

NOTE TO ZONING BOARD OF APPEALS

CHAPTER 82, SHORELAND

Chapter 82, Shoreland, identifies the City Ordinance standards that apply to properties (land) that are located within an area subject to Shoreland Zoning, as such are identified on the City's Official Shoreland Zoning Map, a copy of which is included at the end of Tab 15. It is specifically noted that only a limited amount of area that Nordic Aquafarms proposes to develop is located in a Shoreland Zone. The two main areas are land near the existing Belfast Water District offices that are located in the General Development District, and a portion of the 40 foot wide easement area for the Water Intake/Discharge Pipe located on the Ekrote property (area within 250 feet of the High Annual Tide). In short, Shoreland Zoning Ordinance standards do not apply to other areas on the Nordic property. It is also noted that the City of Belfast will own most of the land located within 250 feet of the Lower Reservoir; lands that are in the Resource Protection District of the Shoreland Zone.

The Belfast City Council, at its meeting of October 16, 2018, adopted a series of amendments to Chapter 82, Shoreland that would apply to the proposed Nordic project. The amendments included but were not limited to the following:

- Allowing the development of a land based aquaculture operation in most Shoreland Districts (reference Article IV Table of Uses);
- Establishing standards for the regulation of Significant Groundwater Wells and Significant Water Intake/Discharge Pipes in certain Shoreland Districts (reference Article V); and
- Changing the District designation for a 1/2 acre area near the Belfast Water District offices from Resource Protection to General Development (reference maps at end of Tab) .

The information in TAB 15 for Chapter 82, Shoreland, includes all amendments adopted for this Chapter through December 31, 2020. The lay-out of the information is as follows:

- Article I, In General - Pages 1 - 7
- Article II, Administration - Pages 8 - 15
- Article III, Nonconformance - Pages 16 - 19
- Article IV, Districts - Pages 20 - 27
- Article V, Land Use Standards - Pages 28 - 50
- Adopted Shoreland Zoning Map & Detail of Nordic Site (2 maps at end of Tab)

CHAPTER 82, SHORELAND

ARTICLE I, IN GENERAL

ARTICLE I, In General

Sec. 82-1 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. The definition of other words, terms and phrases used in this Chapter shall have the meanings ascribed to them in the City Code of Ordinances, Chapter 66, General Provisions, except where the context clearly indicates a different meaning. In addition, specific terms that apply to certain specific uses that can occur in Chapter 82, Shoreland, can be found in the following Divisions of Chapter 102, Zoning, Article VIII, Supplementary District Regulations; Division 5, Telecommunication Facilities, Division 7, Significant Groundwater Wells, and Division 8, Medical Marijuana Regulations.

AQUACULTURE, LAND BASED.

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in an onshore land based facility. Said facility may involve the intake of marine waters or discharge of waters to marine waters and be considered a land based aquaculture operation.

AQUACULTURE, FRESHWATER.

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in a freshwater waterbody; such as a stream, river or pond. Said facility may involve the intake of marine waters or discharge of waters to marine waters and be considered a freshwater aquaculture operation.

AQUACULTURE, MARINE.

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species entirely within a marine environment, such as Belfast Bay.

BELFAST HARBOR

The shoreline and waters of Belfast as such are defined in section **30-92** of this Code. The southerly most boundary of this area is a line extending across Belfast Bay from the Belfast/Northport town line to the Belfast/Searsport town line, and the northerly most boundary is the bridge on City Point Road at Head of the Tide for the Passagassawakeag River.

DIMENSIONAL REQUIREMENTS

Numerical standards relating to spatial relationships, including but not limited to structure setback from the normal high water mark of a regulated waterbody or wetland, lot area, shore frontage, lot coverage and height.

EXPANSION OF A STRUCTURE IN THE SHORELAND ZONE

An increase in the floor area or volume of a structure, including all extensions, such as, but not limited to, attached decks, garages, porches and greenhouses.

EXPANSION OF USE IN THE SHORELAND ZONE

The addition of days, weeks or months to a use's operating season, additional hours of operation, or the use of more floor area or ground area devoted to a particular use.

FRESHWATER WETLAND IN THE SHORELAND ZONE

Freshwater swamps, marshes, bogs and similar areas which are:

- (1) Of 10 or more contiguous acres;
- (2) Less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and
- (3) Inundated or saturated by surface water or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

GREAT POND

Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except, for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. In Belfast, only Upper Mason Pond, qualifies as a great pond.

HEIGHT OF A STRUCTURE IN THE SHORELAND ZONE

The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, solar panels, and similar appurtenances which have no floor area.

LOT COVERAGE IN THE SHORELAND ZONE

The percentage of the lot area within the shoreland zone that is an impervious surface, including but not limited to the area covered by all structures and nonvegetated surfaces.

NONCONFORMING LOT IN THE SHORELAND ZONE

A single lot of record which, on the effective date (November 1991) of the ordinance from which this chapter is derived, or the date of an amendment of this chapter, does not meet the area, frontage, or width requirements of the shoreland district in which it is located.

NONCONFORMING STRUCTURE IN THE SHORELAND ZONE

A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time (November 1991) this chapter or subsequent amendments took effect.

NONCONFORMING USE IN THE SHORELAND ZONE

Use of buildings, structures, premises, land or parts thereof which is not permitted in the shoreland district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time (November 1991) this chapter or subsequent amendments took effect.

OFFICIAL SHORELAND ZONING MAP

The map duly adopted by the Belfast City Council, as may be amended from time to time, that depicts the lands, waterbodies and wetlands in Belfast that are subject to requirements of this chapter.

SETBACK IN THE SHORELAND ZONE

The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

SHORE FRONTAGE IN THE SHORELAND ZONE

The length of a lot bordering on a water body measured in a straight line between the intersections of the side lot lines with the shoreline at normal high-water elevation.

SHORELAND ZONE

The land area located within 250 feet, horizontal distance, of the normal high-water line of any great pond, river, or salt-water body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within 75 feet of the normal high-water line of a stream. Lands, waterbodies and wetlands in the City of Belfast that are subject to shoreland zone requirements are depicted on the City official shoreland zoning map.

SIGNIFICANT GROUNDWATER WELL.

A well, wellhead, excavation, or other structure, device or 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.

SIGNIFICANT WATER INTAKE OR SIGNIFICANT WATER DISCHARGE/OUTFALL PIPE.

A water intake or discharge/outfall pipe used by a private person to service at least 50,400 gallons during any

week and 36,000 gallons on any day that originates onshore and crosses above or below ground in or through a waterbody or land area identified on the City Official Shoreland Zoning Map or Official Zoning Map and that is subject to Shoreland regulation.

TRIBUTARY DRAINAGE BASIN

A small watershed that feeds into an intermittent stream.

TRIBUTARY STREAM

A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. This definition does not include the term "stream" as defined in this section, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

UPLAND

Nonwetland areas.

UPLAND EDGE

The boundary between upland and wetland.

VEGETATION IN THE SHORELAND ZONE

All live trees, shrubs, ground cover, and other plants, including, without limitation, trees both over and under four inches in diameter, measured at 4 1/2 feet above ground level.

WATER BODY

Any great pond, river, stream or tidal area.

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS

Wetlands contiguous with or adjacent to a great pond or river, and which, during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river. In Belfast, only Upper Mason Pond qualifies as a great pond.

WHARF LINE

A line along the shoreline of Belfast as designated in this chapter and chapter 30, Marine Activities, that defines the boundary beyond which there shall be no marine construction of a pier, wharf, dock, float or similar structure that is connected to the land.

Sec. 82-2 Violations; enforcement; penalties.

- (a) Violations deemed nuisance. Any violation of this chapter shall be deemed to be a nuisance.
- (b) Enforcement procedure.
 - (1) It shall be the duty of the code enforcement officer to enforce the provisions of this chapter. If the code enforcement officer shall find that any provision of this chapter is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the City manager and be maintained as a permanent record.
 - (2) The code enforcement officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The code enforcement officer shall also investigate all complaints of alleged violations of this chapter.
 - (3) The code enforcement officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the director of the bureau of land quality control within the state department of environmental protection.
- (c) Legal action; consent agreements. When the action described in subsection **(b)** of this section does not result in the correction or abatement of the violation or nuisance condition, the City Council, upon notice from the code enforcement officer, is hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the City. The City Council, or its authorized agent, is hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by the code enforcement officer and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (d) Penalties; additional remedies.
 - (1) Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision of this chapter shall be penalized in accordance with 30-A M.R.S.A. § 4452.
 - (2) In addition, the City shall be entitled to all of the relief, including its costs and legal fees, as allowed by 30-A M.R.S.A. § 4452. Notwithstanding any provision to the contrary, including the provisions of 30-A M.R.S.A. § 4452, the City shall be entitled to judgment against any violator for its costs, expert witness fees, code enforcement expenses and attorneys' fees incurred in enforcing this chapter.
 - (3) The City shall also have the right to enforce this chapter through civil action, either at law or equity. The enforcement provisions contained in this section shall exist in addition to those which may exist under state statutory law or Rule 80K of the Maine Rules of Civil Procedure, or any other court rule or statutory provision.
 - (4) Each and every day of violation shall constitute a new and separate offense for which a minimum penalty of \$100 shall be assessed.
 - (5) Penalties include fines of not less than \$100 and not more than \$2,500 per violation for each day that the violation continues.

Sec. 82-3 Purpose of chapter.

The purposes of this chapter are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to adequately provide for the disposal of all wastewater; to protect fish spawning grounds, aquatic life, and bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries and activities; to protect fresh-water and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover; to protect visual as well as actual points of public access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Sec. 82-4 Statutory authority.

This chapter has been prepared in accordance with the provisions of 38 M.R.S.A. §§ 435-449.

Sec. 82-5 Applicability of chapter.

This chapter applies to all land areas depicted on the City official shoreland zoning map that are within 250 feet, horizontal distance, of the normal high-water line of any great pond, river or salt-water body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This chapter also applies to any dock, wharf, pier, or other structure extending beyond the normal high-water line of a water body or within a wetland, and any structure built on, over or abutting these structures.

Sec. 82-6 Effective date of ordinance, approval of ordinance by state board of environmental protection; and repeal of previous ordinance.

The ordinance codified in this chapter was adopted by the City council on November 6, 1991, and was forwarded to and was subsequently approved by the state board of environmental protection. The City shoreland zoning ordinance previously imposed was repealed effective November 6, 1991.

Sec. 82-7 Availability of copies of regulations.

A certified copy of the ordinance codified in this chapter, as may be amended from time to time, shall be filed with the City Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of the ordinance shall be posted.

Sec. 82-8 Conflicting regulations.

Whenever a provision of this chapter conflicts with or is inconsistent with another provision of this chapter or of any other ordinance, regulation or statute, the more restrictive provision shall control.

Sec. 82-9 Amendments.

This chapter may be amended by majority vote of the City council. Copies of amendments, attested and signed by the City Clerk, shall be submitted to the state board of environmental protection following adoption by the City council and shall not be effective unless approved by the board of environmental protection. If the board of environmental protection fails to act on any amendment within 45 days of the board's receipt of the amendment, the amendment is automatically approved. Any application for a permit

submitted to the City within the forty-five-day period shall be governed by the terms of the amendment, if such amendment is approved by the board of environmental protection.

Sec. 82-10 through Sec. 82-30. (Reserved)

**CHAPTER 82, SHORELAND
ARTICLE II, ADMINISTRATION
DIVISION 1, GENERALLY**

Division 1. Generally

Sec. 82-31 Administrative bodies and agents.

Administering bodies and agents for purposes of this chapter are as follows:

- (1) Code Enforcement Officer. A Code Enforcement Officer, who shall be appointed or reappointed annually by July 1.
- (2) Zoning Board of Appeals. A Zoning Board of Appeals created in accordance with the provisions of 30-A M.R.S.A. § 2691 or prior statutory enactment, municipal enactment or the Charter.
- (3) Planning Board. A planning board as created in accordance with the provisions of state law or prior statutory enactment, municipal enactment or the Charter.
- (4) Belfast Harbor Committee. The Belfast Harbor Committee created in accordance with provisions of municipal enactment or the Charter, shall participate in the administrative process for the following shoreland permit applications, including applications which request the use of the contract rezoning process, for uses located in Belfast Harbor:
 - a. A pier, dock, wharf, bridge or other structure and use extending over or below the normal high water line of Belfast Harbor;
 - b. A marina; and
 - c. Aquaculture.

Sec. 82-32 through Sec. 82-50. (Reserved)

ARTICLE II, ADMINISTRATION DIVISION 2. PERMITS

DIVISION 2. Permits

Sec. 82-51 Required.

No person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

Sec. 82-52 Application.

- (a) Every applicant for a permit required by this chapter shall submit a written application, including a scaled site plan, on a form provided by the code enforcement officer or the Planning Board as indicated in section 82-135. See table 1 in section 82-135 for the appropriate approval authority.
- (b) All applications shall be signed by the owner of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
- (c) All applications shall be dated, and the code enforcement officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (d) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the licensed plumbing inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

Sec. 82-53 Procedure for permits issued by code enforcement officer.

Permits subject solely to code enforcement officer review are identified in section **82-135**, Table 1. The code enforcement officer shall approve, approve with conditions, or deny the issuance of a shoreland permit using the following process:

- (1) The code enforcement officer, within 30 calendar days of receipt of an application, shall determine if the application is complete and contains all information necessary to enable the officer to make a determination. The code enforcement officer shall decide to approve, approve with conditions, or deny a permit within 30 calendar days of the officer's determination that the application is complete.
- (2) The code enforcement officer shall review the application to determine conformance with provisions of this chapter, particularly sections 82-55, standards for review of shoreland permits, and article V, land use standards, sections 82-161 through 82-451. The officer also shall issue findings of fact that describe the basis of his decision.

Sec. 82-54 Procedure for permits issued by Planning Board.

Permits subject to review by the planning board are identified in section 82-135, table 1. The planning board shall approve, approve with conditions, or deny the issuance of a shoreland permit using the following process.

- (1) An application for a shoreland permit shall be made to the code enforcement officer. The Code Enforcement Officer, within 30 calendar days of receipt of an application, shall determine if an application contains sufficient information to schedule the permit for review by the Planning Board. The Code Enforcement Officer shall schedule the permit for review and public hearing by the Planning Board at the first available board meeting after the Code Enforcement Officer determines the application contains sufficient information.
- (2) The Department of Planning and Community Development shall provide notification of the Planning Board meeting and public hearing in the following manner:
 - a. In writing by first class mail at least 10 calendar days prior the hearing to all owners of property that directly abut or are located within 150 feet of any property line of the property for which a shoreland permit is requested.
 - b. By posting notice of such hearing in Belfast City Hall a minimum of 10 calendar days prior to the hearing.

The notification, at a minimum, shall include the name of the applicant, location of the property, subdistrict of the shoreland zone in which the property is located, a description of the permit request, the date of the hearing and information regarding how to offer public comment. The Department of Planning and Community Development shall retain a list of all persons contacted.

- (3) The Planning Board, at a scheduled meeting, shall review the application to determine if it is complete and contains all information necessary to make a decision.
- (4) The Planning Board, at a scheduled meeting, shall conduct a public hearing, review the application, and issue findings of fact that describe its decision to approve, approve with conditions, or deny a permit. The board's findings and decision shall determine conformance with provisions of this chapter, particularly section 82-55, standards for review of shoreland permits, and article V, land use standards, sections 82-161 through 82-451. The Planning Board shall render its decision within 30 days of the public hearing.
- (5) A shoreland permit application for any of the following uses located in Belfast Harbor identified in section 82-135:
 - a. A pier, dock, wharf, bridge or other structure and use extending over or below the normal high water line of Belfast Harbor;
 - b. A marina; and
 - c. Aquaculture;

Shall require review by the Belfast Harbor Committee prior to the permit application being heard by the Belfast Planning Board. To allow sufficient time for Harbor

Committee review, the time period specified in Section 82-54(1) shall be 45 days.

The Harbor Committee shall review the application to determine conformance with requirements of the City Code of Ordinances, Chapter 30, Marine Activities, and the standards identified in Section 82-204. The Committee shall issue its findings in writing to the Planning Board. The Planning Board shall consider the Committee's findings in its review of a shoreland permit application.

Sec. 82-54.5 Procedure for permits subject to contract rezoning.

- (a) Shoreland permit that does not involve a marine structure. An application for a use permit, site plan permit, subdivision permit or shoreland permit in the Waterfront Development shoreland district, may be subject to the contract rezoning process. Two properties in the Waterfront Development District, the former Stinson Seafoods property and the Penobscot Frozen Foods property, must use the contract rezoning process for any proposed change of use. Other properties (uses) may, upon submission of an application to the Planning Board and the approval of the board, may use the contract rezoning process. Uses in the Waterfront Development shoreland district that may qualify for the contract rezoning process are identified in section 82-135, table 1. Such uses shall be reviewed by the Planning Board and City Council in accordance with procedures identified in chapter 102, article X, division 4.

The Planning Board and City Council shall make a finding that the proposed use satisfies the standards identified in section 82-56. The contract rezoning process specifically authorizes the Planning Board and City Council to allow activities that do not fully comply with the land use standards identified in chapter 82, article V, provided both parties find that the conditions it shall impose upon an applicant (use) satisfy the intent and purposes of chapter 82, particularly the intent and purpose of establishing the Waterfront Development shoreland district. The role of the board and council in the contract rezoning process is more particularly described in chapter 102, article X, division 4.

- (b) Shoreland permit that involves a marine structure. An application for a shoreland permit in the Waterfront Development Shoreland District to construct a structure (reference 82-135, table 1, 17, 17(a) and 35) below the normal high water mark, may be subject to the contract rezoning process. Said application must be for a permit that involves a project that is located in both the Waterfront Development shoreland district and the Waterfront Mixed Use zoning district. Such uses shall be reviewed by the Harbor Committee, Planning Board and City Council in accordance with procedures identified in chapter 102, article X, division 4.

The Harbor Committee, Planning Board and City Council shall make a finding that the proposed use satisfies the standards identified in section 82-56. These same parties shall use the standards established in 82-206.5 to determine the appropriateness of the application to use contract rezoning, and to impose conditions on an applicant.

Sec. 82-55 Burden of proof.

An applicant for a shoreland permit shall have the burden of proving that the proposed land use

activity is in conformity with the purposes and provisions of this chapter.

Sec. 82-56 Standards for review of shoreland permits.

The code enforcement officer or Planning Board shall review a completed application and shall approve, approve it with conditions, or deny an application based on its findings regarding conformance with the following standards:

- (1) Will not result in unsafe conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat;
- (5) Will conserve shoreland vegetation;
- (6) Will conserve visual points of access to inland and coastal waters as viewed from public facilities and public (city and state) roads;
- (7) Will conserve actual points of public access to inland and coastal waters, particularly those areas to which the City has retained a public right-of-way;
- (8) Will not adversely impact archaeological and historic resources as designated in the Belfast Comprehensive Plan;
- (9) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities District;
- (10) Will avoid problems associated with floodplain development and use; and
- (11) Is in conformance with the provisions of article V of this chapter, pertaining to land use standards.
- (12) If the application involves a structure, the structure cannot be located in an unapproved subdivision, and must conform to any other local ordinance or regulation or any state law which the City is responsible for enforcing.

Sec. 82-57 Special exception – Resource Protection District.

The planning board may approve a permit by special exception to allow the construction of one single family residential structure in a Resource Protection District if the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the resource protection district, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the Waldo County Registry of Deeds prior to the lot being designated Resource Protection District and depicted on the City official shoreland zoning map as Resource Protection District.
- (3) The proposed location of all buildings, sewage disposal systems and other improvements are:
 - a. Located on natural ground slopes of less than 20%; and

- b. Located outside the floodway of the one-hundred-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the one-hundred-year floodplain elevation; and the development is otherwise in compliance with the City floodplain ordinance; reference chapter 78, floods.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-hundred-year floodplain.

- (4) The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the planning board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.
- (6) The City zoning board of appeals can grant an administrative appeal, but cannot grant a variance to the terms of a special exception for the resource protection district.

Sec. 82-58 Expiration of permit.

A shoreland permit shall lapse and become void if no substantial start is made in construction or in the use of the property within one year of the date of the permit is issued, or if the improvements identified in the permit are not completed within two years of the date the permit is issued.

Sec. 82-59 Issuance of permits prerequisite to installation of public utility service.

No public utility, water district, sanitary district or utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this chapter, or any previous ordinance, has been issued by the City department of planning and community development. Following installation of service, the company or district shall forward the written authorization to the department indicating that installation has been completed.

Sec. 82-60 through Sec. 82-70. (Reserved)

ARTICLE II, ADMINISTRATION

DIVISION 3. APPEALS AND VARIANCES

Division 3. Appeals and Variances.

Sec. 82-71 Powers of Zoning Board of Appeals.

The zoning board of appeals shall have the following powers:

- (1) Administrative appeals. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this chapter. Notwithstanding this provision, the zoning board of appeals does not have the authority to hear and decide appeals on a shoreland permit subject to contract rezoning provisions.
- (2) Variance appeals. To authorize variances upon appeal, within the limitations set forth in this chapter.

A request for an administrative appeal or variance shall comply with the procedures described in Chapter 102, Zoning, Article II, Administration, Division 4, Appeals and Variances.

Sec. 82-72 Variances.

- (a) Permitted variances. Variances may be permitted only under the following conditions:
 - (1) Undue hardship variances. Variances may be granted only from dimensional requirements, including but not limited to lot width, structure height, percent of lot coverage, and setback requirements.
 - (2) Use variances. Variances shall not be granted for establishment of any uses otherwise prohibited by this chapter.
 - (3) Disability variances. The criteria for granting a disability variance is defined in chapter 102, Zoning, section 102-133.
- (b) (Reserved)
- (c) Required findings.
 - (1) The board shall not grant a variance unless it finds that:
 - a. The proposed structure or use would meet the provisions of article V of this chapter except for the specific provision which has created the nonconformity and from which relief is sought; and
 - b. The strict application of the terms of this chapter would result in undue hardship.
 - (2) For purposes of this subsection, the term "undue hardship" is defined by criteria

established in chapter 102, Zoning, section 102-133(a).

- (d) Conditions. The Zoning Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this chapter to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (e) Review of proposed variances by state. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the City to the commissioner of the state department of environmental protection at least 20 days prior to action by the Zoning Board of Appeals. Any comments received from the commissioner prior to action by the Zoning Board of Appeals shall be made part of the record and shall be taken into consideration by the Zoning Board of Appeals.
- (f) Submission of copies of granted variances to state. A copy of all variances granted by the zoning board of appeals shall be submitted to the state department of environmental protection within 14 days of the decision.

Sec. 82-73 through Sec. 82-100. (Reserved)

CHAPTER 82, SHORELAND

ARTICLE III, NONCONFORMANCE

ARTICLE III. Nonconformance

Sec. 82-101 Generally.

It is the intent of this chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of the ordinance from which this chapter is derived shall be allowed to continue, subject to the requirements set forth in this article.

Sec. 82-102 Transfer of ownership.

Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this chapter.

Sec. 82-103 Repair and maintenance.

This chapter allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

Sec. 82-104 Nonconforming structures.

(a) Expansion.

- (1) A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure.
- (2) Further limitations are as follows:
 - a. After January 1, 1989, if any portion of structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.
 - b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection (b) of this section, that the completed foundation does not extend beyond the exterior dimensions of the structure, and that the foundation does not cause the structure to be elevated by more than three additional feet.

- c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

(b) Relocation.

- (1) A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the state subsurface wastewater disposal rules, or that a new system can be installed in compliance with the law and such rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.
- (2) In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

(c) Reconstruction or replacement.

- (1) Any nonconforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of such damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.
- (2) Any nonconforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the code enforcement officer.
- (3) In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in subsection (b) of this section, the physical condition and type of foundation present, if any.

(d) Change of use.

- (1) The use of a nonconforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources, than the existing use.
- (2) In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic

resources, and commercial fishing and maritime activities, and other functionally waterdependent uses.

Sec. 82-105 Nonconforming uses.

- (a) Expansion. Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in section 82-104(a).
- (b) Resumption after discontinuation of use. A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use, except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year period.
- (c) Change of use. An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in section 82-104(d).

Sec. 82-106 Nonconforming lots.

- (a) Generally. A nonconforming lot of record as of the effective date of the ordinance (November 6, 1991) from which this chapter is derived, or the date of an amendment to this chapter, may be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this chapter except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Zoning Board of Appeals.
- (b) Contiguous built lots.
 - (1) If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of the ordinance (November 6, 1991) from which this chapter is derived, if all or part of the lots do not meet the dimensional requirements of this chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the state minimum lot size law and subsurface wastewater disposal rules are complied with.
 - (2) If two or more principal uses or structures existed on a single lot of record on the effective date of the ordinance (November 6, 1991) from which this chapter is derived, each may be sold on a separate lot provided that the law and rules referenced in subsection (b)(1) of this section are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this chapter.
- (c) Contiguous vacant or partially built lots. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption of the ordinance (November 6, 1991) from which this chapter is derived, or at the time of an amendment of this chapter, if any of these lots do not individually meet the dimensional requirements of this chapter or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

Sec. 82-107 through Sec. 82-130. (Reserved)

CHAPTER 82, SHORELAND

ARTICLE IV, DISTRICTS

Article IV. Districts.

Sec. 82-131 Districts established; official shoreland zoning map.

- (a) Districts established. The areas to which this chapter is applicable are hereby divided into the following districts as shown on the official shoreland zoning maps, which are made a part of this chapter:
 - (1) Resource Protection.
 - (2) Limited Residential.
 - (3) Urban Residential.
 - (4) General Development.
 - (5) (Reserved)
 - (6) Stream Protection.
 - (7) Stream Development.
 - (8) Manufactured Housing Community.
 - (9) Waterfront Development.

- (b) Scale of maps. The official shoreland zoning maps shall be drawn at a scale of not less than one inch equals 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the maps.

- (c) Certification and location of maps. The official shoreland zoning maps shall be certified by the attested signature of the City Clerk and shall be located in the City offices.

- (d) Changes to maps. If amendments, in accordance with section 82-9, are made in the district boundaries or other matter portrayed on the official shoreland zoning maps, such changes shall be made on the official shoreland zoning maps within 30 days after the amendment has been approved by the state board of environmental protection.

- (e) Official Shoreland Zoning Map. The City of Belfast has adopted the attached map as the Official Shoreland Zoning Map of the City of Belfast. Pursuant to requirements of the State of Maine Mandatory Shoreland Zoning Law, the Commissioner of the State Department of Environmental Protection, has reviewed and approved the Official City Shoreland Zoning Map. This Shoreland Zoning Map is provided to assist readers of the Ordinance in the interpretation and application of information in Chapter 82, Shoreland, particularly Article IV, Districts, and the Article V, Land Use Standards. The attached map reflects all Chapter 82, Shoreland Zoning ordinances adopted by the City of Belfast through March 31, 2011, which is the last date for which updates have been provided to the City Code of Ordinances on the Municipal Code Corporation website.

Sec. 82-132 Interpretation of district boundaries.

- (a) Unless otherwise set forth on the official shoreland zoning maps, district boundary lines are property lines, the centerlines of streets, roads and rights-of-way, and the boundaries of the shoreland area as defined in this chapter.
- (b) The depiction of the shoreland overlay districts on the shoreland overlay district maps for the City are merely illustrative of their general location. The boundaries of these districts shall be determined by measurement of the horizontal distance from the normal high-water line of the water body or the upland edge of wetland vegetation, regardless of the location of the boundary shown on the maps. Where uncertainty exists as to the exact location of district boundary lines, the Zoning Board of Appeals shall be the final authority as to the location.
- (c) The boundaries of wetlands and other waterbodies, and all measurements taken from such boundaries are subject to field verification to determine their exact location.
- (d) Any wetland, stream or other water body that is not shown on the official shoreland zoning map is not subject to the requirements of this chapter.

Sec. 82-133 Applicability of land use requirements.

Except as specified in this chapter, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered, and no new lot shall be created, except in conformity with all of the regulations specified in this chapter for the district in which it is located, unless a variance is granted.

Sec. 82-134 Description of districts.

- (a) Resource Protection District. The Resource Protection District includes all areas depicted on the official shoreland zoning map as Resource Protection District. The Resource Protection District generally includes areas that are undeveloped and in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, and excepting areas which are currently developed and areas which meet the criteria for Limited Residential, Urban Residential, General Development, Commercial Fisheries/Maritime Activities, Stream Development or Manufactured Community Housing Districts:
 - (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the state department of inland fisheries and wildlife as of January 1, 1973.

- (2) Floodplains along rivers, floodplains along artificially formed great ponds along rivers, and floodplains adjacent to tidal waters as defined by the one-hundred-year floodplain as designated on the Federal Emergency Management Agency's flood insurance rate maps or flood hazard boundary maps.
 - (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
 - (4) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland, and which are not surficially connected to a water body during normal spring high water.
 - (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
- (b) Limited Residential District. The Limited Residential District includes those areas depicted on the official shoreland zoning map as Limited Residential District. Such areas are generally suitable for residential and recreational development.
 - (c) Urban Residential District. The Urban Residential District includes those areas depicted on the official shoreland zoning map as Urban Residential District. These areas have experienced dense residential development and most, if not all properties are served by City water and City sewer.
 - (d) General Development District. The General Development District includes those areas depicted on the official shoreland zoning map as General Development. The General Development District generally includes areas devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, and areas devoted to functionally water dependent uses. Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.
 - (e) (Reserved)
 - (f) Stream Protection District. The Stream Protection District includes those areas depicted on the official shoreland zoning map as Stream Protection District. This District generally includes all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, river or saltwater body, or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within 250 feet, horizontal distance, of such water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.
 - (g) Stream Development District. The Stream Development District is reserved for areas that would qualify to be included in the Stream Protection District, but which have experienced development, particularly nonresidential development, located within 75 feet of the normal high water mark of the stream. The uses permitted and standards that apply to development in the Stream Development District are intended to better reflect existing development

patterns than those which apply to the Stream Protection District. The City's intent is to recognize existing development patterns by allowing appropriate opportunities for existing development to expand, or new development to be consistent with past development.

- (h) **Manufactured Housing Community District.** The Manufactured Housing Community District is a Shoreland District that is unique to the City of Belfast. The district applies only to the following properties, parcels 3, 4, 5 and 6 identified on City Tax Map 21 (boundaries as existed on October 7, 2003). All of these parcels directly abut the Goose River. The Swan Lake Mobile Home Park is located on parcels 4 and 6, and a manufactured housing sales office is located on parcel 5.

This area is unique in that it was developed as the Swan Lake Home Park in the 1960's, prior to the enactment of the State Shoreland Zone law, and little of the current development complies with either shoreland requirements or state and City requirements that apply to manufactured housing communities. The intent of this district is to provide flexibility to allow an applicant to adapt the current uses on the current sites to make more efficient use of their property. For example, the Swan Lake Mobile Home Park is licensed for 48 units. This district's regulations would permit an applicant to relocate manufactured housing units in the park, provided there was no expansion in the number of units and no unit was located closer to the river than any existing unit. Public water is now available to this area, and public sewer should be available in 2004.

- (i) **Waterfront Development.** The Waterfront Development District includes those areas depicted on the official shoreland zoning map as the Waterfront Development District. The district shall include all property located easterly of River Avenue and Front Street between the City Steamboat Landing property to the south, and the Veterans Memorial Bridge to the north. The purpose of this district is allow intensive land uses, particularly functionally water dependent uses, and to encourage existing patterns of development, recognizing that this area is the only working waterfront area that remains in Belfast.

Sec. 82-135 Table of land uses.

- (a) All land use activities as indicated in Table 1 shall conform with all of the applicable land use standards in article **V** of this chapter. The district designation for a particular site shall be determined from the official shoreland zoning maps.
- (b) A person performing any of the following activities shall require a permit from the state department of environmental protection, pursuant to 38 M.R.S.A. § 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:
 - (1) Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
 - (2) Draining or otherwise dewatering;
 - (3) Filling, including adding sand or other material to a sand dune; or
 - (4) Any construction or alteration of any permanent structure.

9) Mineral exploration	No	No	Yes 2	Yes 2	No	Yes 2	Yes 2	No
10) Mineral extraction, including sand and gravel extraction.	No	No	PB 3	PB	No	PB	No	No
Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
11) Surveying and resource analysis	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
12) Emergency operations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
13) Agriculture	Yes	Yes	PB 3	PB	Yes	Yes	Yes	Yes
14) Aquaculture								
a. Repealed 10/16/2018								
b. Repealed 10/16/2018								
c. Land- Based	PB	PB	PB	PB	No	PB	PB	No
d. Freshwater	PB	PB	PB	PB	No	PB	PB	No
e. Marine	No	No	No	No	No	No	No	No
15) Principal structures and uses:								
a) One and two-family residential	PB 4	CEO	No	CEO	CEO	CEO	PB 11	CEO
b) Multi-unit residential	No	PB	No	PB	No	PB	PB 11	PB
c) Commercial	No	PB	No	No	No	PB	PB 11	PB 10
d) Industrial	No	PB	No	No	No	PB	PB 11	No
e) Governmental and Institutional	No	PB	No	No	PB	PB	PB 11	PB
f) Small non-residential facilities for educational, scientific, or nature interpretation purposes.	PB 4	CEO	No	CEO	CEO	CEO	PB 11	CEO
g) Manufactured Housing communities	No	No	No	PB	No	PB	PB 11	PB
16) Structures accessory to allowed uses	PB 4	CEO	No	CEO	CEO	CEO	PB 11	PB
17) Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line of waters in Belfast Harbor:								
a. Temporary	PB	PB	PB	PB	PB	PB	PB 11	No
b. Permanent	PB	PB	PB	PB	PB	PB	PB11	No
(17a) Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high- water line of waterbodies or wetlands that are not located in Belfast Harbor:								
a. Temporary	CEO	CEO	CEO	CEO	CEO	CEO	CEO	PB
b. Permanent	PB	PB	PB	PB	PB	PB	PB 11	PB
	I DI	I DI	No	I DI	I DI	I DI	DR	DR

18) Conversions of seasonal residences to year-round residences	LPI	LPI	No	LPI	LPI	LPI	PB	PB
19) Home Occupations	PB	PB	No	PB	CEO	Yes 9	PB	PB
20) Private Sewage disposal systems for allowed uses	LPI	LPI	No	LPI	No	LPI	No	LPI
21) Essential services	PB 6	CEO	PB 6	CEO	CEO	CEO	CEO	CEO
22) Service drops to allowed uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
23) Public and Private recreational areas involving minimal structural development.	PB	PB	PB	PB	CEO	CEO	PB 11	PB
24) Individual private campsites	CEO	CEO	CEO	CEO	CEO	CEO	No	No
25) Campgrounds	No	No	No	PB	No	PB	No	No
26) Road and driveway construction	PB	CEO	No 8	CEO	CEO	CEO	PB 11	PB
27) Parking facilities	No	PB	No 7	PB	PB	PB	PB 11	PB
28) Marinas	PB	PB	No	PB	No	PB	PB 11	No
29) Filling and earthmoving of <10 cubic yards	CEO	Yes	CEO	Yes	Yes	Yes	CEO	CEO
30) Filling and earthmoving of >10 cubic yards	PB	CEO	PB	CEO	CEO	CEO	PB 11	PB
31) Reserved								
32) Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
33) Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
34) Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB	PB 11	PB
35) Hydropower	PB	PB	PB	PB	PB	PB	PB 11	PB
36) Telecommunication facilities, provided such facilities are allowed in the underlying zoning district.	No	PB	No	PB	PB	PB	PB	PB
37) Stealth telecommunication facilities, provided such facilities are allowed in the underlying zoning district.	PB	PB	PB	PB	PB	PB	PB	PB
38) Reserved								
39) Reserved								
40) Medical Marijuana Cargiver Retail Store	No	PB	No	No	No	PB	PB	No
41) Medical Marijuana Manufacturing facility	No	PB	No	No	No	PB	PB	No
42) Medical Marijuana Testing Facility	No	PB	No	No	No	PB	PB	No

43) Medical Marijuana Registered Dispensary	No	No	No	No	No	No	No	No
44) Solar Energy System, Small, Roof & Ground Mounted	No-12	CEO	No-12	CEO	CEO	CEO	CEO	CEO
45) Solar Energy System, Medium, Roof & Ground Mounted	No	PB	No	PB	PB	PB	PB	PB

Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
46) Solar Energy System, Large, Roof Mounted	No	PB	No	PB	PB	PB	PB	PB
47) Solar Energy System, Large, Ground-Mounted	No	No	No	PB	No	PB	No	No

Footnotes for table 1:

- 1) (Eliminated per Ordinance amendment of January 6, 2004.)
- 2) Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- 3) In RP, not permitted in areas so designated because of wildlife value.
- 4) Provided that a variance from the setback requirement is obtained from the zoning board of appeals.
- 5) Functionally water-dependent uses accessory to such water-dependent uses only.
- 6) See further restrictions in section 82-352 (b).
- 7) Except when area is zoned for resource protection due to floodplain criteria, in which case a permit is required from the PB.
- 8) Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.
- 9) (Eliminated per ordinance amendment of January 6, 2004.)
- 10) The only commercial use permitted is an office for the sale and the display of manufactured houses on the site.
- 11) Shoreland permits for this use in the Waterfront Development district may involve Planning Board and Harbor Committee review pursuant to the contract rezoning process established in this chapter (chapter 82, shoreland), and chapter 102, zoning, article X, division 4.
- 12) Reference the exception identified in Division 19, Solar Energy Systems, (b) for certain systems located in the Resource Protection and Stream Protection Shoreland Districts.

9) Mineral exploration	No	No	Yes 2	Yes 2	No	Yes 2	Yes 2	No
10) Mineral extraction, including sand and gravel extraction.	No	No	PB 3	PB	No	PB	No	No
Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
11) Surveying and resource analysis	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
12) Emergency operations	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
13) Agriculture	Yes	Yes	PB 3	PB	Yes	Yes	Yes	Yes
14) Aquaculture								
a. Repealed 10/16/2018								
b. Repealed 10/16/2018								
c. Land- Based	PB	PB	PB	PB	No	PB	PB	No
d. Freshwater	PB	PB	PB	PB	No	PB	PB	No
e. Marine	No	No	No	No	No	No	No	No
15) Principal structures and uses:								
a) One and two-family residential	PB 4	CEO	No	CEO	CEO	CEO	PB 11	CEO
b) Multi-unit residential	No	PB	No	PB	No	PB	PB 11	PB
c) Commercial	No	PB	No	No	No	PB	PB 11	PB 10
d) Industrial	No	PB	No	No	No	PB	PB 11	No
e) Governmental and Institutional	No	PB	No	No	PB	PB	PB 11	PB
f) Small non-residential facilities for educational, scientific, or nature interpretation purposes.	PB 4	CEO	No	CEO	CEO	CEO	PB 11	CEO
g) Manufactured Housing communities	No	No	No	PB	No	PB	PB 11	PB
16) Structures accessory to allowed uses	PB 4	CEO	No	CEO	CEO	CEO	PB 11	PB
17) Piers, docks, wharfs, bridges, and other structures and uses extending over or below the normal high-water line of waters in Belfast Harbor:								
a. Temporary	PB	PB	PB	PB	PB	PB	PB 11	No
b. Permanent	PB	PB	PB	PB	PB	PB	PB11	No
(17a) Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high- water line of waterbodies or wetlands that are not located in Belfast Harbor:								
a. Temporary	CEO	CEO	CEO	CEO	CEO	CEO	CEO	PB
b. Permanent	PB	PB	PB	PB	PB	PB	PB 11	PB
	I DI	I DI	No	I DI	I DI	I DI	DR	DR

18) Conversions of seasonal residences to year-round residences	LPI	LPI	No	LPI	LPI	LPI	PB	PB
19) Home Occupations	PB	PB	No	PB	CEO	Yes 9	PB	PB
20) Private Sewage disposal systems for allowed uses	LPI	LPI	No	LPI	No	LPI	No	LPI
21) Essential services	PB 6	CEO	PB 6	CEO	CEO	CEO	CEO	CEO
22) Service drops to allowed uses	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
23) Public and Private recreational areas involving minimal structural development.	PB	PB	PB	PB	CEO	CEO	PB 11	PB
24) Individual private campsites	CEO	CEO	CEO	CEO	CEO	CEO	No	No
25) Campgrounds	No	No	No	PB	No	PB	No	No
26) Road and driveway construction	PB	CEO	No 8	CEO	CEO	CEO	PB 11	PB
27) Parking facilities	No	PB	No 7	PB	PB	PB	PB 11	PB
28) Marinas	PB	PB	No	PB	No	PB	PB 11	No
29) Filling and earthmoving of <10 cubic yards	CEO	Yes	CEO	Yes	Yes	Yes	CEO	CEO
30) Filling and earthmoving of >10 cubic yards	PB	CEO	PB	CEO	CEO	CEO	PB 11	PB
31) Reserved								
32) Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
33) Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
34) Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB	PB 11	PB
35) Hydropower	PB	PB	PB	PB	PB	PB	PB 11	PB
36) Telecommunication facilities, provided such facilities are allowed in the underlying zoning district.	No	PB	No	PB	PB	PB	PB	PB
37) Stealth telecommunication facilities, provided such facilities are allowed in the underlying zoning district.	PB	PB	PB	PB	PB	PB	PB	PB
38) Reserved								
39) Reserved								
40) Medical Marijuana Cargiver Retail Store	No	PB	No	No	No	PB	PB	No
41) Medical Marijuana Manufacturing facility	No	PB	No	No	No	PB	PB	No
42) Medical Marijuana Testing Facility	No	PB	No	No	No	PB	PB	No

43) Medical Marijuana Registered Dispensary	No	No	No	No	No	No	No	No
44) Solar Energy System, Small, Roof & Ground Mounted	No-12	CEO	No-12	CEO	CEO	CEO	CEO	CEO
45) Solar Energy System, Medium, Roof & Ground Mounted	No	PB	No	PB	PB	PB	PB	PB

Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
46) Solar Energy System, Large, Roof Mounted	No	PB	No	PB	PB	PB	PB	PB
47) Solar Energy System, Large, Ground-Mounted	No	No	No	PB	No	PB	No	No

Footnotes for table 1:

- 1) (Eliminated per Ordinance amendment of January 6, 2004.)
- 2) Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- 3) In RP, not permitted in areas so designated because of wildlife value.
- 4) Provided that a variance from the setback requirement is obtained from the zoning board of appeals.
- 5) Functionally water-dependent uses accessory to such water-dependent uses only.
- 6) See further restrictions in section 82-352 (b).
- 7) Except when area is zoned for resource protection due to floodplain criteria, in which case a permit is required from the PB.
- 8) Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.
- 9) (Eliminated per ordinance amendment of January 6, 2004.)
- 10) The only commercial use permitted is an office for the sale and the display of manufactured houses on the site.
- 11) Shoreland permits for this use in the Waterfront Development district may involve Planning Board and Harbor Committee review pursuant to the contract rezoning process established in this chapter (chapter 82, shoreland), and chapter 102, zoning, article X, division 4.
- 12) Reference the exception identified in Division 19, Solar Energy Systems, (b) for certain systems located in the Resource Protection and Stream Protection Shoreland Districts.

CHAPTER 82, SHORELAND ARTICLE V, LAND USE STANDARDS

Article V. Land Use Standards

DIVISION 1. Generally

Sec. 82-161 Applicability.

All land use activities within the shoreland zone shall conform with the provisions of this article, if applicable. The City, however, pursuant to the contract rezoning process, may grant a shoreland permit that does not comply with all provisions of this article.

Sec. 82-162 through Sec. 82-180. (Reserved)

DIVISION 2. Area Requirements

Sec. 82-181 Minimum lot area and shore frontage.

(a) Minimum lot standards are as follows:

(1) Residential per dwelling unit	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
a. Within the Shoreland Zone adjacent to tidal areas	30,000	150
b. Within the Shoreland Zone adjacent to nontidal areas	40,000	200
c. Urban Residential and Stream Development Districts	10,000	50
d. Manufactured Housing District	5,000	25
e. Manufactured Housing Community District (per manufactured housing community).	Number of units established by mobile home park license. Prohibited to subdivide a licensed park.	
f. Waterfront Development	Minimum lot area is 40,000 sq ft, with 200 feet of shore frontage. Density requirements established by chapter 102, zoning, article V district regulations, division 11.5. Waterfront	

Mixed Use District.

(2) Governmental, institutional, commercial, or industrial per principal structure.	Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
a. Within the shoreland zone adjacent to tidal areas exclusive of those areas zoned for waterfront development.	40,000	200
b. Reserved.		
c. Within the shoreland zone adjacent to nontidal areas, exclusive of those areas zoned for waterfront development.	60,000	300
d. Within the waterfront development district adjacent to tidal and nontidal areas.	43,560	200
(3) Public and private recreational facilities within the shoreland zone adjacent to tidal and nontidal areas.	40,000	200

- (b) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two lots shall not be included toward calculating minimum lot area.
- (c) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (d) The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (e) If more than one residential dwelling unit or more than one principal commercial or industrial structure is constructed on a single parcel, the minimum lot size and minimum shore frontage standard shall be met for each additional dwelling unit or principal structure. This standard shall not apply to the Waterfront Development District.

Sec. 82-182 (Reserved)

[1]Sec. 82-183 through Sec. 82-200. (Reserved)

DIVISION 3. Structures

Sec. 82-201 Setbacks, maximum height and lot coverage.

- (a) All new principal and accessory structures and expansions of existing principal and accessory structures shall satisfy the following minimum requirements.

District	Amount Setback (feet)	of Maximum Height (feet)	Lot Coverage (percent)
(1) Resource protection	100	35	20
(2) Limited residential	100 ¹	35	20
	75 ²		
(3) Urban residential	25	35	35
(4) General development	25	50	70
(5) Reserved			
(6) Stream protection	75	35	20
(7) Stream development	25	50	70
(8) Manufactured housing community	25 ³	35	80
(9) Waterfront development	0 ⁴	35 ⁴	100 ⁴

NOTES:

- 1 100 feet from Upper Mason Pond and the section of the Goose River that flows to this pond.
- 2 75 feet from all other waterbodies
- 3 In the Manufactured Housing Community District, no new or existing structure in the Swan Lake Mobile Home Park shall be located closer to the normal high mark of the Goose River than any existing manufactured housing unit, and the Park owner must demonstrate why any unit should be permitted to have a setback of less than 25 feet from the normal high water mark. For all other structures on all other properties in this district, the minimum structure setback shall be 25 feet from the normal high water mark.
- 4 In the Waterfront Development district, standards may be subject to the contract rezoning process established in this chapter and chapter **102**, zoning, article x, division 4.

- (b) The setback for all principal and accessory structures shall be measured from the normal

high water line of the water body, tributary stream or upland edge of a wetland. The water body or wetland setback provision, however, shall neither apply to principal or accessory structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

Sec. 82-202 (Reserved)

[2]Sec. 82-203 Elevation.

[The first-floor elevation or openings of all buildings and structures shall be elevated at least one foot above the elevation of the one-hundred-year flood, the flood of record, or, in the absence of these, the flood as defined by soil types identified as recent floodplain soils. All structures or substantially improved structures shall comply with chapter 78, article II. Basements which are not elevated at least one foot above the elevation of the one-hundred-year flood, the flood of record or, in the absence of these, the flood as defined by soil types identified as recent floodplain soils, may not be used for living space.

Sec. 82-204 Piers, docks or other structures projecting into or over water body or wetland, provided such structures are not subject to the contract rezoning process.

- (a) Piers, docks, wharfs, bridges and other structures and uses extending over or beyond the normal high-water line of a water body or within a wetland shall be subject to the following standards:
 - (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 - (2) The location shall not interfere with existing developed or natural beach areas.
 - (3) The facility shall be located so as to minimize adverse effects on fisheries.
 - (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the existing conditions, use, and character of the area.
 - (5) The facility shall not encroach into, interfere with, or pose a hazard to navigational channels, and shall not extend within 25 feet of the established channels in Belfast harbor.
 - (6) The facility shall not interfere with access to and from existing mooring and berthing areas for both commercial and recreational uses in Belfast harbor.
 - (7) The facility shall not displace or eliminate existing mooring and berthing areas, both public and private, for commercial and recreational uses in Belfast harbor.
 - (8) The facility shall not interfere with public access to and use of the waters of Belfast harbor, including public rights of way and public and private launching ramps and related facilities.
 - (9) All points and location of the facility shall comply with the following wharf line restrictions for Belfast harbor established in City code of ordinances, marine activities, section 30-95:

Harbor District	Distance Standard
a. Coastal harbor	300 feet from normal high water
b. Outer harbor	200 feet from normal high water

Harbor District	Distance Standard
c. Inner harbor	
c.1 West side of harbor	100 feet from normal high water
c.2 East side of harbor	100 feet from normal high water
d. Bridge	
d.1 West side of harbor	25 feet from the designated navigational channel
d.2 East side of harbor	100 feet from normal high water mark for structures connected to shore. 25 feet from the designated navigational channel for structures connected to the foot bridge.
e. River	100 feet

- (10) The facility shall not interfere with or pose a hazard to navigation by obscuring visibility or by the display of distracting lights. The facility, if deemed appropriate, shall display appropriate warning lights to aid in navigation and public safety.
- (11) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal highwater line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- (12) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal highwater line of a water body or within a wetland shall be converted to residential dwelling units in any district, nor shall any existing use be changed or expanded without Planning Board approval.
- (13) Except in the General Development District and Waterfront Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.

- (b) Permanent structures projecting into or over water bodies shall require a permit from the state department of environmental protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C.
- (c) The Belfast Harbor Committee, as stipulated in section 82-54(5), shall provide a recommendation to the Planning Board regarding the standards identified in this section.

Sec. 82-205 (Reserved)

[3]Sec. 82-206 Stairways and similar structures providing shoreline access.

Notwithstanding the requirements otherwise stated in this division, stairways or similar structures may be allowed, with a permit from the code enforcement officer, to provide shoreline

access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four feet in width, that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the state department of environmental protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C), and that the applicant demonstrates that no reasonable access alternative exists on the property.

Sec. 82-206.5 Use of contract rezoning for piers, docks or other structures projecting into or over water body or wetland.

- (a) An applicant may request the use of contract rezoning to determine the configuration of a pier, dock, or other structure projecting into or over a waterbody or wetland that is located in the Inner Harbor, provided the property is located in both the Waterfront Mixed Use zoning district and the Waterfront Development shoreland district. The Harbor Committee and Planning Board shall use the process established in chapter **102**, article **X**, division 4, to review and make a decision regarding the application. The factors the Harbor Committee and Planning Board shall consider to determine the appropriateness of a request to use contract rezoning are as follows:
- (1) The acceptability of the soils on which a structure is located to support the proposed use and to control erosion.
 - (2) The location of the structure and its impact on existing developed or natural beach areas.
 - (3) The amount of adverse impact the facility may have on fisheries, and measures the applicant can implement to minimize adverse effects on fisheries. The committee or board may require an applicant to prepare an analysis of potential impacts on fisheries which the committee and board can review in rendering its decision.
 - (4) The dimensions of the facility and the need for such dimensions to carry on the activity. The committee and board, in rendering its decision, shall consider if proposal is consistent with the existing conditions, use, and character of the area, and plans and policies adopted by the Harbor Committee and City for this area.
 - (5) The impact the proposed facility may have on safe use of the navigational channel. In no case, however, shall any structure extend within 25 feet of the established navigational channel for Belfast harbor.
 - (6) The impact the proposed facility may have on access to and from existing mooring and berthing areas for both commercial and recreational uses in Belfast harbor, and measures the applicant can implement to minimize or avoid such impacts.
 - (7) The impact the proposed facility may have on the displacement or elimination of existing mooring and berthing areas, both public and private, for both commercial and recreational uses in Belfast harbor, and measures the applicant can implement to minimize, avoid or rectify such impacts.
 - (8) The impact the proposed facility may have on public access to and use of the waters of Belfast harbor, including public rights of way and public and private launching ramps and related facilities, and measures the applicant can implement to minimize, avoid or rectify such impacts. The Harbor Committee or Planning Board, in particular, shall consider improvements an applicant shall make to the Belfast coastal walk and foot bridge, and the connectivity between such public facilities, in

- considering public access issues.
- (9) The distance the proposed facility is located from the normal high water mark and the designated navigational channel, and the necessity to extend the facility beyond the one-hundred-foot wharf line from the normal high water specified in 82-204(9). All facilities, however, must be a minimum of 25 feet from the navigational channel.
 - (10) The impact or degree of hazard a proposed facility may pose on navigation, either by obscuring visibility or by the display of distracting lights, and measures the applicant can implement to minimize or avoid such impacts and facilities that can be constructed to aid in navigation and public safety.
 - (11) The need of the proposed facility for direct access to the water as an operational necessity. The committee or board may require the applicant to conduct an alternatives analysis for a proposed facility.
 - (12) The proposed height of any structure built on a pier or dock and the need for such height as a functional necessity of the project.
 - (13) State and federal requirements for the proposed facility and conditions such agencies may require in allowing a project.
- (b) Permanent structures projecting into or over water bodies shall require a permit from the state department of environmental protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C.
- (c) The Belfast Harbor Committee, as stipulated in section 82-54(5), and chapter 102, article X, division 4, shall provide a recommendation to the Planning Board regarding the standards identified in this section.

Sec. 82-207 through Sec. 82-220. (Reserved)

DIVISION 4. Campgrounds and Campsites

Sec. 82-221 Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

- (1) Minimum area. Campgrounds shall contain a minimum of 5,000 square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body, shall not be included in calculating land area per site.
- (2) Setbacks. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet from the normal high-water line of Upper Mason Pond and the portion of the Goose River that flows into this pond, and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

Sec. 82-222 Individual private campsites.

Individual private campsites not associated with campgrounds are permitted provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of the ordinance from which this chapter is derived, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet from the normal high-water line of Upper Mason Pond and the portion of the Goose River that flows into this pond, and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structures except canopies shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet, and clearing shall be no closer than 75 feet to the normal high-water line.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the local plumbing inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required. Waste must be disposed of in accordance with the approved plan. Upon request of the licensed plumbing inspector, the applicant shall provide verification that the waste is in fact being disposed of in compliance with the waste disposal plan. The fee for such an approval shall be established by the City Council.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the state subsurface wastewater disposal rules unless served by public sewage facilities.

Sec. 82-223 through Sec. 82-240. (Reserved)

DIVISION 5. Commercial and Industrial Uses.

Sec. 82-241 Prohibited uses.

The following new commercial and industrial uses, including such uses that may qualify as a home occupation, are prohibited within the shoreland zone adjacent to Upper Mason Pond and the portion of the Goose River that flows into this pond:

- (1) Auto washing facilities.
- (2) Auto or other vehicle service and/or repair operations, including body shops.
- (3) Chemical and bacteriological laboratories.
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms.
- (5) Commercial painting, wood preserving, and furniture stripping.
- (6) Dry cleaning establishments.
- (7) Electronic circuit assembly.

- (8) Laundromats, unless connected to a sanitary sewer.
- (9) Metal plating, finishing, or polishing.
- (10) Petroleum or petroleum product storage and/or sale, except for storage on the same property on which the use occurs and except for storage and sales associated with marinas.
- (11) Photographic processing.
- (12) Printing.

Sec. 82-242 through Sec. 82-260. (Reserved)

DIVISION 6. Parking Areas.

Sec. 82-261 Setback.

Parking areas shall meet the normal high-water line setback requirements for structures for the district in which such parking areas are located. The setback requirement for parking areas serving public boat launching facilities in the Resource Protection district, Limited Residential district and Stream Protection district, may be reduced to no less than 50 feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

Sec. 82-262 Design generally.

Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and, where feasible, to retain all runoff on-site.

Sec. 82-263 (Reserved)

[4]Sec. 82-264 through Sec. 82-280. (Reserved)

DIVISION 7. Roads and Driveways

Sec. 82-281 Generally.

The standards in this division shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

Sec. 82-282 Setbacks.

- (a) New roads and driveways in the General Development, and Urban Residential, Stream Development and Manufactured Housing Community districts shall be setback 25 feet from the normal high water line. There is no setback requirement from the normal high water line for new roads and driveways in the Waterfront Development district. New roads and driveways in the Limited Residential district shall be set back at least 100 feet from the normal high-water line of Upper Mason Pond and the portion of the Goose River that flows

into this Pond and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

- (b) On slopes of greater than 20%, the road and/or driveway setback shall be increased by 10 feet for each 5% increase in slope above 20%.
- (c) This section shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity.

Sec. 82-283 Expansion of existing public roads.

Existing public roads may be expanded within the legal road right-of-way, regardless of the setback from a water body.

Sec. 82-284 (Reserved)

[5]Sec. 82-285 New roads and driveways in Resource Protection and Stream Protection Districts.

New roads and driveways are prohibited in a Resource Protection and Stream Protection Districts except to provide access to permitted uses within the respective district, or as approved by the planning board upon a finding that no reasonable alternative route or location is available outside the respective district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

Sec. 82-286 Road banks.

Road banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in division 13 of this article.

Sec. 82-287 Road grades.

Road banks shall conform to specifications identified in chapter 98, Technical Standards, and shall be no greater than 10% except for short segments of less than 200 feet.

Sec. 82-288 Drainage buffer strip.

In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. This standard shall not apply to roads and driveways in the Waterfront Development District.

Sec. 82-289 Design of drainage structures.

Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

- (1) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (percent)	Spacing (feet)
0—2	250
3—5	200—135
6—10	100—80
11—15	80—60
16—20	60—45
21+	40

- (2) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less.
- (3) On road sections having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a thirty-degree angle downslope from a line perpendicular to the centerline of the road.
- (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

Sec. 82-290 Maintenance of drainage structures.

Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads shall be maintained on a regular basis to ensure effective functioning.

Sec. 82-291 through Sec. 82-310. (Reserved)

DIVISION 8. Reserved.

[6] Sec. 82-311 through Sec. 82-330. (Reserved)

DIVISION 9. Stormwater Control.

Sec. 82-331 Required.

All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural run-off control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwater.

Sec. 82-332 Maintenance of runoff control facilities.

Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

Sec. 82-333 through Sec. 82-350. (Reserved)

DIVISION 10. Utilities.

Sec. 82-351 Subsurface sewage disposal systems.

All subsurface sewage disposal systems shall be installed in conformance with the state subsurface wastewater disposal rules. The rules, among other requirements, include the following:

- (1) The minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
- (2) Replacement systems shall meet the standards for replacement systems as contained in the rules.

Sec. 82-352 Essential services.

- (a) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (b) The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within the district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

Sec. 82-353 through Sec. 82-370. (Reserved)

DIVISION 11. Mining.

Sec. 82-371 Mineral exploration.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. A permit from the code enforcement officer shall be required for mineral exploration which exceeds this limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Sec. 82-372 Mineral extraction.

Mineral extraction may be permitted under the following conditions:

- (1) Reclamation plan. A reclamation plan shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of subsection (3) of this section.
- (2) Setbacks. Unless authorized pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C, no part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet of the normal high-water line of Upper Mason Pond and the portion of the Goose River that flows into this pond, and within 75 feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within 75 feet of any property line without written permission of the owner of such adjacent property.
- (3) Restoration of site. Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site. The state solid waste law, 38 M.R.S.A. § 1310, and chapter 404 of the regulations of the state department of environmental protection, may contain other applicable provisions regarding disposal of such materials.
 - b. The final graded slope shall be a two-to-one slope or flatter.
 - c. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) Authority to impose additional conditions. 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 mineral extraction operations on surrounding uses and resources.

Sec. 82-373 through Sec. 82-390. (Reserved)

DIVISION 12. Agriculture, Timber Harvesting and Clearing of Vegetation

Sec. 82-391 Agriculture.

- (a) Spreading or disposal of manure. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the University of Maine Soil and Water Conservation Commission in July 1972.
- (b) Storage of manure. Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of Upper Mason Pond and the portion of the Goose River that flows into this pond, or within 75 feet, horizontal distance, of other water bodies, tributary streams, or wetlands. Within five years of the effective date of the ordinance from which this chapter is derived, all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater. Existing facilities which do not meet the setback requirement may remain, but must meet the no-discharge provision within the five-year period.
- (c) Soil and water conservation plan. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone, shall require a soil and water conservation plan to be filed with the Planning Board. Nonconformance with the provisions of the plan shall be considered to be a violation of this chapter. Assistance in preparing a soil and water conservation plan may be available through the local soil and water conservation district office.
- (d) Tilling of soil. There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of Upper Mason Pond and the portion of the Goose River that flows into this pond, within 75 feet, horizontal distance, from other water bodies, or within 25 feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of the ordinance from which this chapter is derived and not in conformance with this subsection may be maintained.
- (e) Livestock grazing areas. Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of Upper Mason Pond and the portion of the Goose River that flows into this pond, within 75 feet, horizontal distance, of other water bodies, or within 25 feet, horizontal distance, of tributary streams and wetlands. Live-stock grazing associated with ongoing farm activities, and which are not in conformance with the setback provisions in this subsection, may continue, provided that such grazing is conducted in accordance with a soil and water conservation plan.

Sec. 82-392 Timber harvesting.

- (a) Timber harvest plan. All applications for timber harvesting shall include a timber harvest plan prepared by a licensed forester. The forester shall provide the Code Enforcement

Officer with a copy of the plan and shall certify that the harvest was completed in compliance with the plan and the provisions of this chapter, or the forester shall notify the Code Enforcement Officer as to the violation of the provisions of this chapter for appropriate action on the part of the Code Enforcement Officer.

- (b) Prohibited areas. Within the strip of land extending 100 feet inland from the normal high-water line in a shoreland area zoned for resource protection or limited residential abutting Upper Mason Pond (a great pond), there shall be no timber harvesting, except to remove safety hazards.
- (c) Standards. Except in areas as described in subsection (b) and (d) of this section, timber harvesting shall conform to the following provisions:
 - (1) Selective cutting of no more than 40% of the total volume of trees four inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten-year period is permitted. In addition:
 - a. Within 75 feet, horizontal distance, of the normal high-water line of regulated water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - b. At distances greater than 75 feet, horizontal distance, of the normal high-water line of regulated water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.
 - (2) No accumulation of slash shall be left within 50 feet of the normal high-water line of a water body. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
 - (3) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - a. Surface waters are frozen; and
 - b. The activity will not result in any ground disturbance.
 - (4) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
 - (5) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
 - (6) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet in width for slopes up to 10% shall be retained between the exposed mineral soil and the normal high-water line of a

water body or upland edge of a wetland. For each 10% increase in slope, the unscarified strip shall be increased by 20 feet. The provisions of this subsection apply only to a face sloping toward the water body or wetland; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet from the normal high-water line of a water body or upland edge of a wetland.

- (d) Exception for timber harvesting of special importance.
 - (1) The Belfast Planning Board may grant an exception to the timber harvesting standards identified in subsection (c), above, if it finds that the proposed harvest qualifies as a harvest of special significance. A harvest of special significance means an area that the board finds satisfies at least one of the following criteria:
 - a. The existing stand of trees has reached maturity and are declining in health and productivity, coupled with poor opportunities for adequate natural regeneration in the existing understory. The City shall use standards similar to those found in the Forest Practices Act to identify adequate levels of natural regeneration; including a guideline of 600 stems per acre.
 - b. A timber harvest that complies with the standards identified in subsection (c) would likely result in damage to the remaining stand of mature trees, such as would occur by wind damage or blowdowns.
 - c. Health of trees in the area has been severely damaged by natural causes, such as an ice storm or severe insect damage, and an existing stand of trees warrants cutting to stimulate regeneration and health of the forest.
 - d. The timber harvesting operation would foster a public purpose and public use of the property.
 - (2) If the board makes a positive finding that a proposal qualifies as a harvest of special significance, the applicant must submit a timber harvesting management plan by a licensed forester that addresses the following issues, at a minimum:
 - a. Identifies why the proposal qualifies as a harvest of special significance.
 - b. Identifies the estimated amount of harvesting to occur in excess of standards identified in subsection (c), describes why this is an appropriate amount of timber to harvest, and identifies practices to be used in accomplishing the harvest. The City requires practices that minimize soil and vegetation disturbance within 250 feet of the high water mark of a protected water body, including a stipulation that all harvesting activities occur during frozen ground conditions, unless the forester specifically identifies why such a requirement is counterproductive to the natural resource values present in the area.
 - c. Identifies measures the applicant will perform to stimulate regeneration of the forest, including replanting of disturbed areas, particularly areas within 75 feet of a protected resource.

The Planning Board, at the applicant's expense, may employ the services of a professional forester or similar expert to review and provide recommendations to the board regarding the applicant's proposal and how it complies with the intent and requirements of this section.

Sec. 82-393 Clearing of vegetation for development.

- (a) Resource Protection districts and Upper Mason Pond.
- (1) Within a shoreland area zoned for resource protection or limited residential abutting Upper Mason Pond (a great pond), there shall be no cutting of vegetation within the strip of land extending 100 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.
 - (2) In areas of the Resource Protection district that do not abut Upper Mason Pond (a great pond), the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.
- (b) Vegetation buffer strip. Except in areas as described in subsection (a) of this section, and except to allow for the development of permitted uses, within a strip of land extending 75 feet, horizontal distance, from any regulated water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
- (1) Cleared openings; footpaths. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 10 feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to an area that is zoned Resource Protection or Limited Residential near Upper Mason Pond, the width of the footpath shall be limited to six feet.
 - (2) General standards.
 - a. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this subsection, a well-distributed stand of trees and other vegetation adjacent to Upper Mason Pond and the section of the Goose River adjacent to this pond (a great pond) shall be defined as maintaining a rating score of 12 or more in any twenty-five-foot by twenty-five-foot square area (625 square feet).
 - b. For other regulated water bodies, tributary streams, and wetlands, a well-distributed stand of trees and other vegetation is defined as maintaining a minimum rating score of eight per twenty-five-foot-square area. The following rating system shall be used to determine what constitutes a well-distributed stand of trees and other vegetation.

Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)	Points
2—4	1
4—12	2
Over 12	4

- c. As an example, adjacent to a regulated water body, if a twenty-five-foot by twenty-five-foot plot contains three trees between two and four inches in diameter, three trees between four and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is as follows:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the twenty-five-foot by twenty-five-foot plot contains trees worth 21 points. Trees totaling 13 points ($21 - 8 = 13$) may be removed from the plot provided that no cleared openings are created.

- d. Notwithstanding the provisions of this subsection, no more than 40% of the total volume of trees four inches or more in diameter measured at 4 1/2 feet above ground level may be removed in any ten-year period.
- (3) Removal of low vegetation and ground cover. In order to protect water quality and wildlife habitat, adjacent to Upper Mason Pond (a great pond) existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in subsection (b)(1) of this section.
- (4) Pruning of tree branches. Pruning of tree branches on the bottom one-third of the tree is permitted.
- (5) Replacement of trees. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in this subsection (b) shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

- (c) Tree removal outside buffer strip. At distances greater than 100 feet, horizontal distance, from Upper Mason Pond and 75 feet, horizontal distance, from the normal high-water line of any regulated water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of this subsection, volume may be considered to be equivalent to basal area. In no event shall cleared openings for development, including but not limited to principal and accessory structures, driveways and sewage disposal areas, exceed, in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development, Stream Development or Waterfront Development districts.
- (d) Existing cleared openings. Cleared openings legally in existence on the effective date of the ordinance from which this chapter is derived may be maintained, but shall not be enlarged, except as permitted by this chapter.
- (e) Open fields. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Sec. 82-394 through Sec. 82-410. (Reserved)

DIVISION 13. Erosion and Sedimentation Control

Sec. 82-411 Erosion and sedimentation control plan.

All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- (1) Mulching and revegetation of disturbed soil.
- (2) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
- (3) Permanent stabilization structures such as retaining walls or riprap.

Sec. 82-412 Adaptation to existing topography.

In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

Sec. 82-413 Control measures to apply to all stages of development.

Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

Sec. 82-414 Stabilization of exposed ground areas.

Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. In addition:

- (1) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
- (2) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
- (3) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

Sec. 82-415 Drainageways and drainage outlets.

Natural and manmade drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five-year storm or greater, and shall be stabilized with vegetation or lined with riprap.

Sec. 82-416 through Sec. 82-430. (Reserved)

DIVISION 14. Natural Resources

Sec. 82-431 Protection of soils.

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine certified soil scientists, Maine registered professional engineers, Maine state-certified geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledges, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

Sec. 82-432 Protection of water quality.

No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.

Sec. 82-433 through Sec. 82-450. (Reserved)

DIVISION 15. Archaeological Sites

Sec. 82-451 Approval of development affecting historic sites.

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the state historic preservation commission for review and comment at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the commission prior to rendering a decision on the application.

DIVISION 16. Significant Groundwater Well.

Sec. 82-460. 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.

Sec. 82-461. 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.

DIVISION 17. 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 and physical location of the pipe or pipes does not have a significant adverse impact, if any, on a shoreland regulated 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/outfall 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.

DIVISION 18: Medical Marijuana Facilities.

Medical marijuana caregiver retail stores, medical marijuana manufacturing facilities, and medical marijuana testing facilities that are permitted in a respective Shoreland District,

reference Sec. 82-135, Table of Uses, shall comply with all applicable requirements of Chapter 82, Shoreland, and shall comply with requirements identified in Chapter 102, Zoning, Article V, Supplementary District Regulations, Division 8, Medical Marijuana Regulations.

DIVISION 19. Solar Energy Systems.

- (a) A request to install a solar energy system in any Shoreland District must comply with standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 9, Solar Energy Systems, and the Shoreland standards in this Division.
- (b) Minimum setback requirements for a solar energy system located in a Shoreland Zoning District.
 - (1) A roof-mounted solar energy system of any scale, regardless if the structure on which the system is located is a conforming or nonconforming structure with respect to minimum structure setback requirements identified in Division 3, Structures, of this Article, does not need to comply with minimum structure setback requirements.
 - (2) A roof-mounted solar energy system of any scale shall be a permitted use in both the Resource Protection and Stream Protection Districts, if an existing structure is considered a legally established nonconforming use, or in the case of the Resource Protection District, if the use is permitted pursuant to Section 82-57, Special Exception, Resource Protection District.
 - (3) A ground-mounted solar energy system of any scale that is a permitted use in a designated Shoreland Zoning District, subject to the exception identified in (4) below, shall comply with the minimum structure setback requirement identified for the respective Shoreland Zoning District; reference Division 3, Structures, of this Article.
 - (4) A ground-mounted small-scale solar energy system for a permitted residential use in a designated Shoreland Zoning District may be granted an exception to locate a ground-mounted solar energy system within the structure setback area provided all of the following standards are satisfied:
 - a. The area in which the ground-mounted small-scale system is proposed is a legally existing cleared area (such as a cleared lawn), and any additional vegetation removal that is necessary to locate the system shall comply with vegetation cutting standards in Division 12 of this Article.
 - b. The size of the small-scale solar energy system that is installed shall be limited in its design to the energy needs of the use on the property, and any sale of energy to the power grid must be limited to the incidental excess power generation of the installed system.

- c. The applicant for the exception identified in this Section must demonstrate to the satisfaction of the Code Enforcement Officer that the existing cleared area is the most practical area on the property to install a small-scale ground-mounted solar energy system.
- d. No portion of the solar energy system shall be located in an area that is designated as a V, VE, AE or AO zone pursuant to the Official Flood Maps for the City; reference Chapter 78, Floods.
- e. A nonresidential use does not qualify for this exception.

(c) Maximum Lot Coverage standards for solar energy systems in a Shoreland Zoning District.

A ground-mounted solar energy system (all scales) shall comply with the maximum lot coverage (impervious surface ratio) standards identified in Section 82-201. Only the paved, mounting block, or otherwise impervious areas of sites on which a ground-mounted solar energy system is installed shall be counted in the lot coverage calculation.

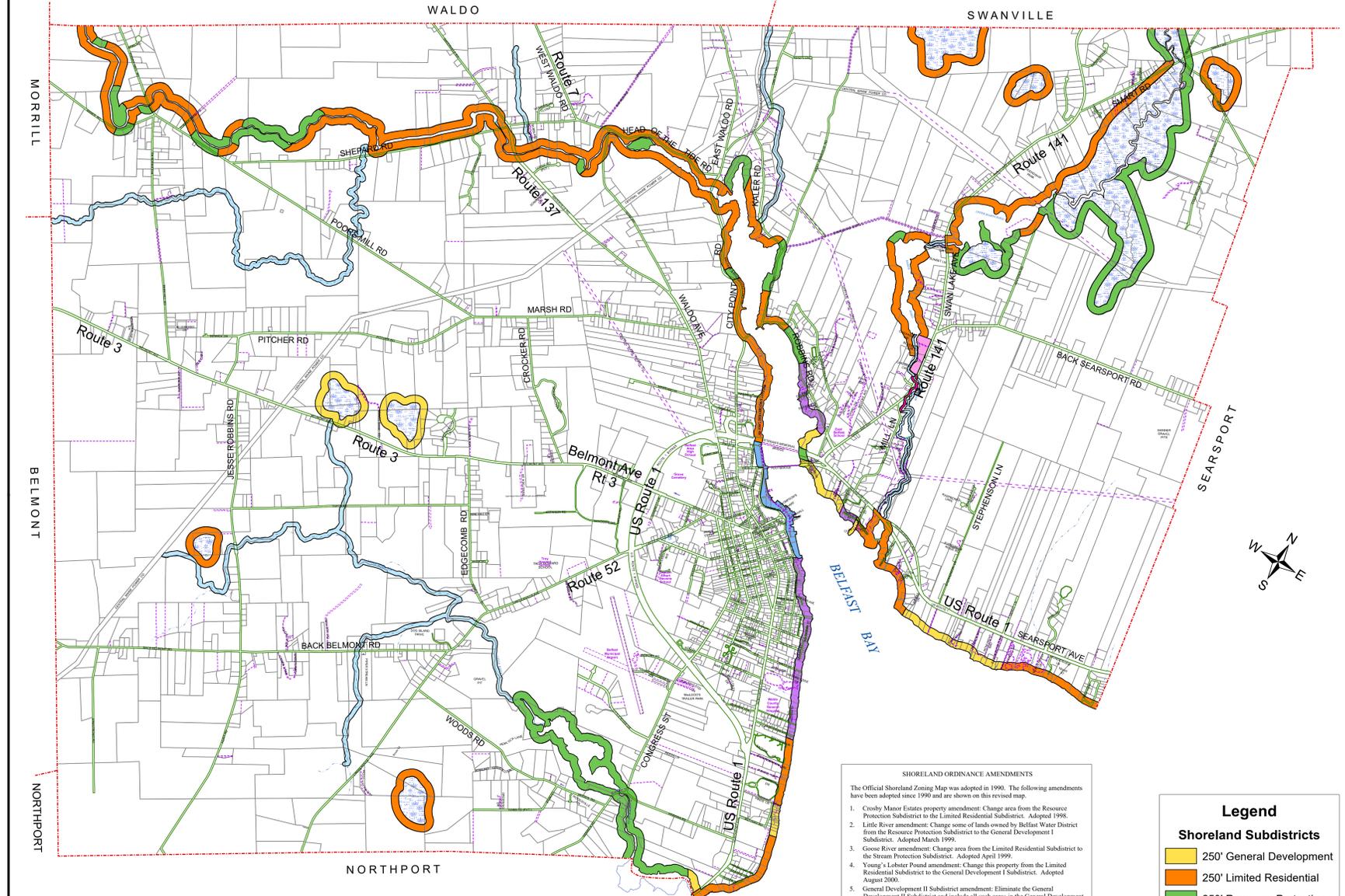
(d) Vegetation Cutting standards for solar energy systems in a Shoreland Zoning District.

The installation of any ground-mounted solar energy system shall comply with the vegetation cutting and clearing standards identified in Section 82-393.

(e) Height of a solar energy system.

- (1) A roof-mounted solar energy system shall not be considered in determining the maximum height of a structure.
- (2) A ground-mounted solar energy system shall not exceed sixteen (16) feet in height when the system is at maximum tilt.

SHORELAND ZONING MAP



- SHORELAND ORDINANCE AMENDMENTS**
- The Official Shoreland Zoning Map was adopted in 1990. The following amendments have been adopted since 1990 and are shown on this revised map.
1. Crosby Manor Estates property amendment: Change area from the Resource Protection Subdistrict to the Limited Residential Subdistrict. Adopted 1998.
 2. Little River amendment: Change some of lands owned by Belfast Water District from the Resource Protection Subdistrict to the General Development I Subdistrict. Adopted March 1999.
 3. Goose River amendment: Change area from the Limited Residential Subdistrict to the Stream Protection Subdistrict. Adopted April 1999.
 4. Young's Lobster Pound amendment: Change this property from the Limited Residential Subdistrict to the General Development I Subdistrict. Adopted August 2000.
 5. General Development II Subdistrict amendment: Eliminate the General Development II Subdistrict and include all such areas in the General Development I Subdistrict. Adopted August 2000.
 6. Fortier Street amendment: Change two properties located on Fortier Street from the Resource Protection Subdistrict to the Limited Residential Subdistrict. Adopted January 2002.
 7. Eliminate a wetland from shoreland regulation adjacent to Route 3 near the MBNA wetland preservation area. August 2003.
 8. Series of 9 amendments approved to shoreland areas near the Goose River, including the Robbins Road area. January 2004.
 9. Establish the Waterfront Development Shoreland District, and eliminate the Commercial Fisheries Maritime Shoreland District. July 2004.
 10. Goose River Amendment: Change area on northwesterly side of Searsport Avenue from the Resource Protection Subdistrict to Stream Protection Subdistrict. Amendment adopted September 5, 2017.
 11. Little River, Lower Reservoir Amendment: Change an area that is about .5 acre in size that is located westerly of the Belfast Water District Offices from the Resource Protection Subdistrict to the General Development Subdistrict. Amendment adopted October 16, 2018.

Legend

Shoreland Subdistricts

- 250' General Development
- 250' Limited Residential
- 250' Resource Protection
- 250' Urban Residential
- 75' Stream Development
- 75' Stream Protection
- Waterfront Subdistrict
- Mobile Home Community
- City Regulated Wetland

CITY OF BELFAST
WALDO COUNTY, MAINE

1,000 500 0 1,000 2,000 3,000 4,000 5,000 6,000 Feet

Published October 16, 2018
 This map was prepared using the
 City of Belfast Geographic Information System.