

**CITY OF BELFAST CITY COUNCIL  
PUBLIC HEARING - FIRST READING  
TUESDAY, SEPTEMBER 25, 2018 6:00 PM  
TROY HOWARD MIDDLE SCHOOL CAFETERIA**

**PROPOSED AMENDMENTS - FIRST READING  
CITY CODE OF ORDINANCES  
CHAPTER 102, ZONING, ARTICLE V, DISTRICT REGULATIONS  
CHAPTER 102, ZONING, ARTICLE IV, DESCRIPTION OF DISTRICTS  
CHAPTER 102, ZONING, ARTICLE VIII, SUPPLEMENTARY DISTRICT  
REGULATIONS  
CHAPTER 102, ZONING, ARTICLE IX, PERFORMANCE STANDARDS**

**Notes to Public**

**1) Background Information and Explanation of Proposed Amendments**

City Code of Ordinances, Chapter 102, Zoning, identifies the zoning districts in Belfast and respective standards that apply to said districts. This proposal involves a series of amendments to Chapter 102, Zoning, all of which are associated with the establishment of the Route One South Business Park zoning district that the City Council adopted at its meeting of April 17, 2018. The City Council, at the public hearings scheduled for September 25 (First Reading) and October 9 (Second Reading) will consider the following amendments. The amendments the Council will consider include several alternative amendments (these are identified as Option B amendments) recommended by the Belfast Planning Board at its meeting of September 5, 2018.

A) Chapter 102, Zoning, Article V, District Regulations. The proposed amendments include:

- a) Division 1, Official Zoning Map. Proposal to amend the adopted official zoning map to include elimination of the Industrial IV district and to establish the Route One South Business Park district. The new Route One South Business Park district includes land that formerly was in either the Industrial IV or Residential II districts.
- b) Division 7, Residential II district. Proposal to allow significant water intake or significant water discharge/outfall pipes in this district.
- c) Division 18, Industrial IV district. Proposal to eliminate this district and to merge property in this district with the newly created Route One South Business Park district.
- d) Division 19, Route One South Business Park district. Proposal to create the Route One South Business Park district. District will include the area (about 38 acres) that formerly was in the Industrial IV district and about 62 acres of land that formerly was in the Residential II district. Amendments identify allowed uses (including land based aquaculture and accessory uses to aquaculture), dimensional and lot size

requirements and certain performance standards that apply to this District. It is specifically noted that the Planning Board is offering an amendment (Option B.1) that would amend two proposed dimensional requirements by increasing the amount of front setback and vegetated bufferyard for any structure that has road frontage along Route 1.

e) Division 20, Protection Rural district. Proposal to allow significant groundwater wells and significant water intake and water discharge/outfall pipes. It is specifically noted that the Planning Board is offering an amendment (Option B.2) that would result in the Council not adopting any amendments to the Protection Rural zoning district.

B) Chapter 102, Zoning, Article IV, Description of Districts. The proposed amendments include:

a) Sec 102-256, Residential II district, amend description of existing district boundaries. Amendments are based on proposal to include some of current Residential II area in the proposed Route One South Business Park district.

b) Sec 102-267, Industrial IV district, eliminate description of this district. Amendments are based on proposal to eliminate the Industrial IV district.

c) Sec 102-282, Route One South Business Park district, establish description of new district. Amendment reflects proposal to create the Route One South Business Park district.

C) Chapter 102, Zoning, Article IX, Performance Standards, Div 2, Environmental Standards; amendments establish performance standards for significant groundwater wells and significant water intake and significant water discharge/outfall pipes. It is specifically noted that the Planning Board is recommending potential amendments the standards for significant groundwater wells (Option B.3) and significant water intake and significant water discharge/outfall pipes (Option B.4). The Board recommended amendments regarding significant groundwater wells (Option B.3) also involve creating a new Division, Division 7, Significant Groundwater Wells to the Article VIII, Supplementary District Regulations, identified in Chapter 102, Zoning.

The text of the proposed amendments, including the Option B alternatives recommended by the Planning Board, are identified in this proposal. The attached maps identify the boundaries of the existing zoning districts and the boundaries of the proposed Route One South Business Park zoning district.

## **2) Explanation of City Council Action of April 17, 2018**

The City Council, at its meeting of April 17, 2018, adopted most of the amendments to the City Code of Ordinances, Chapter 102, Zoning, that are identified in this proposal. The Council considered the Introduction of most of these proposed amendments at its meeting of March 6, 2018, conducted the First Reading and an accompanying public hearing at its meeting of March 20, 2018, and conducted the Second Reading and an accompanying public hearing at its meeting of April 17, 2018. The Council voted 5-0 at the Second Reading on

April 17, 2018 to adopt the amendments as proposed, except that the Council renamed the new zoning district the Route One South Business Park district rather than the Industrial IV Perkins Road Industrial Park District. The Council, at its meeting of June 5, 2018, conducted a duly noticed public hearing and the formal Second Reading of an amendment to reduce the structure height limit from 50 feet to 45 feet for the Route One South Business Park district, and at this same meeting voted 5-0 to adopt this amendment.

### **3) Planning Board Review and Recommendation Regarding Ordinance Amendments.**

The Planning Board, consistent with City Code of Ordinances, Chapter 102, Zoning, Section 102-182, is responsible for the review of proposed amendments to the Zoning Ordinance and to offer a recommendation to the City Council. The Planning Board, at its meeting of August 15, 2018, conducted a public hearing to accept public comment on the Ordinance amendments adopted by the City Council on April 17, 2018. The Planning Board subsequently reviewed the proposed amendments at its meetings of August 22 and September 5, and at its meeting of September 5, voted to adopt its written recommendation on the amendments to the Council. The Board's recommendations include 4 specific amendments (Option B) to the Chapter 102, Zoning Ordinance amendments that the Council adopted on April 17, 2018. The Planning Board's recommendations and the specific amendments it proposed (Option B) will be considered by the Council at the public hearings that the Council will conduct on September 25 and October 9 and the Council's deliberations on said amendments.

### **4) City Council Review and Public Hearings**

The City Council is scheduled to conduct two public hearings associated with the Ordinance amendments that it originally adopted on April 17, 2018 regarding the establishment of the Route One South Business Park District; reference 1) above for a description of the amendments. The public hearings are scheduled as follows:

- a) September 25, 2018. 6:00 pm in the cafeteria of the Troy Howard Middle School. This is the formal First Reading of the proposed amendments. Amendments will include the Option B alternatives discussed above that were recommended by the Belfast Planning Board at its meeting of September 5, as such recommendation was reaffirmed by the Board at its meeting of September 12. It is anticipated that the Council, at the end of the September 25 meeting, will decide if the Council will pursue any of the Option B amendments recommended by the Planning Board as part of the October 9 Second Reading.
- b) October 9, 2018. 6:00 pm in the cafeteria of the Troy Howard Middle School. This is the formal Second Reading of the proposed amendments. Amendments considered on October 9 will reflect the language that the Council chooses to put forward at its meeting of September 25.
- c) October 16, 2018. The Council anticipates discussing and taking action on the Ordinance amendments subject to public hearing and Second Reading on October 9 at its regular

meeting of October 16 that will take place in the Council Chambers. The Council has the authority to adopt the amendments as presented, to reject any or all of the amendments, to make further amendments to the proposals, or to table action on the proposed amendments. If the Council chooses to make any significant amendments to the Ordinances considered at the October 9 public hearing, the Council will schedule an additional public hearing on the specific amendments that are proposed. The Council will not be accepting any public comment at the October 16 meeting. All comment from the public should be offered at either or both the September 25 and October 9 public hearings.

## **5) How to Offer Public Comment to the City Council on the Proposed Amendments.**

The public may offer comment to the City Council that will be considered as part of the September 25 First Reading public hearing in one of three ways:

- You can attend the September 25 public hearing and offer verbal comment to the City 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. All written comment to be considered at the September 25 hearing must be received by the date of the hearing.
- You can submit comment via email to: **public@cityofbelfast.org**. All email comment must be submitted by 3:30 pm on September 25 so that copies can be produced for the Council meeting on September 25.

All comment that is provided in writing or via email will be provided to the City Council at or before the hearing. The City Council gives equal consideration to all forms of comment that are offered.

The City Council has the complete record of all public comment that was submitted for the Council hearings in March and April of 2018, and has been provided the complete record of public comment offered to the Planning Board at the Board hearing of August 15, 2018. Thus, in submitting comments to the City Council, the Council asks that you recognize that they are familiar with past comment.

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](mailto:wmarshall@cityofbelfast.org).

## TEXT OF PROPOSED AMENDMENTS

**NOTE TO PUBLIC:** All text shown in black font is the text in the City Code of Ordinances, Chapter 102, Zoning, that 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 is proposed to be added to the Ordinances that existed prior to the Council votes of April 17, 2018. All text shown in blue and strike-through font is language that is proposed to be deleted from the Ordinances that existed prior to the Council votes of April 17, 2018. 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, and will not be included in the formally adopted Ordinance amendments. Further, references (Identified in Green Font) are made to several sections of the Chapter 102, Zoning, amendments to identify recommendations made by the Belfast Planning Board at its meetings of September 5 and 12, 2018. The specific language for the amendments recommended by the Planning Board are attached to end of these amendments; reference the respective Option B amendments (Options B.1 - B.4)

### 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 \_\_\_\_\_ (date to be determined based on Council vote).**

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### **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.**

- (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:**

**(ALSO REFERENCE OPTION B.1, PLANNING BOARD RECOMMENDATION)**

**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.

**(ALSO REFERENCE OPTION B.1, PLANNING BOARD RECOMMENDATION)**

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 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 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)

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**DIVISION 20. Protection Rural District**

**(ALSO REFERENCE OPTION B.2, PLANNING BOARD RECOMMENDATION)**

**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 April 17, 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.**
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## 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~~

~~Herriek Road; thence northerly by the centerline of Herriek 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 southwesterly 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 southwesterly 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 southwesterly 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.~~

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~~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 -----.~~ (Date to be determined based on Council vote.)

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~~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.~~

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## **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. 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](http://cityofbelfast.org), under City Ordinances; reference Chapter 102, Zoning, Article IX, Division 2.**



**Sec. 102-1137. Significant Groundwater Well.**  
**(ALSO REFERENCE OPTION B.3, PLANNING BOARD RECOMMENDATION)**

**(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 Significant Water Discharge/Outfall Pipe.**  
**(ALSO REFERENCE OPTION B.4, PLANNING BOARD RECOMMENDATION)**

A significant water intake or significant 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, 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 ----- (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 ----- (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.**

## **OPTION B.1**

### **RECOMMENDATION OF BELFAST PLANNING BOARD SEPTEMBER 5, 2018**

#### **PROPOSED AMENDMENT TO APRIL 17, 2018 COUNCIL ADOPTED AMENDMENTS REGARDING CHAPTER 102, ZONING DIVISION 19. ROUTE ONE SOUTH BUSINESS PARK DISTRICT - FRONT SETBACK & BUFFERING REQUIREMENTS**

#### **COUNCIL CONSIDERATION OF PLANNING BOARD RECOMMENDATION AT SEPTEMBER 25, 2018 FIRST READING PUBLIC HEARING**

### **RECOMMENDATION OF BELFAST PLANNING BOARD**

The amendments to the City Code of Ordinances that the City Council adopted at its meeting of April 17, 2018 included revisions to Chapter 102, Zoning regarding the establishment of the Route One South Business Park District, Division 19. The Route One South Business Park District includes about 38 acres of land owned by Mathews Brothers that formerly was in the Industrial IV District, and an additional 60+ acres of land owned by the Belfast Water District (50 acres) and Sam Cassida (12 acres) that formerly was in the Residential II District. The main reason the Council supported this amendment is because of Nordic Aquafarms' interest in constructing a land based salmon aquaculture operation on lands owned by the above parties. The Ordinance language for the new Route One South Business Park district identifies the type of uses that are permitted (includes land based aquaculture and associated uses), dimensional requirements such as minimum lot size, structure setback and structure height standards, and certain performance standards that apply to this District.

The Belfast Planning Board, during its August and September 2018 review of the Ordinance amendments adopted (April 17) the Council, discussed its interest in making changes to the front setback requirement for structures and the vegetative buffering for said structures from Route One. The Board noted that this issue was raised as a concern at several of the public hearings conducted by the Council. The Planning Board supported an approach that would both increase the amount of bufferyard and require additional plantings in the bufferyard area. **The Planning Board, at its meeting of September 5, 2018, adopted a specific motion to recommend that the Council amend the Ordinances that the Council adopted on April 17, 2018 to both increase the amount of setback for structures located adjacent to Route One, and to establish requirements for additional plantings in the accompanying vegetated bufferyard. Said amendments are identified as Option B.1.**

## **CITY COUNCIL CONSIDERATION OF PLANNING BOARD RECOMMENDATION**

The Council is in the process of considering the recommendations offered to the Council by the Planning Board. The Council will be conducting its First Reading of the Ordinance amendments that it adopted on April 17, 2018, on Tuesday, September 25, 2018. The First Reading will include a public hearing. The hearing will be held in the cafeteria of the Troy Howard Middle School beginning at 6:00 pm.

The Ordinance amendment language that the Council will consider at the September 25, 2018 hearing will include two options. The initial Option is the Ordinance amendment language that the Council adopted on April 17, 2018 regarding amendments to the Route One South Business Park District. Option B.1 will be the alternative language for the amount of structure setback from Route One and the planting requirements for the associated vegetated bufferyard for this District that have been recommended by the Planning Board. It is anticipated that the Council, at the end of the September 25 hearing, will determine which approach (Original language or Option B.1) it will consider at the Second Reading of the amendments. The Second Reading is scheduled for the Council meeting and public hearing on October 9.

Following is the revised Option B.1 Ordinance amendment language recommended by the Planning Board for Division 19, Route One South Business Park District.

### **OPTION B. PROPOSED AMENDMENT RECOMMENDED BY PLANNING BOARD** **DIVISION 19, ROUTE ONE SOUTH BUSINESS PARK** **DIMENSIONAL STANDARDS: FRONT SETBACK AND VEGETATED** **BUFFERYARDS**

Note to Public: All text identified in black font is the Ordinance language that the Council adopted at its meeting of April 17, 2018. **All text identified in Red Font** identifies language that the Planning Board recommends (Sept 5 & 12, 2018 recommendation) be added to the Ordinance amendments adopted by the Council on April 17, 2018. ~~All text identified in blue strike-through font~~ is language that the Planning Board is recommending be deleted from the April 17 Ordinance language adopted by the City Council.

### **PROPOSED ORDINANCE LANGUAGE**

#### **CHAPTER 102, ZONING**

#### **DIVISION 19. ROUTE ONE SOUTH BUSINESS PARK DISTRICT.**

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

(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~~ **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.

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/~~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.

## **OPTION B.2.**

### **RECOMMENDATION OF BELFAST PLANNING BOARD SEPTEMBER 5, 2018**

### **PROPOSED AMENDMENT TO APRIL 17, 2018 COUNCIL ADOPTED AMENDMENTS REGARDING CHAPTER 102, ZONING DIVISION 20, PROTECTION RURAL DISTRICT**

### **COUNCIL CONSIDERATION OF PLANNING BOARD RECOMMENDATION AT SEPTEMBER 25, 2018 FIRST READING HEARING**

#### **RECOMMENDATION OF BELFAST PLANNING BOARD**

The amendments to the City Code of Ordinances that the City Council adopted at its meeting of April 17, 2018 included revisions to Chapter 102, Zoning, Division 20, Protection Rural District, to allow both significant groundwater wells and significant water intake and significant water discharge pipes as permitted uses in the Protection Rural District. The Council choose to adopt these amendments because Nordic Aquafarms was actively conducting exploratory test wells on lands owned by the Belfast Water District near the upper reservoir of the Little River (that is located in the Protection Rural District) to determine if there were adequate groundwater resources in this area that could benefit their proposed project. Nordic Aquafarm has since concluded that they will not be using groundwater resources from the upper reservoir.

The Belfast Planning Board, during its August and September 2018 review of the Ordinance amendments adopted (April 17) the Council, discussed the desirability and need to allow significant groundwater wells and significant water intake and significant water discharge/outfall pipes in the Protection Rural District, particularly with Nordic Aquafarms stating that they do not intend to use groundwater wells in the upper reservoir. **The Planning Board, at its meeting of September 5, 2018, adopted a specific motion to recommend that the Council amend the Ordinances that the Council adopted on April 17, 2018 to not include any revisions to the Protection Rural District (Option B.2).** The Planning Board did not see any value in adopting these amendments at this time. The language recommended by the Planning Board is included in this document.

#### **CITY COUNCIL CONSIDERATION OF PLANNING BOARD RECOMMENDATION**

The Council is in the process of considering the recommendations offered to the Council by the Planning Board. The Council will be conducting its First Reading of the Ordinance amendments that it adopted on April 17, 2018, on Tuesday, September 25, 2018. The First Reading will

include a public hearing. The hearing will be held in the cafeteria of the Troy Howard Middle School beginning at 6:00 pm.

The Ordinance amendment language that the Council will consider at the September 25, 2018 hearing will include two options. One Option will be the Ordinance amendment language that the Council adopted on April 17, 2018 regarding amendments to the Protection Rural District. **Option B.2** will be the alternative language for this District that is being recommended by the Planning Board. It is anticipated that the Council, at the end of the September 25 hearing, will determine which option it will consider at the Second Reading of the amendments that the Council has scheduled for October 9.

Following is the Ordinance amendment language for Division 20 that the Council adopted on April 17, 2018, that the Planning Board, pursuant its recommendation of September 5 and 12, 2018, is proposing be eliminated. As noted above, the Council will consider the Planning Board recommendation to eliminate these provisions as Option B.2. If the Council supports Option B.2., the language for the Protection Rural district will revert to the language that was in Chapter 102, Zoning, Protection Rural, that was in effect prior to April 17, 2018.

## **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 developmen 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 ~~V~~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 April 17, 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.**

**OPTION B.3.**

**RECOMMENDATION OF BELFAST PLANNING BOARD  
SEPTEMBER 5, 2018**

**PROPOSED AMENDMENT TO APRIL 17, 2018  
COUNCIL ADOPTED AMENDMENTS TO  
CHAPTER 102, ZONING ARTICLE IX, PERFORMANCE STANDARDS  
DIVISION 2, ENVIRONMENTAL STANDARDS  
SIGNIFICANT GROUNDWATER WELLS**

**AND**

**COUNCIL ADOPTED AMENDMENTS TO  
CHAPTER 82, SHORELAND ARTICLE V, LAND USE STANDARDS  
DIVISION 16. SIGNIFICANT GROUNDWATER WELLS**

**AND**

**POTENTIAL ADOPTION OF AMENDMENTS TO  
CHAPTER 102, ZONING. ARTICLE VIII. SUPPLEMENTARY  
DISTRICT REGULATIONS  
DIVISION 7. SIGNIFICANT GROUNDWATER WELLS**

**COUNCIL CONSIDERATION OF PLANNING BOARD  
RECOMMENDATION AT SEPTEMBER 25, 2018  
FIRST READING PUBLIC HEARING**

**RECOMMENDATION OF BELFAST PLANNING BOARD**

The amendments to the City Code of Ordinances that the City Council adopted at its meeting of April 17, 2018 included revisions to Chapter 102, Zoning and Chapter 82 Shoreland regarding the regulation of Significant Groundwater Wells. City Ordinances, based on the April 17 amendments, for the first time, specifically identified a Significant Groundwater Well as a specific type of use. Prior to the April 17 amendments, the City would have considered a Significant Groundwater Well as an accessory use to a permitted activity, and regulated such as part of an overall project and standards. Based on the City decision to identify a Significant Groundwater Well as a specific type of use, the amendments the Council adopted on April 17 included specific performance standards that the Planning Board would review and apply regarding an applicant request to establish such a well(s). The specific performance standards

were identified in Chapter 102, Zoning, Division 2, Environmental Standards, and in Chapter 82, Shoreland, Article V, Land Use Standards, Division 16.

The Belfast Planning Board, during its August and September 2018 review of the Ordinance amendments adopted (April 17) by the Council, identified its interest in strengthening the adopted April 17 performance standards for Significant Groundwater Wells. The Planning Board noted that much of the past comment to the City Council and comment offered at the Planning Board hearing identified concerns regarding the amount of groundwater that Nordic Aquafarms proposes to use. The Planning Board, at its meeting of August 22, identified its interest in establishing better quality performance standards. The Board, at its meeting of September 5, considered a draft of revised standards prepared by the Director of Code and Planning. The draft amendments included establishing a specific permit requirement for a Significant Groundwater Well, identifying information that must be addressed in an application for a Well, and identifying specific performance standards for the regulation of a Significant Groundwater Well. The revisions recommended by the Board also would require adoption of amendments to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, and involve the creation of a new Division; Division 7, Significant Groundwater Wells.

**The Planning Board, at its meeting of September 5, 2018, adopted a specific motion to recommend that the Council amend the Ordinances that the Council adopted on April 17, 2018. The Planning Board recommends that the Council revise the adopted performance standards identified in Chapter 82, Shoreland and Chapter 102 for Significant Groundwater Wells, and as an alternative, that the City use the process and standards identified in this recommendation. The recommendation involves creating a new Division in Chapter 102, Zoning; Article VIII, Supplementary District Regulations, Division 7, Significant Groundwater Wells, that would establish both the permit process and standards that would apply to the initial development and ongoing monitoring of a significant groundwater well. The amendments recommended by the Board are identified in this proposal; Option B.3.**

### **CITY COUNCIL CONSIDERATION OF PLANNING BOARD RECOMMENDATION**

The Council is in the process of considering the recommendations offered to the Council by the Planning Board. The Council will be conducting its First Reading of the Ordinance amendments that it adopted on April 17, 2018, on Tuesday, September 25, 2018. The First Reading will include a public hearing. The hearing will be held in the cafeteria of the Troy Howard Middle School beginning at 6:00 pm.

The Ordinance amendment language that the Council will consider at the September 25, 2018 hearing will include two options. One option is the Ordinance amendment language that the Council adopted at its meeting of April 17, 2018 to both the Zoning Ordinance and the Shoreland Ordinance regarding the regulation of a Significant Groundwater Well. Option B will be the alternative language (**Option B.3**) for the regulation of a Significant Groundwater Well(s) that is now being recommended by the Planning Board. It is anticipated that the Council, at the end of the September 25 hearing, will determine which approach it will consider at the Second Reading

of the amendments. The Second Reading is scheduled for the Council meeting and public hearing on October 9.

Following, Option B.3, is the revised Ordinance amendment language recommended by the Planning Board for Chapter 102, Zoning, Article IX, Performance Standards, Division 2, Environmental Standards and Chapter 82, Shoreland, Article V, Land Use Standards, Division 16, Significant Groundwater Wells. The amendments include language for a new Division of Chapter 102 Zoning; Article VIII, Supplementary District Regulations, Division 7, Significant Groundwater Wells.

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**OPTION B.3**  
**PROPOSED AMENDMENT RECOMMENDED BY PLANNING BOARD**  
**CHAPTER 102, ZONING, ARTICLE IX, PERFORMANCE STANDARDS**  
**DIVISION 2, ENVIRONMENTAL STANDARDS,**  
**SECTION 102-1137 SIGNIFICANT GROUNDWATER WELLS**

**Note to Public:** All text identified in black font is the Ordinance language that the Council adopted at its meeting of April 17, 2018. **All text identified black underline font is** language that the Planning Board recommends (Sept 5, 2018 recommendation) be added to the Ordinance amendments adopted by the Council on April 17, 2018. ~~All text identified in blue strike-through font~~ is language that the Planning Board is recommending be deleted from the April 17 Ordinance language adopted by the City Council.

**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.~~

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**OPTION B.3.**  
**PROPOSED AMENDMENT RECOMMENDED BY PLANNING BOARD**  
**CHAPTER 102, ZONING, ARTICLE VIII, SUPPLEMENTARY DISTRICT**  
**REGULATIONS**  
**DIVISION 7, SIGNIFICANT GROUNDWATER WELL PERMIT**

**Note to Public:** All text identified in black font is the Ordinance language that the Council adopted at its meeting of April 17, 2018. **All text identified black underline font is** language that the Planning Board recommends (Sept 5, 2018 recommendation) be added to the Ordinance amendments adopted by the Council on April 17, 2018. ~~**All text identified in blue strike-through font**~~ is language that the Planning Board is recommending be deleted from the April 17 Ordinance language adopted by the City Council.

**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.

**Section 102-1080. Independent Expert Assistance.**

The City Planning Board shall have the authority to engage the services of an independent expert(s) to assist in providing professional services such as but not limited to: the review of an application, particularly the hydro-geologic investigation report, the development of permit conditions, and preparing and implementing an ongoing monitoring program. The costs of such services shall be the responsibility of the applicant. The Code and Planning Department will collect and manage all fees and assist in determining the amount of the fees to assess the applicant.

**OPTION B. PROPOSED AMENDMENT RECOMMENDED BY PLANNING BOARD**  
**CHAPTER 82, SHORELAND, ARTICLE V, LAND USE STANDARDS**  
**DIVISION 16, SIGNIFICANT GROUNDWATER WELLS**

**Note to Public:** All text identified in black font is the Ordinance language that the Council adopted at its meeting of April 17, 2018. **All text identified black underline font is** language that the Planning Board recommends (Sept 5, 2018 recommendation) be added to the Ordinance amendments adopted by the Council on April 17, 2018. ~~All text identified in blue strike-through font~~ is language that the Planning Board is recommending be deleted from the April 17 Ordinance language adopted by the City Council.

**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 located in the Shoreland Zone 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.~~

**OPTION B.4.**

**RECOMMENDATION OF BELFAST PLANNING BOARD  
SEPTEMBER 5, 2018**

**PROPOSED AMENDMENT TO APRIL 17, 2018 COUNCIL  
ADOPTED AMENDMENTS TO  
CHAPTER 102, ZONING ARTICLE IX, PERFORMANCE STANDARDS  
DIVISION 2, ENVIRONMENTAL STANDARDS  
SIGNIFICANT WATER INTAKE AND SIGNIFICANT WATER  
DISCHARGE/OUTFALL PIPES**

**AND**

**ADOPTED AMENDMENTS TO  
CHAPTER 82, SHORELAND ARTICLE V, LAND USE STANDARDS  
DIVISION 17. SIGNIFICANT WATER INTAKE AND SIGNIFICANT  
WATER DISCHARGE/OUTFALL PIPES**

**COUNCIL CONSIDERATION OF PLANNING BOARD  
RECOMMENDATION AT SEPTEMBER 25, 2018  
FIRST READING PUBLIC HEARING**

**RECOMMENDATION OF BELFAST PLANNING BOARD**

The amendments to the City Code of Ordinances that the City Council adopted at its meeting of April 17, 2018 included revisions to Chapter 102, Zoning and Chapter 82 Shoreland regarding Significant Water Intake and Significant Water Discharge/Outfall Pipes. City Ordinances, based on the April 17 amendments, for the first time, specifically identified Significant Water Intake and Significant Water Discharge Pipes as a specific type of use. Prior to the April 17 amendments, the City would have considered these types of uses as accessory structures/uses to a permitted activity. Based on the City decision to identify Significant Water Intake and Significant Water Discharge/Outfall Pipes as specific types of uses, the amendments the Council adopted on April 17 included specific performance standards that the Planning Board would review and apply regarding an applicant request to establish either of said uses. The specific performance standards are identified in Chapter 102, Zoning, Division 2, Environmental Standards, and in Chapter 82, Shoreland, Division 17. Land Use Standards.

The Belfast Planning Board, during its August and September 2018 review of the Ordinance amendments adopted (April 17) by the Council, discussed several proposed changes to the performance standards for Significant Water Intake and Significant Water Discharge/Outfall Pipes that were identified by the Director of Code and Planning. The Board determined that the

proposed amendments to the Zoning and Shoreland Ordinance would be good to implement. **The Planning Board, at its meeting of September 5, 2018, adopted a specific motion to recommend that the Council amend the Ordinances that the Council adopted on April 17, 2018. The Board recommends that the Council incorporate amendments (Option B.4) to the performance standards for Significant Water Intake and Significant Water Discharge/Outfall Pipes that are identified in Chapter 102, Zoning, Article IX Performance Standards, Division 2, Environmental Standards, and Chapter 82, Shoreland, Article V, Land Use Standards, Division 17, Significant Water Intake and Significant Water Discharge/Outfall Pipes.** The amendments recommended by the Board are identified as Option B.4. in this proposal.

### **CITY COUNCIL CONSIDERATION OF PLANNING BOARD RECOMMENDATION**

The Council is in the process of considering the recommendations offered to the Council by the Planning Board. The Council will be conducting its First Reading of the Ordinance amendments that it adopted on April 17, 2018, on Tuesday, September 25, 2018. The First Reading will include a public hearing. The hearing will be held in the cafeteria of the Troy Howard Middle School beginning at 6:00 pm.

The Ordinance amendment language that the Council will consider at the September 25, 2018 hearing will include two approaches. One approach will involve will be the Ordinance amendment language that the Council adopted on April 17, 2018 to both the Zoning Ordinance and the Shoreland Ordinance regarding the performance standards for both Significant Water Intake and Significant Water Discharge/Outfall Pipes. Option B.4 will be the alternative language for these same performance standards that are now being recommended by the Planning Board. It is anticipated that the Council, at the end of the September 25 hearing, will determine which approach it will consider at the Second Reading of the amendments. The Second Reading is scheduled for the Council meeting and public hearing on October 9.

Following is the revised Option B.4 Ordinance amendment language recommended by the Planning Board for Chapter 102, Zoning, Article IX, Performance Standards, Division 2, Environmental Standards and Chapter 82, Shoreland, Article V, Land Use Standards, Division 17, Significant Water Intake and Significant Water Discharge/Outfall Pipes.

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**OPTION B.4**  
**PROPOSED AMENDMENT RECOMMENDED BY PLANNING BOARD**  
**CHAPTER 102, ZONING, ARTICLE IX, PERFORMANCE STANDARDS**  
**DIVISION 2, ENVIRONMENTAL STANDARDS,**  
**SECTION 102-1138 SIGNIFICANT WATER INTAKE AND SIGNIFICANT WATER**  
**OUTFALL/DISCHARGE PIPES**

**Note to Public:** All text identified in black font is the Ordinance language that the Council adopted at its meeting of April 17, 2018. All text identified black underline font is language that the Planning Board recommends (Sept 5, 2018 recommendation) be added to the Ordinance amendments adopted by the Council on April 17, 2018. ~~All text identified in blue strike-through font~~ is language that the Planning Board is recommending be deleted from the April 17 Ordinance language adopted by the City Council.

## RECOMMENDED PLANNING BOARD AMENDMENTS

### **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/outfall, 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.

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**OPTION B.4**  
**PROPOSED AMENDMENT RECOMMENDED BY PLANNING BOARD**  
**CHAPTER 82, SHORELAND ARTICLE V, LAND USE STANDARDS**  
**DIVISION 17. SIGNIFICANT WATER INTAKE AND SIGNIFICANT WATER**  
**OUTFALL/DISCHARGE PIPES**

**Note to Public:** All text identified in black font is the Ordinance language that the Council adopted at its meeting of April 17, 2018. **All text identified black underline font is** language that the Planning Board recommends (Sept 5, 2018 recommendation) be added to the Ordinance amendments adopted by the Council on April 17, 2018. ~~All text identified in blue strike-through font~~ is language that the Planning Board is recommending be deleted from the April 17 Ordinance language adopted by the City Council.

**RECOMMENDED PLANNING BOARD AMENDMENTS**

**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/outfall, including ongoing monitoring, that may be required.