building height standards.

The amendments also establish that a significant groundwater well owned by a private party would be considered a permitted use in both the Industrial IV Perkins Road district and the Protection Rural district. Current City Zoning Ordinances are silent on the question of allowing or prohibiting a significant groundwater well owned and operated by a private party. Nordic Aquafarms has stated that they plan to establish one or more significant groundwater wells to support their proposed operations.

Continuing, the amendments include a proposal to establish, for the first time, that the construction and operation of a significant water intake or water outfall/discharge pipe would be regulated as a specific use. The amendments propose to allow the construction and operation of this type of use in the Industrial IV Perkins Road district, the Residential II district and the Protection Rural district. The Nordic Aquafarms project likely involves the construction and operation of both a water intake and water discharge pipe, likely to Belfast Bay.

The proposed amendments also include revisions to the Article IX, Performance Standards, Division 2, Environmental Standards, to establish specific performance standards that would apply to the installation and operation of a significant groundwater well and a significant water intake or water discharge pipe. The proposed standards are the same as the land use standards for these types of uses/facilities that are being proposed in the amendments to Chapter 82, Shoreland that will also be considered at the April 17 public hearing.

The Council also is proposing the adoption of a 'sunset' clause as part of the amendments. The proposed 'sunset' clause means that if an application to construct a salmon aquaculture farm is not submitted to the Belfast Planning Board by December 31, 2019, that the currently proposed Ordinance amendments would expire, and that the zoning district designation for the area would revert to the regulations that were in place on April 1, 2018.

The text of the proposed amendments is identified in this proposal. The attached maps identify the boundaries of the existing zoning districts and the boundaries of the proposed (amended) zoning districts.

2) Explanation of Public Process for Council Consideration of Proposed Amendments.

Introduction of Amendments. The Council considered the Introduction of the proposed amendments at its meeting of March 6, 2018, and at this same meeting, scheduled the First Reading of the amendments for its meeting of March 20. The purpose of the Introduction is to inform the public of the proposed purpose and scope of the amendments and the public review schedule for Council consideration of the amendments. It is noted that State law and the City Charter do not require the Council to conduct a formal Introduction of proposed Ordinance amendments at a public meeting.

First Reading of Amendments. The Council conducted the formal First Reading of the amendments at its meeting of March 20, and also conducted a public hearing at this same meeting. The main purposes of the First Reading are to present the proposed amendments to the Council and the public and to provide the Council an opportunity to identify any amendments that would be presented as part of the formal Second (final) Reading. The Council, at its meeting of March 20, identified two amendments to include in the proposed Ordinance language that would be presented for public consideration at the formal Second (final) Reading. The Council also scheduled the Second Reading and public hearing on the amendments for its meeting of April 17, 2018. State law and the City Charter requires that the Council conduct a First Reading of any proposed amendments to a City land use Ordinance.

Second Reading of Amendments. The Council is scheduled to conduct the formal Second Reading of the proposed amendments at its meeting of Tuesday, April 17, beginning at 7:00 pm in the Council Chambers of Belfast City Hall. The Council also will conduct a public hearing at this same meeting. The Council, at this meeting and after conducting the public hearing, has the authority to take one of the following actions on the proposed amendments: adopt the amendments as proposed, to reject the amendments as proposed, to make changes to the proposed amendments, or to take no action on the amendments at this meeting. If the Council makes significant changes to the amendments, the Council must conduct a new duly noticed public hearing at a follow-up Council meeting.

- 3) How to Offer Public Comment on the Proposed Amendments. The public may offer comment on or by the date of the April 17 public hearing on the Second Reading proposal in one of three ways:
- You can attend the April 17 public hearing and offer verbal comment to the Council at the hearing.
 - You can submit comment in writing to: Wayne Marshall, Code and Planning, City of Belfast, 131 Church St, Belfast, ME, 04915.
 - You can submit comment via email to: wmarshall@cityofbelfast.org.

All comment that is provided in writing or via email will be provided to the Council at the hearing. If you chose to submit comment in writing or via email, we ask that you do so by 4:00 pm on April 17 so that copies can be made for the Council in advance of the 7:00 pm public hearing. Also, the Council gives equal consideration to all forms of comment that are offered.

Questions regarding the proposed Ordinance amendment should be directed to Wayne Marshall, Director, Code & Planning at 338-1417 x 125 or at wmarshall@cityofbelfast.org.

- 4) All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 102, Zoning. **All text shown in red font** is new language that is proposed to be added, and ~~all text shown in blue and strike-through font~~ is language that is proposed to be deleted. Text shown in **green font** under the heading, Note to Public, is provided to help explain the proposed amendments. Text shown in **green font** is not part of the actual Ordinance amendments.

TEXT OF PROPOSED AMENDMENTS

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/outfall pipes.**

DIVISION 18. Industrial IV Perkins Road District

Sec. 102-661. Permitted uses requiring Code Enforcement Officer review.

[Ord. No. 28-1997, § 617.1, 3-4-1997; Ord. No. 39, 5-3-2005]

The City eCode eEnforcement eOfficer shall review and make decisions regarding applications for a uUse pPermit for the following uses in the Industrial IV Perkins Road 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.**
- (2 11) Accessory nonresidential uses and accessory structures that are less than 500 square feet in size (to a permitted use or a nonconforming use of record).**

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, and light manufacturing, including accessory retail sales processing and other industrial activities.**
- (2) Manufacturing, processing and industrial activities, including accessory retail sales.**
- ~~(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) 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).**
- (3 12) Stealth telecommunications facilities.**

Sec. 102-663. Standards. This Section repealed on ----, 2018.

~~{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, buildings 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 requiring **Code Enforcement Officer review** or permitted uses requiring Planning Board review are allowed within the Industrial IV Perkins Road District. All other uses are ~~excluded~~ **prohibited**.

Sec. 102-665. Dimensional standards for nonresidential uses and nonresidential structures located in the Industrial IV Perkins Road District.

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

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

(b) Minimum structure setback requirements for nonresidential structures.

(1) The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures that are located on a lot (property) that does not have road frontage on Perkins Road:

**Front - 50 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.

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 minimum width of the buffer yard area shall be 80 percent of the amount of the respective structure setback area. 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. 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 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/discharge pipes, and essential services.

Notwithstanding this standard, any structure that existed as of (insert date of Ordinance adoption), 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 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 50 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. 102-666. Performance standards for nonresidential uses and structures.

All nonresidential uses in the Industrial IV Perkins Road 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. 102-667. 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 Industrial IV Perkins Road 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 Industrial IV Perkins Road 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-~~665~~. 668 through Sec. 102-680. (Reserved)

DIVISION 20. Protection Rural District

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

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

~~Permitted uses requiring~~ The City Planning Board shall review and make decisions regarding an application for the following types of uses in the Protection Rural District ~~are as follows:~~

- (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) **Veterinarians and** ~~veterinary~~ **clinics** ~~hospital~~.
- (4) Kennel **for boarding of pets and pet training** ~~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.~~ **Repealed on ---, 2018.**
- (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.
- (18) Significant groundwater well.**
- (19) Significant water intake or significant water discharge/outfall pipe.**

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 southwestly 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 **the following properties:** Tax Map 4, Lot 12A, **Tax Map 4, Lot 104, and Tax Map 29, Lot 39**, as such ~~was~~ **were** depicted on the City ~~†Tax m~~**Tax m**Maps in effect on ~~May 3, 2005~~**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.**

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 being changed as part of this proposal and would 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 Water Discharge/Outfall Pipe. The text for the proposed amendments is shown below. Interested persons can read the currently adopted language for the Division 2, Environmental Standards on the City of Belfast website, cityofbelfast.org, under City Ordinances; reference Chapter 102, Zoning, Article IX, Division 2. It also is noted that the following proposed amendments were not specifically identified in the public hearing announcement for the March 20, 2018 public hearing regarding proposed amendments to Chapter 102, Zoning.

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 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.
- (2) 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
- (3) In keeping with the purposes of this chapter, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with the drilling and operation of a significant groundwater well on surrounding uses and resources.

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

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

- (1) The degree of adverse impact, if any, on a shoreland regulated area associated with the physical location of the pipe in said area.**
- (2) A person who proposes to install a significant water intake or 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.

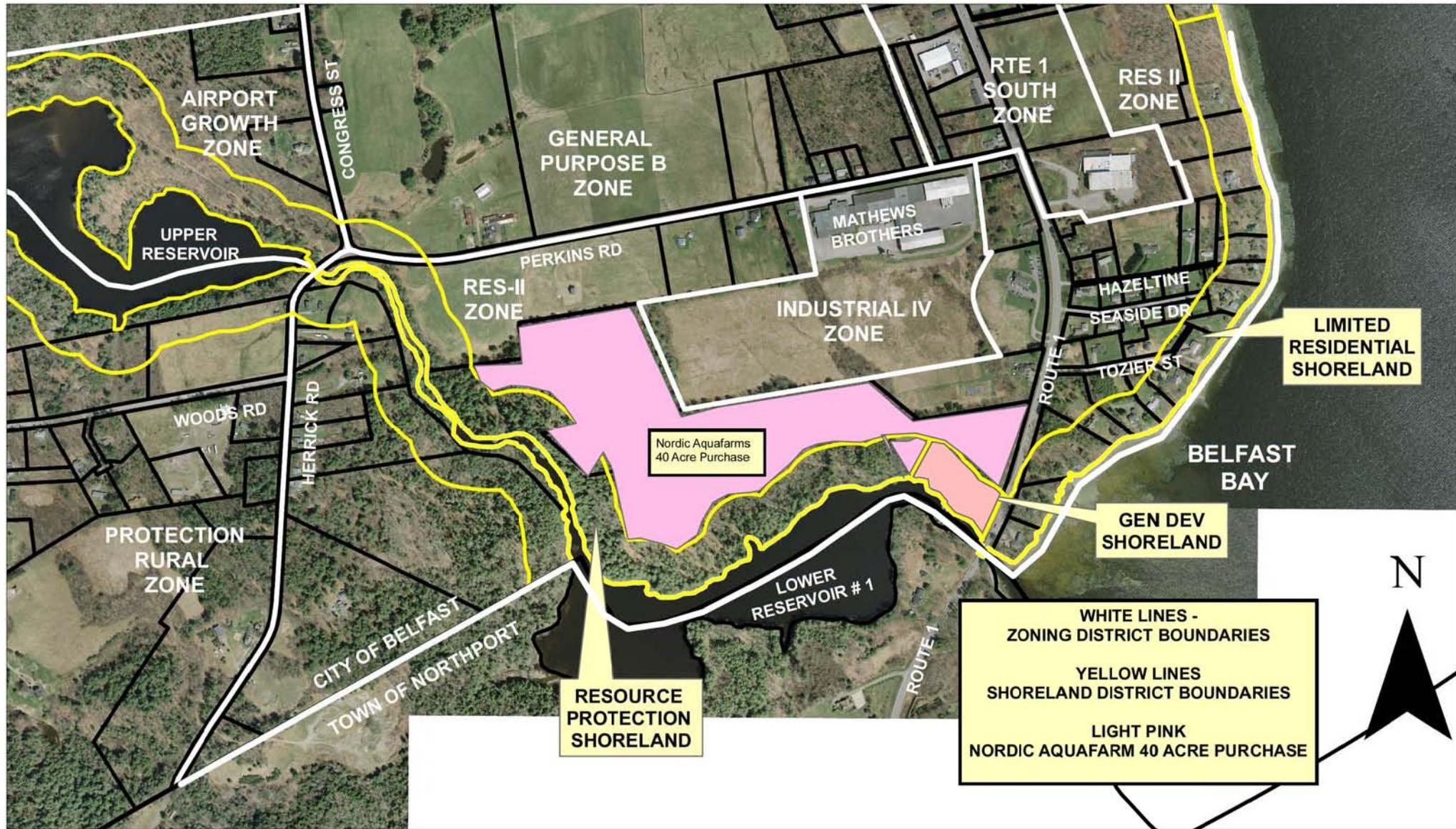
Effective date of Amendments and Conditional Expiration Date for Amendments.

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.

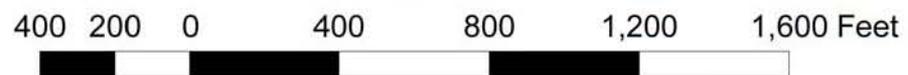
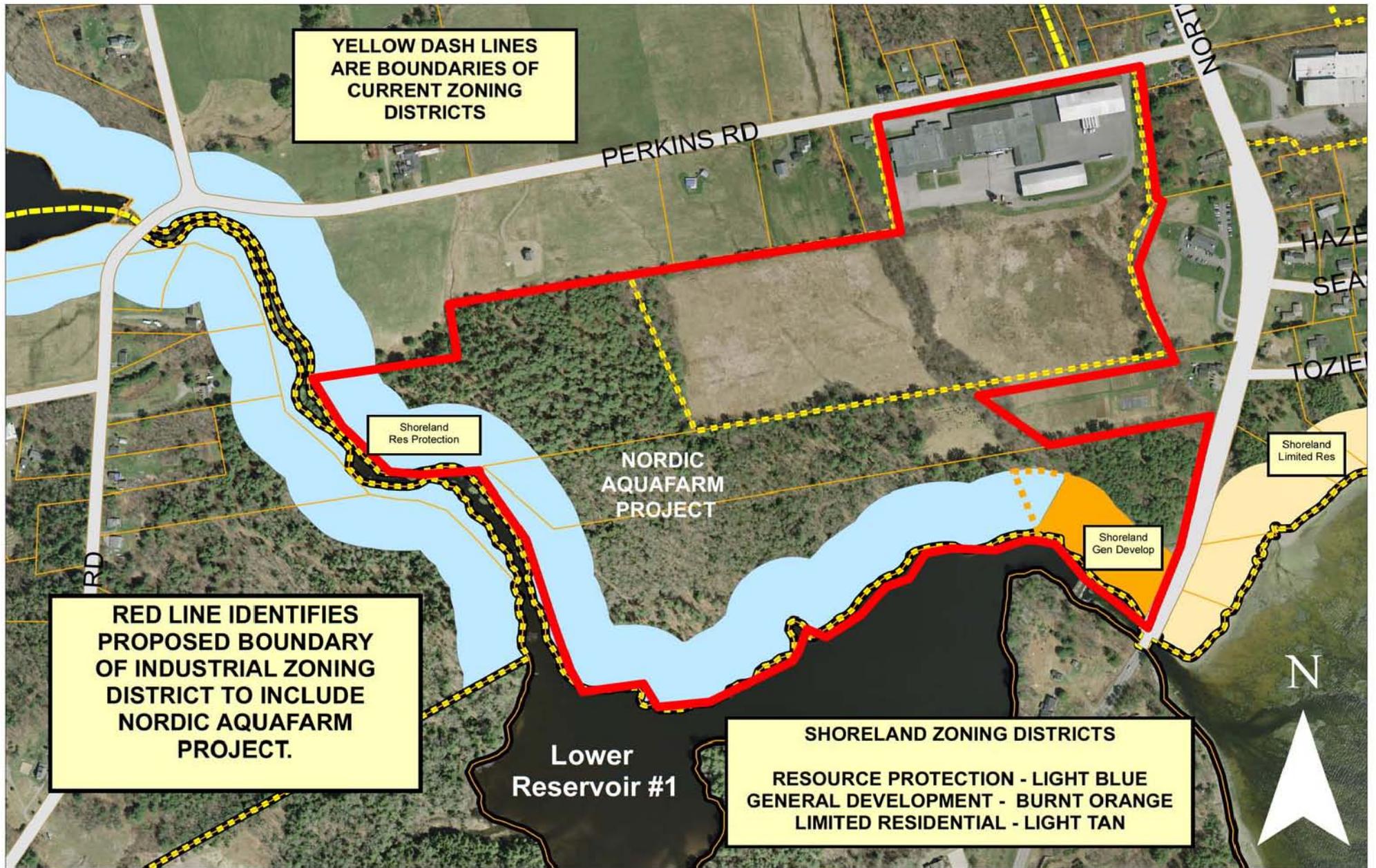
The following amendments to Chapter 102, Zoning, Article IV, Description of Districts, Sec. 102-256, Residential II District, and Sec. 102-267, Industrial IV Perkins Road District, and to Chapter 102, Zoning, Article V, District Regulations, Division 18. Industrial IV Perkins Road District and Division 20, Protection Rural District, that were adopted by the City Council on -----, 2018, 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 April 1, 2018.

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.

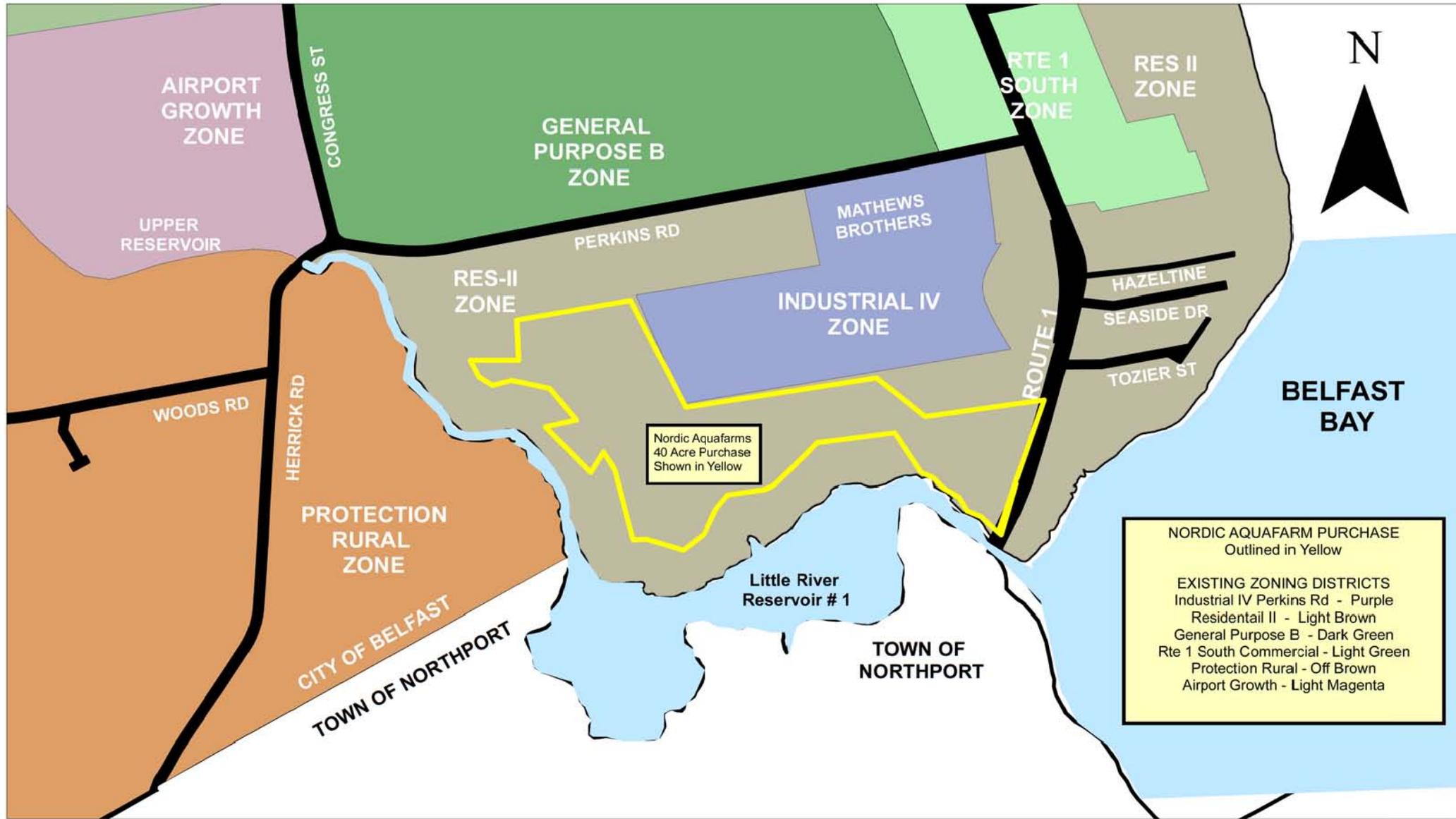
NORDIC AQUAFARMS PROJECT - CITY ZONING & SHORELAND ZONING



PROPOSED ZONING CHANGE - NORDIC AQUAFARMS (4-17-18 Hearing)



NORDIC AQUAFARMS PROJECT - CURRENT CITY ZONING



Nordic Aquafarms
40 Acre Purchase
Shown in Yellow

NORDIC AQUAFARM PURCHASE
Outlined in Yellow

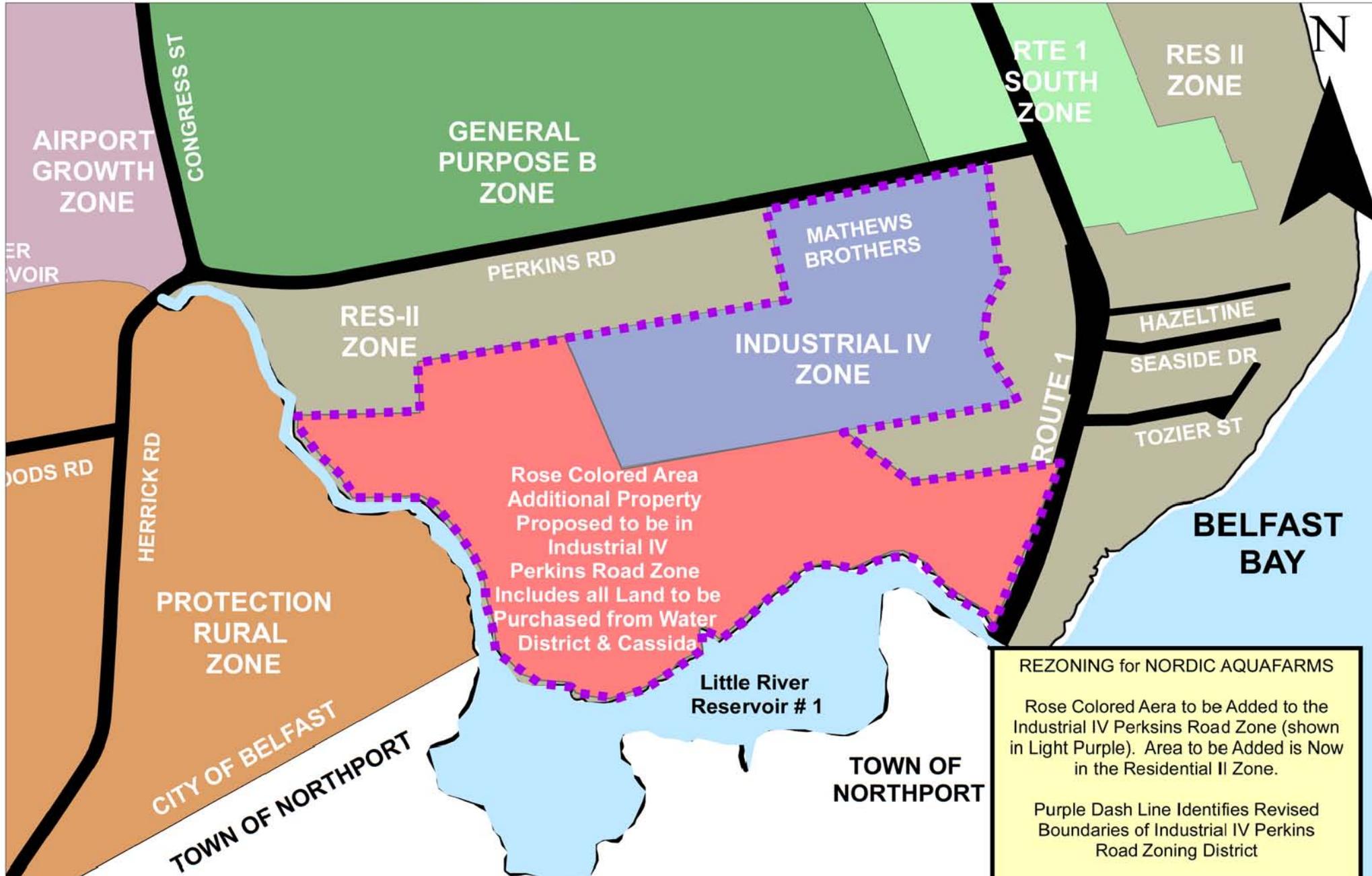
EXISTING ZONING DISTRICTS
 Industrial IV Perkins Rd - Purple
 Residential II - Light Brown
 General Purpose B - Dark Green
 Rte 1 South Commercial - Light Green
 Protection Rural - Off Brown
 Airport Growth - Light Magenta

Zoning Information from 2016
Adopted City Zoning Map

575 287.5 0 575 1,150 1,725 2,300 Feet



NORDIC AQUAFARMS PROJECT - PROPOSED REZONING (4-17-18 Council Hearing)



Zoning Information from 2016
Adopted City Zoning Map

450 225 0 450 900 1,350 1,800 Feet

