

# **NOTE TO ZONING BOARD OF APPEALS**

## **TAB 18 - CHAPTER 102, ZONING**

Chapter 102, Zoning, identifies the standards that apply to the two zoning districts in which the Nordic project is located. It also identifies the administrative process that the Planning Board is to follow for the issuance of the following three permits: Zoning Use Permit, Significant Groundwater Permit, and Significant Water Intake & Significant Water Discharge/Outfall Pipe Permit. The information the City has provided in this Notebook is specific to the Zoning Districts and Performance Standards that apply to the Nordic project, as well as the overall administrative procedures that applied to the Planning Board's review of the Nordic application. These excerpts from Chapter 102, Zoning, are identified below.

It is specifically noted that the language for the recently created Route One South Business Park zoning district, as well as the amended language for the Residential II zoning district, was adopted by the City Council on October 16, 2018. The language shown for these two districts (the only zoning districts associated with the Nordic project) reflects the Council's October 16, 2018 decision, as well as subsequent amendments that were adopted by the Council post this date to address the issues of medical marijuana and solar energy systems (City-wide revisions).

In addition, the Council, at its October 16, 2018 meeting, adopted amendments to Article VIII to create specific permitting standards for the regulation of Significant Groundwater Wells and to Article IX for the regulation of Significant Water Intake & Significant Water Discharge/Outfall Pipes.

Lastly, this Notebook does not include specific Ordinance language for Chapter 78, Floods, because so little of the Nordic site and no habitable structures are proposed by Nordic to be located in a designated Flood Zone (2015 Flood Map for Belfast). That said, at the end of Tab 18, the City has included an aerial photo for the overall Nordic site and for the area near the existing Belfast Water District offices to identify the areas of the Nordic site that are subject to Flood Zone regulation. Flood Zone issues are addressed in the Zoning Use Permit, the Site Plan Permit, and the Shoreland Permit issued by the Planning Board.

Information in Tab 18 for Chapter 102, Zoning, includes the following:

- **Article I - In General - Page 1**
- **Article II - Administration**
  - **Division 3 - Permits - Pages 2- 7**
  - **Division 5 - Enforcement and Violations - Page 8**
- **Article IV - Description of Districts**
  - **Sec 102-256 - Residential II District - Pages 9 - 11**
  - **Sec 102-282 - Route One South Business Park District - Page 11**

- **Article V - District Regulations**
  - **Div 17 - Residential II District - Pages 12 - 13**
  - **Div 19 - Route One South Business Park District - Pages 14 - 17**
  
- **Article VIII - Supplementary District Regulations**
  - **Div 2 - Screening of Outside Storage Areas - Page 18**
  - **Div 3 - Off-Street Parking Facilities - Page 19**
  - **Div 7 - Significant Groundwater Wells \*\* Specific Permit by Planning Board - Pages 20 - 26**
  
- **Article IX - Performance Standards**
  - **Div 2 - Environmental Standards \*\* Section 102-1138 Includes Standards for the Significant Water Intake and Significant Water Discharge Permit issued by the Planning Board - Pages 27 - 30**
  
- **Effective Date of October 16, 2018 Amendments - Page 31**
  
- **Official Zoning Map for City of Belfast (Two Maps. Overall Zoning Map and a Excerpt of the Map that Identifies the Nordic Site).**
  
- **Information from Official Floodplain Map for City of Belfast (Two Maps. Overall Floodplain Map for the Nordic Site, and a Map that focuses on the area near the existing Water District Offices).**

# CHAPTER 102, ZONING

## ARTICLE I In General

### **Sec. 102-1 Definitions.**

The definitions of words and terms used in this chapter shall be as set forth in section **66-1**.

### **Sec. 102-2 Purpose of chapter.**

This chapter is adopted pursuant to and is intended to implement the comprehensive plan for the City adopted by the City on March 14, 1995.

### **Sec. 102-4 Zoning maps; interpretation of district boundaries.**

The location and boundaries of the districts listed in section 102-3 are hereby established as shown on maps entitled "Zoning Maps" adopted by City Council and kept on file at City hall, which maps, with all explanatory matter thereon, shall be deemed to be and are hereby made a part of this chapter. When uncertainty exists with respect to district boundaries as shown upon the maps, the following rules shall apply:

- (1) Unless otherwise indicated, district boundary lines are the centerlines of established streets (or such lines extended) or waterways.
- (2) Where there is a discrepancy between the location and boundaries shown on the zoning maps and the written description of a district in any other provision of this chapter, the written description shall control.

### **Sec. 102-5 Compliance with chapter.**

- (a) No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no premises shall be used unless in conformity with the provisions of this chapter, except those existing which by the provisions of this chapter become legally nonconforming and which meet the requirements of article **III** of this chapter.
- (b) No part of a yard or other space or off-street parking or loading space used in connection with any building and required for the purpose of complying with this chapter shall be included as part of a yard, open space, other space, or off-street parking or loading space similarly required for any other building.

### **Sec. 102-6 Conflicting regulations or restrictions.**

Unless specified in this chapter, this chapter does not repeal any law, ordinance, regulation, rule, code, or lawful deed restriction or covenant. Whenever the requirements of this chapter are at variance with the regulations or restrictions of any other lawfully adopted law, ordinance, code, rule or regulation imposed by any governmental authority or any deed restriction or covenant, that which is more restrictive or imposes the higher standards or requirements shall govern. Notwithstanding any other provisions of this chapter, no premises shall be used or maintained in violation of any state or federal pollution control or environmental protection laws or regulations.

**CHAPTER 102, ZONING  
ARTICLE II, ADMINISTRATION  
DIVISION 3, PERMITS**

**Subdivision I. In General**

Sec. 102-71 through Sec. 102-80. (Reserved)

**Subdivision II. Building Permit**

**Sec. 102-81 Work requiring permit.**

In addition to the requirements of the City building code, the City electrical code, the state plumbing code, the City plumbing code, the site plan regulations (chapter **90**), permits required by the state fire marshal's office, and the provisions of this chapter, a building permit shall be required for:

- (1) Any building construction, addition, alteration and retrofit, for all structures.
- (2) Any modification in the footprint or volume of any structure.
- (3) The construction of a shed, provided that the shed exceeds 64 square feet in floor area, and exceeds six feet in height at the eaves or eight feet in height at the peak.
- (4) Retaining walls.
- (5) Curb cuts. Curb cuts are subject to approval of the City highway superintendent and/or state department of transportation and/or City council.
- (6) Fences or stone walls which are more than four feet in height.

**Sec. 102-82 Work for which permit is not required.**

A building permit shall not be required for:

- (1) Replacement of exterior steps and walkways for single-family structures.
- (2) Fences or stone walls which are not more than four feet in height.
- (3) Alterations of single-family structures within any three-hundred-sixty-five-day period which do not change the building footprint or volume and the cost of which would reasonably be expected to have a fair market value of less than \$5,000.
- (4) Re-siding, re-shingling, changing windows or changing doors on a single-family building, providing the cost of the improvement would have a fair market value of less than \$5,000 in a period of one year.
- (5) The construction of a shed, provided that the shed does not exceed 64 square feet in floor area, does not exceed six feet in height at the eave or eight feet in height at the peak, and is not used to house motor vehicles and/or animals and is intended for private storage for a single-family dwelling structure. The shed may be permitted to be set back at a distance of not less than four feet from the back or side lot line and 30 feet from the road right-of-way.

**Sec. 102-83 Issuance prohibited when unresolved land use violations exist.**

No building permit shall be issued to an applicant if there are any unresolved land use or zoning violations relating to the property for which the permit is being sought; provided, however, that this shall not prevent the issuance of permits necessary to resolve the underlying zoning or land use violation.

**Sec. 102-84 After-the-fact permits.**

All after-the-fact building permits shall have a fee of \$150 for all single-family property permits and \$300 for all others. This fee is in addition to the appropriate permit fee. Issuance of an after-the-fact permit shall not be construed as relieving the applicant from any liability for construction activity undertaken in violation of this chapter prior to the issuance of a building permit.

**Sec. 102-85 Wastewater disposal system required.**

All residential, commercial and industrial structures shall be served by municipal sewer in compliance with chapter 62, article II, or an approved subsurface wastewater disposal system designed and installed in compliance with state subsurface wastewater disposal rules. No building permit shall be issued unless the proposed development is in compliance with this section.

**Sec. 102-86 Wastewater disposal permit required.**

No building permit shall be issued for any structure or use involving construction that requires a wastewater disposal system or an increase in wastewater flow unless the applicant has demonstrated that the proposed structure or use has been issued a permit for the disposal of such wastewater.

**Sec. 102-87 Standards for issuance.**

The code enforcement officer shall review all applications for building permits under permitted uses and shall approve all such applications which comply fully with all the provisions of this chapter, the site plan review regulations (chapter 90), and the technical standards (chapter 98), where applicable.

**Sec. 102-88 Submission of plans.**

Any application for a building permit shall be accompanied by a legible plan, drawn to scale, showing the location, shape and dimensions of all buildings and structures to be built or altered, the intended use of each building and structure to be built or altered, and the size and location of any building already on the lot which will be within 50 feet of the building structure to be built or altered, and such other information as the code enforcement officer may reasonably require for his review in order to evaluate compliance with this chapter.

**Sec. 102-89 Signing of application.**

Every application for a building permit shall be signed by the owner of the premises or his authorized agent.

**Sec. 102-90 Expiration.**

A permit secured under the provisions of this division shall expire if the work or change is not commenced within one year after the date on which the permit is granted, or if so commenced if the work or change is not substantially completed within two years after the date on which the permit is granted.

**Sec. 102-91 Issuance of certificate of occupancy.**

No new structure or vacant structure shall be occupied until the code enforcement officer has inspected the structure and issued a certificate of occupancy. A certificate of occupancy, however, shall not be construed as a waiver by the City of any land use or zoning violations which may exist and may be known or unknown by

the City at the time of issuing the certificate of occupancy.

**Sec. 102-92 through Sec. 102-100. (Reserved)**

**Subdivision III. Permit for Uses Requiring Review**

**Sec. 102-101 Authority of planning board; site plan required.**

The planning board shall review and approve, approve with conditions or deny all permits for permitted uses requiring planning board review. All applications for permits requiring planning board review shall be accompanied by a site plan.

**Sec. 102-102 Submission requirements.**

For any application under section 102-101, the planning board or the code enforcement officer may require any or all of the following information:

- (1) A map prepared at a scale of not less than one inch to 50 feet which includes:
  - a. The name and address of the applicant or his authorized agent, the name of the proposed use, and a clear identification of any land within 500 feet of the proposed use in which the applicant has title or interest.
  - b. Existing soil conditions as described by a registered soil scientist.
  - c. The names of abutting landowners.
  - d. A perimeter survey of the parcel made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total area.
  - e. Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, storm drainage facilities and public or private rights-of-way.
  - f. Location, ground floor area and elevations of all buildings and other structures on parcels abutting the site.
  - g. If the site is not to be served by a public sewer line, an on-site soils investigation report, including septic design for the proposed use/building, by a site evaluator licensed by the state department of human services.
  - h. Location and dimensions of on-site pedestrian and vehicular accessways, parking areas, and loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets, and curb and sidewalk lines.
  - i. A landscape plan showing the location, type and approximate size of plantings and the location and dimensions of all fencing and screening.
  - j. Topography indicating contour intervals of not more than five feet or as requested by the planning board and/or the code enforcement officer.
  - k. Location on the site plan of the Aquifer-Watershed Overlay District, if applicable.
  - l. Location of important scenic vistas which are listed in the comprehensive plan which are in the vicinity of the site.
  
- (2) A written statement by the applicant that shall include the following:
  - a. Evidence by the applicant of his title and interest in the land for which the application is made.
  - b. A description of proposed uses of the site.
  - c. Total floor area, height and ground coverage of all proposed buildings and structures and percentage of lot covered by all buildings or structures.
  - d. Description of existing and proposed easements, restrictions and covenants placed on the property.

- e. Method of solid waste disposal.
  - f. Copies of letters to be sent by the applicant to any owner of land located within 150 feet of any boundary of the property, as depicted on the on the current City tax maps, upon which development is proposed, the City Clerk, the MSAD 34 school superintendent, and the Belfast Water District superintendent notifying them of the proposed development.
- (3) A written statement by the applicant that shall include the following information if required by the planning board:
- a. Erosion and sedimentation control plan.
  - b. Statement of financial capacity, which should include the names and sources of the financing parties, including individuals, banks, government agencies, private corporations, partnerships and limited partnerships, and whether these sources of financing are for construction loans or long-term mortgages or both.
  - c. List of applicable local, state and federal ordinances, statutes, laws, codes and regulations pertaining to the development of the site.
  - d. The applicant's evaluation of the availability and suitability of off-site public facilities, including sewer, water, streets and solid waste.
  - e. A statement from the fire chief as to the availability of fire hydrants and/or fire ponds, or provisions of fire protection services.
  - f. A statement from the Belfast Water District dealing with:
    - 1. Availability of public water, if the public water supply is to be used.
    - 2. The proposed impact of the project in terms of quantity and/or quality of the water on the Aquifer-Watershed Overlay District if applicable.
  - g. A statement from the public works director that any proposed public road or street construction or alteration will meet City specifications.
  - h. An estimate of the date when construction will start and when it will be completed.
  - i. A statement as to what measures will be taken to preserve scenic vistas as identified in the comprehensive plan.
  - j. Any other information reasonably required by the planning board and/or the code enforcement officer to determine whether the provisions of this chapter will be met.

**Sec. 102-103 Uses subject to review.**

- (a) Planning board. The planning board shall review all:
  - (1) Major developments and developments which substantially affect the environment, except one previously approved by the state department of environmental protection; and
  - (2) Permitted uses requiring planning board review which have previously been reviewed by the planning board.
- (b) Code enforcement officer. The code enforcement officer shall review all:
  - (1) Minor developments which are either:
    - a. Permitted uses; or
    - b. Permitted uses requiring planning board review, which have been reviewed by the planning board.
  - (2) Major developments and/or developments which substantially affect the environment which have been approved by the state department of environmental protection.

**Sec. 102-104 Deadline for submission of application.**

A complete application for a permitted use requiring planning board review must be submitted 13 days prior

to the planning board meeting at which the application is to be reviewed.

### **Sec. 102-105 Fees.**

Fees for any permit required by this subdivision and review of any application for the permit shall be set by the City Council and shall accompany any application. No application shall be scheduled for any review until the fees have been paid.

### **Sec. 102-106 Application review and approval.**

- (a) Timeframe for determining if application is complete. Within 15 days of receiving a written application for a permit for a permitted use or 20 days for a permitted use requiring Planning Board review, the code enforcement officer shall determine whether the application is complete and begin a preliminary review.
- (b) Review process.
  - (1) The first step in the review process is for the code enforcement officer to undertake a preliminary review to determine whether the application and accompanying submissions are sufficiently complete and adequate for the purposes of a substantive review. Should the code enforcement officer determine that the application and submissions are complete and adequate so as to allow substantive review, he shall so notify the applicant in writing. Should the code enforcement officer determine that the application or submissions are incomplete or inadequate so as to preclude substantive review, he shall so notify the applicant in writing and shall specify what additional information and/or material is needed to make the application complete and adequate for purposes of substantive review.
  - (2) If the matter involves a review only by the code enforcement officer, the code enforcement officer shall issue a decision regarding the application.
  - (3) If the application is one which requires Planning Board review, the application shall be scheduled for the Planning Board agenda, subject to the provisions of all of the applicable City ordinances, rules and regulations, and subject to the Planning Board's rules and regulations for placing applications upon the Planning Board's agenda. Following a review of the submission made by the applicant in support of his application, the Planning Board may, before undertaking further review, request further submissions as it deems necessary, or the Planning Board may begin the formal review process and, if and when necessary for completion of its review, request further information or submissions from the applicant. When the Planning Board, in either of such circumstances, requests of the applicant additional information not then before the Planning Board, such submissions shall be made within 60 days from the date of the request, and the matter shall be tabled to a date certain for further proceedings before the Planning Board. The failure to provide requested information as and when requested may result in the denial of the application by the Planning Board. After all requested information has been submitted by the applicant, and the Planning Board determines through a formal finding that all requested information has been provided, the Planning Board shall, within 30 days of that finding, either approve, approve with conditions, or disapprove the application. Any conditions of approval shall be those necessary to ensure that the provisions of this chapter are followed. The failure to approve or disapprove an application within the thirty-day period shall constitute a denial of the application, unless the applicant and the Planning Board agree to the extension to a date certain, not more than 90 days after such thirty-day period. Any application remaining pending for any reason without final action more than three months after its date of filing with the City shall be deemed denied unless the Planning Board, by official vote at a Planning Board meeting, upon the written request of the applicant, affirmatively extends such time period for an additional period of time of not more than

90 days. The Planning Board shall make written findings as to why the matter should remain pending, and further provide that the extension shall be to a date certain after which the application shall be denied.

(4) If the code enforcement officer or the Planning Board requests information and/or submissions from the applicant which the applicant contends are not necessary for the review of his application, the applicant may so indicate in writing and request that the code enforcement officer or, as applicable, the Planning Board render a decision on the application, based upon what has been submitted.

(c) Notification of decision. Within seven days of reaching a decision, the code enforcement officer or Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

**Sec. 102-107 through Sec. 102-130. (Reserved)**

**CHAPTER 102, ZONING  
ARTICLE II, ADMINISTRATION  
DIVISION 5, ENFORCEMENT**

**Sec. 102-161 Violations deemed nuisance.**

Any violation of a land use regulation as provided in this chapter shall be deemed to be a nuisance.

**Sec. 102-162 Responsibility for enforcement; notice of violation.**

This chapter shall be enforced by a code enforcement officer appointed by the City Council. 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 illegal use of land, building, structure, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be maintained by the code enforcement officer as a permanent record.

**Sec. 102-163 Legal action.**

When the action described in section 102-162 does not result in the correction or abatement of the violation or nuisance condition, the code enforcement officer shall notify the City manager. Upon receiving such notice, the City manager, with approval of the City Council, is hereby authorized to direct initiation, in the name of the City, of any and all actions and proceedings, either legal or equitable, including actions seeking to enjoin violations and/or to impose fines, that may be available or necessary to enforce the provisions of this chapter in the name of the City.

**Sec. 102-164 Penalty; additional remedies.**

- (a) Any person, including but not limited to a landowner, a landowner's agent, a tenant or a contractor, who violates any provisions of this chapter shall be penalized in accordance with 30-A M.R.S.A. § 4452.
- (b) In addition, the City shall be entitled to all of the relief, including its costs and legal fees, 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.
- (c) The City shall have the right to enforce this chapter through civil action, either at law or equity. The enforcement provisions contained in this chapter 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.
- (d) Each and every day of violation shall constitute a new and separate offense for which a minimum penalty of \$100 shall be assessed.

**Sec. 102-165 through Sec. 102-180. (Reserved)**

## **CHAPTER 102, ZONING**

### **ARTICLE IV. DESCRIPTION OF DISTRICTS**

#### **Sec. 102-256. Residential II District.**

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

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

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

Area 3. An area that includes the following four properties that have road frontage on and that are located westerly of Northport Avenue (Route 1), and that are located southerly of Perkins Road, as such were identified on the City Tax Maps that were in effect on April 1, 2018: Tax Map 29, Lots 40, 41, 42 and 43. The northerly bound of this area shall be the centerline of Perkins Road, the easterly bound shall be the centerline of Northport Avenue (Route 1), the southerly bound shall be the common property line between Lot 40 and Map 29, Lot 39, and the westerly bound shall be the rear property line for the 4 properties in this area (Lots 40, 41, 42 and 43).

Area 4. Beginning at a point that is the centerline of Northport Avenue (Route 1) that is located at the Belfast/Northport municipal boundary; thence northerly by the centerline of Northport Avenue for a distance of about 2,000 feet to the northwesterly corner of a property identified as Tax Map 29, Lot 4, which has road frontage on Northport Avenue; thence easterly along the northerly bound of Map 29, Lot 4 for a distance of 176 feet and thence continuing in a southerly direction along the rear bound of Map 29, Lot 4 for a distance of 50 feet; thence easterly along the southerly bound of Tax Map 29, Lot 2 for a distance of about 585 to the southeasterly most corner of this property; thence northerly along the common property lines shared by Map 29, Lot 2 and Map 29, Lots 1 and 3 for a distance of about 461 feet to the northeasterly most corner of Map 29, Lot 2; thence westerly along the northerly most property line for Map 29, Lot 2 for a distance of about 265 feet to a point that is located 500 feet from the centerline of Northport Avenue (Route 1); thence in a northerly direction from said point continuing along a line that is parallel to and 500 feet from the centerline of Northport Avenue (Route 1) for a distance of about 1,660 feet until said line intersects with the southerly bound of a property identified as Map 31, Lot 6; thence easterly along the southerly bound of a property identified as Map 31, Lot 6 for a

distance of about 835 feet until said line intersects with a point that is the normal high water mark of Belfast Bay; and thence southerly along the normal high water mark (coast) of Belfast Bay and continuing along the normal high water mark of the Little River for a distance of about 8,000 feet to the point of beginning. The property lines referenced in this description are the property lines that were shown on the City Tax Maps in effect on April 1, 2018.

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

- a) Map 14, Lot 20. Beginning at a point along Vine Street that is about 40 feet from the northeasterly corner of said lot; thence easterly along Vine street for a distance of 40 feet to the northeasterly corner of said lot; thence southerly along the easterly lot line for said lot to a point that is about 145 feet from the northeasterly corner; and thence northwesterly at an angle of about 45 degrees to the point of beginning. The remainder of said property, as of April 1, 2018, is located in the Route 137 Commercial zoning district.
- b) Map 14, Lot 24. Beginning at a point that is the northwesterly rear corner of a property identified as Map 14, Lot 25; thence easterly for a distance of about 110 feet along the southerly bound of said lot to the southeasterly most corner of said lot; thence in a northerly direction for a distance of about 100 feet to the northeasterly most corner of said lot; thence westerly along the common property line shared by Lot 25 and Map 14, Lot 29, to a point that is about 160 feet westerly of the northeasterly most corner of Lot 25; and thence in a southeasterly direction for a distance of about 121 feet through Lot 25 to the point of beginning. The area identified in this description is equal to about 14,215 square feet of the total land area for Map 14, Lot 25. The remaining portion of Map 14, Lot 25, as of April 1, 2018, was located in the Route 137 Commercial zoning district.
- c) Map 14, Lot 25. The City identifies the size of this property as about 6,789 square feet. The portion of this property that is located in the Residential II zoning district is about 5,155 square feet, with the remainder, about 1,634 square feet, as of April 1, 2018, being located in the Route 137 Commercial zoning district. The portion of the property located in the Residential II zoning district is as follows: beginning at the southeasterly most corner of Lot 25 and continuing about 77 feet along the easterly most bound of the property to the northeasterly most corner of the lot; thence westerly along the northerly most bound of Lot 25 for a distance of about 90 feet to the northwesterly most bound of Lot 25; thence in a southeasterly direction through Lot 25 for a distance of about 80 feet to a point that is about 40 feet from the southwesterly most corner of said lot and that is located adjacent to Vine Street; and thence northeasterly along the front lot line for this property located adjacent to Vine Street for a distance of about 50 feet to the point of beginning.

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

of this property is about 615 feet in width and directly borders the common property line of a property identified as Map 16, Lot 25.

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

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

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

**CHAPTER 102, ZONING**  
**ARTICLE V, DISTRICT REGULATIONS**  
**DIVISION 7, RESIDENTIAL II DISTRICT**

**Division 7. Residential II District.**

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

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

- (1) Residential, single-family dwelling. Manufactured housing units are prohibited.
- (2) Residential, two-family dwelling. Manufactured housing units are prohibited.
- (3) Residential, one or two bedroom accessory dwelling unit in a detached structure. Manufactured housing units are prohibited.
- (4) Public parks.
- (7) Accessory uses to principal uses to which the Code Enforcement Officer can issue a permit, including yard sales on no more than 10 days in any calendar year.
- (5) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- (6) Domesticated chickens, subject to requirements of Chapter 10, Animals.
- (8) Accessory structures to principal structures for which the Code Enforcement Officer can issue a permit.
- (9) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted, all areas within the Residential II District (Reference Article IV, District Descriptions, Sec 102-256, Residential II District for area descriptions).
- (10) Solar Energy Systems, Large-Scale, roof-mounted, all areas within the Residential II District. (Reference Article IV, District Descriptions, Sec 102-256, Residential II District for area descriptions).

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

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

- (1) Bed and breakfast, including class 1, class 2 and class 3.
- (2) Health service offices and professional offices.
- (3) Essential services.
- (4) Funeral homes.
- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) Non-municipal public and quasi-public uses.
- (7) Residential planned unit development and cluster housing development.
- (8) Congregate retirement residential housing.
- (9) Health care facilities.
- (10) Home occupations.
- (11) Stealth telecommunications facilities.
- (12) Significant water intake or significant water discharge or outfall pipes.
- (13) Solar Energy Systems, Large-Scale, ground-mounted, allowed within Areas 1, 2 and 3 of the Residential II District (Reference Article IV, District Descriptions, Sec 102-256, Residential II District for area descriptions).

**Sec. 102-423 Applicability of shoreland zoning and floodplain regulations.**

Provisions of chapter 82, pertaining to shoreland zoning, and chapter 78, article II, pertaining to floodplains, may apply in the Residential II District. See the shoreland zoning maps and FIRM flood maps.

**Sec. 102-424 Standards.**

- (a) The general standards of performance in article IX of this chapter shall be observed in the Residential II District.
- (b) The following standards shall also apply:
  - (1) Maximum residential density for one-family dwelling structures is as follows:
    - a. Public sewer and water: One dwelling structure per net one-third acre.
    - b. Unsewered structure: One dwelling structure per net 1/2 acre.
  - (2) Maximum net residential density for two-family dwelling structures is as follows:
    - a. Public sewer and water: One dwelling structure per net one-third acre.
    - b. Unsewered structure: One dwelling per net acre.
  - (3) Minimum lot frontage is 60 feet.
  - (4) The minimum rear and side setback is 15 feet for all buildings.
  - (5) Maximum building height is 38 feet. The Planning Board may approve a steeple or cupola-like architectural enhancement which has no usable floor area which exceeds the height limitation of this section.
  - (6) The minimum setback shall be 25 feet from the road right-of-way line as determined by either measuring a distance from the center of the traveled way that equals 1/2 the right-of-way distance plus 25 feet, or determining the right-of-way boundary by a survey at the owner's expense, and adding 25 feet.

**Sec. 102-425 Planned unit development and cluster housing development.**

In the case of a residential planned unit development or cluster housing development in the Residential II District, the standards in section 102-424 may be modified in accordance with the special provisions of article VI of this chapter. In addition, planned unit development or cluster housing development shall be reviewed under the City's subdivision ordinance.

**Sec. 102-426 Prohibited uses.**

Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the Residential II District. All other uses are excluded.

**Sec. 102-427 through Sec. 102-440. (Reserved)**

**CHAPTER 102, ZONING**  
**ARTICLE V, DISTRICT REGULATIONS**  
**DIVISION 19, ROUTE ONE SOUTH BUSINESS PARK**  
**DISTRICT**

**DIVISION 19. Route One South Business Park District**

**Sec. 102-681. Permitted uses requiring Code Enforcement Officer review.**

The City Code Enforcement Officer shall review and make decisions regarding applications for a Use Permit for the following uses in the Route One South Business Park District:

- (1) Essential services.
- (2) Recreational and community activities.
- (3) Recreational facility, outside, excluding motorized vehicles.
- (4) Public park.
- (5) Municipal uses deemed necessary by the City Council for which the Council shall hold a public hearing with ten days' public notice given.
- (6) Quasi-public and non-municipal public uses.
- (7) Commercial agriculture, dairy and horticultural activities.
- (8) Animal breeding/husbandry.
- (9) Forestry, woodlot management and timber harvesting.
- (10) Fill activities that exceed 25 cubic yards.
- (11) Accessory nonresidential structures that are less than 500 square feet in size (to a permitted use or a nonconforming use of record).

**Sec. 102-682. Permitted uses requiring Planning Board review.**

The City Planning Board shall review and make decisions regarding an application for the following types of uses in the Route One South Business Park District:

- (1) Light industrial and light manufacturing, including accessory retail sales.
- (2) Manufacturing, processing and industrial activities, including accessory retail sales.
- (3) Aquaculture, land based, including uses that are accessory to the aquaculture operation, such as but not limited to: fish processing, byproducts, research laboratory, offices, on-site child care, storage, accessory retail sales, and a visitor's center. A land based aquaculture operation may discharge wastewater to and use water from a marine or fresh waterbody.
- (4) Research laboratory.
- (5) Professional office.
- (6) Storage facility/warehouse.
- (7) Docks, floats, and similar uses that occur below the normal high water mark/high annual tide.
- (8) Hydropower generation.

- (9) Significant groundwater well.
- (10) Significant water intake or significant water discharge/outfall pipe.
- (11) Accessory nonresidential structures that are 500 square feet or greater in size and accessory nonresidential uses (to a permitted use or nonconforming use of record).
- (12) Stealth telecommunications facilities.

**Sec. 102-683. Prohibited uses.**

Only those uses specifically listed as permitted uses requiring Code Enforcement Officer review or permitted uses requiring Planning Board review are allowed within the Route One South Business Park District. All other uses are prohibited.

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

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

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

- (b) Minimum structure setback requirements for nonresidential structures.

- (1) The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures that are located on a lot (property) that has road frontage on Route One or on another road other than Perkins Road:

- Front - 75 feet
- Side - 50 feet
- Rear - 50 feet

All structure setbacks shall be measured from the respective property lines. If a lot does not have frontage on a road, the front setback requirement shall not apply and all structures shall comply with the side and rear setback requirements.

- (2) The following minimum setback requirements shall apply to nonresidential structures and accessory structures to said nonresidential structures that are located on a lot (property) that has road frontage on Perkins Road:

- Front - 40 feet
- Side - 50 feet
- Rear - 50 feet

All structure setbacks shall be measured from the respective property lines. If a lot does not have frontage on a road, the front setback requirement shall not apply and all structures shall comply with the side and rear setback requirements.

- (3) Parking areas/spaces and solid waste/recycling containers shall be prohibited in the structure setback areas identified in (1) and (2) above.

(c) Minimum vegetated buffer yard areas.

A lot (property) on which a nonresidential use or structure is located shall retain or provide a naturally vegetated buffer yard area in all structure setback areas identified in subsection (b) above. The vegetated bufferyard area shall comply with the following standards:

- (1) The minimum width of the buffer yard area shall be 80 percent of the amount of the respective structure setback area. An exception to this standard applies to a front setback area located adjacent to Route One. In such cases, the front buffer yard area shall be no less than the amount of minimum front setback area for structures; reference b), 1) of this Section.
- (2) Vegetation in any naturally vegetated buffer yard area shall be consistent with the type and amount of vegetation that existed prior to the construction of the nonresidential use or structure for which a permit is requested. An applicant shall retain the maximum amount of existing mature trees as is practical, and shall supplement such mature plantings with understory and other plantings to provide a more effective visual buffer. The buffer yard area may incorporate approaches such as berms, fences and similar techniques to enhance the quality of the vegetative buffer. The planting plan for a vegetated buffer yard that is submitted to the City shall be prepared by an appropriately licensed professional.
- (3) Parking spaces/areas and solid waste/recycling containers are prohibited in any buffer yard area. Roads/driveways shall only be permitted to the extent that such must cross the buffer yard area to access the area permitted for development. The only other structures permitted in the buffer yard area, when there is no practical alternative as determined by the Planning Board, are utilities, stormwater management control facilities, significant water intake or significant water discharge/outfall pipes, and essential services.
- (4) The buffer yard and vegetation standards identified in (1) and (2) above shall not apply to any structure that existed as of April 17, 2018, on property identified on the City of Belfast tax maps as map 4, lot 12A. This exemption also shall apply to any addition to a qualifying existing structure, provided the addition is physically connected to the existing structure. The buffer yard and vegetation/landscaping requirement for said qualifying structures are the standards identified in permits for said structures issued by the City Code Enforcement Officer or City Planning Board.

- (d) Maximum lot coverage for a lot (property) occupied by a nonresidential use.

The maximum amount of lot coverage for any lot shall be 70 percent. Lot coverage is based on the amount of impervious surface on a lot.

- (e) Maximum structure height for a nonresidential structure.

The maximum structure height for a nonresidential structure or an accessory structure to a nonresidential structure shall be 45 feet. The height requirement does not apply to a water standpipe storage tank, a utility pole, a storage silo for an agricultural use, and structures similar in function and design to the above structures.

**Sec. 102-685. Performance standards for nonresidential uses and structures.**

All nonresidential uses in the Route One South Business Park District shall comply with applicable performance standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, and Article IX, Performance Standards, Division 2, Environmental Standards. The City shall use the Chapter 98, Technical Standards to assist in implementation of applicable performance standards and to establish requirements for the construction of project infrastructure.

**Sec. 102-686. Applicability of Shoreland Zoning and Floodplain Regulations.**

- (a) The provisions of Chapter 82, Shoreland, shall apply to any portion of a lot (property) in the Route One South Business Park District that is located in any district of the Shoreland Zone, as such is identified in Chapter 82, Shoreland.
- (b) The provisions of Chapter 78, Floods, shall apply to any portion of a lot (property) in the Route One South Business Park District that is located in the floodplain, as such is identified on the Flood Insurance Rate Maps that the City has adopted as part of Chapter 78, Floods.

**Sec. 102-687 through Sec. 102-700. (Reserved)**

**CHAPTER 102, ZONING**  
**ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS**  
**DIVISION 2, SCREENING OF OUTSIDE STORAGE AREAS**

**Division 2. Screening of Outside Storage Areas.**

**Sec. 102-940 Dumpsters.**

All dumpsters or containers used for the disposal of solid waste (trash) or recycling shall be screened by the construction of a four-sided solid fence or wall that is a minimum of six feet in height, or an alternative enclosure or screening that similarly screens the dumpster from public view. Notwithstanding this requirement, if such dumpsters or containers are located in an area that is not frequented by the public and which is not visible from abutting properties or a public or private road, the Planning Board has the authority to allow the placement of said facilities and to not require the construction of a fence or similar screening.

**Sec. 102-941 Outdoor storage areas.**

Areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, and supplies shall be completely screened from view of any street or property. Screening shall consist of a continuous and substantially sight-impervious screen of evergreen foliage at least six feet in height, or a less dense planting of evergreen foliage complemented by a sight-impervious fence, both at least six feet in height. Existing foliage that provides screening comparable to the above standard may be considered in lieu of a screen of evergreen foliage.

**Sec. 102-942 through Sec. 102-960. (Reserved)**

**CHAPTER 102, ZONING**  
**ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS**  
**DIVISION 3, OFF-STREET PARKING FACILITIES**

**DIVISION 3. Off-Street Parking Facilities**

**Sec. 102-961 Required facilities.**

Off-street parking requirements shall be as provided in chapter 98.

**Sec. 102-962 through Sec. 102-980. (Reserved)**

**CHAPTER 102, ZONING**  
**ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS**  
**DIVISION 7, SIGNIFICANT GROUNDWATER WELL PERMIT**

**Division 7. Significant Groundwater Well Permit.**

**Sec 102-1075. Purpose and Applicability.**

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

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

**Sec. 102-1076. Definitions.**

- a) Extraction (or "water extraction" or "extraction of water") means withdrawal, removal, diversion, taking or collection by any means of water from groundwater sources, aquifers, springs, wells, pumps or similar sources.
- b) Extraction point or extraction facility means the physical location where water is extracted, whether by well, pump, pipeline, catchment, or other similar method.
- c) Ground water means underground water located in an aquifer or unconsolidated sediment or rock below the water table.
- d) Significant Groundwater Well. A well, wellhead, excavation, or other structure, device 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 not owned or controlled by the private person (applicant), or river, stream or brook.

Withdrawals of water for firefighting or preoperational capacity testing are not applied to the above thresholds.

- e) Significant Groundwater Well Permit. A permit required from the City Planning Board from any private person who proposes to operate a significant groundwater well.
- f) Water table means the underground water surface at which the pressure is equal to that of the atmosphere. The water table changes throughout the year in response to precipitation recharge and the level of nearby surface waters. The water table fluctuates naturally in response to recharge by precipitation and discharge to surface water.

**Sec. 102-1077. Application and Information Requirements.**

- a) A private person who proposes an activity that qualifies as a significant groundwater well shall submit the following information to the Belfast Planning Board for review, and shall pay the specific fees identified in this Section. Said fees shall be in addition to fees identified in Chapter 82, Shoreland for a Shoreland Permit, Chapter 90, Site Plan, for a Site Plan Permit, Chapter 94, Subdivision, for a Subdivision Permit, and in Chapter 102, Zoning for a Use Permit, if said application for a significant groundwater well is submitted in conjunction with one or more of the above permit applications.

- b) Permit Fees.

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

- c) Application Requirements

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

- 1) Evidence of the Applicant's right, title and interest in and to the properties from which water is to be extracted.
- 2) A statement of the total maximum quantity of water to be extracted, expressed as the annual total, the maximum monthly rate, the maximum weekly rate, and the maximum daily rate. The rate shall be provided for the total number of wells operated on the property and for each well involved in the operation.
- 3) A site plan that accurately identifies the location(s) of the points of extraction by the groundwater well(s). The site plan shall identify the location of the proposed wells in relation to other proposed project development.
- 4) A hydro-geologic investigation report stamped by a Maine certified professional geologist or Maine registered professional engineer. The report shall, at a minimum, include the following information:
  - (a) A map of the entire topographic drainage basin associated with the water extraction well(s) that identifies the basin boundaries, sub-basin boundaries that may be of significance to the recharge of the water extraction well(s), and the location of the groundwater well(s). The map shall identify wetlands that are greater than .5 acre in size, all streams, and all open bodies of water located on the site and in the surrounding area. The identification of off-site resources may be based on the best publicly available information.
  - (b) A map that identifies the location of all public and private wells located within 1,000 feet of the proposed extraction wells. The map also shall identify all properties located within 2,000 feet of the proposed extraction wells that are served by public water.
  - (c) An assessment of how the short-term and long-term rate and amount of groundwater extraction are estimated to impact local and regional ground water levels, wetlands, pond or lake levels, base flow in streams and any water quality changes in ground water and in surface water.
  - (d) The characteristics of the groundwater resource or aquifer from which groundwater is proposed to be extracted, the rates of drawdown and rebound, the sustainable yearly rates, any depression(s) which may develop about the proposed wells, and other impacts on the water table and private or public wells located within 1,000 feet of the proposed extraction facilities shall be assessed. This assessment also shall identify potential impacts that could occur to water table and public or private wells located greater than 1,000 feet from the proposed extraction facilities.
  - (e) An assessment (calculation) of how the proposed rates of extraction will be sustainable during a drought and how such rates of extraction would affect groundwater supplies located within the watershed. In conducting this assessment, the following shall be considered: historical data on the amount of rainfall and the length and severity of drought conditions that have occurred in Belfast, and said impacts on the variability of groundwater supplies in the Little River watershed; information that projects how future

levels of rainfall over the next 10 years, 20 years and 50 years may affect drought conditions in Belfast and in Maine, particularly the length and severity of future drought conditions, and impacts on the variability of groundwater supplies in the Little River watershed; and an assessment of how a drought that has a probability of occurring in both a one in ten year period and in a two year in ten year period would affect groundwater supplies in the Little River watershed.

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

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

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

- a) Applicant shall submit a permit application to the Code and Planning Department that addresses all information required in Sec 102-1077.
- b) The Code and Planning Department, within 45 days of receiving a permit application that addresses requirements of Sec 102-1077, shall schedule the application for review by the City Planning Board.
- c) The City Planning Board shall conduct a public hearing on any permit application that is submitted. The Code and Planning Department, a minimum of 13 calendar days prior to the Planning Board meeting, shall provide written notice of the application and hearing date by first class mail to all property owners located within a radius of 1,000 feet of the proposed groundwater well(s), and shall publish notice of the hearing in a newspaper with local circulation and on the City website. The first notice in the newspaper shall occur a minimum of 13 days prior to the Board meeting and the second notice a maximum of 7 days prior to the hearing.
- d) The Planning Board shall review the application and determine if it complies with the performance standards identified in Sec. 102-1079. The Board may establish conditions of approval as a requirement to obtain applicant compliance with the performance standards. The Planning Board shall adopt findings of fact to identify how it determined that the applicant proposal did or did not comply with City requirements.

**Sec. 102-1079. Performance Standards.**

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

- a) The quantity of water to be taken from a ground water source will not substantially lower the water table beyond the property lines, cause saltwater intrusion that would affect groundwater located on a property not owned by the applicant, cause unreasonable impacts to ground water flow patterns, or cause unreasonable ground subsidence beyond the property lines.
- b) Any proposed use shall not cause unreasonable adverse diminution in water quality or quantity of the aquifer or surrounding surface/ground water. This includes any impacts to the upwelling of a natural spring, ground water source, aquifer recharge area, or wetlands.
- c) Safe and healthful conditions shall be maintained at all times within and about the proposed use and structures.
- d) The proposed use shall require the applicant to provide a stormwater management plan prepared and stamped by a professional engineer registered in the State of Maine that details both construction and long-term controls associated with the groundwater wells. The Planning Board may accept a stormwater management plan submitted for its review as a component of a Site Plan Permit, Shoreland Permit or Use Permit that satisfactorily addresses this requirement.

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

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

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

**CHAPTER 102, ZONING**  
**ARTICLE IX, PERFORMANCE STANDARDS**  
**DIVISION 2, ENVIRONMENTAL STANDARDS**

**Division 2. Environmental Standards.**

**Sec. 102-1121 Applicability.**

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

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

**Sec. 102-1122 Subsurface wastewater disposal.**

- (a) In all zoning districts, the approval of permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and, where on-site septic disposal is proposed, shall be subject to prior obtainment of a plumbing permit for the installation of the subsurface water disposal system.
- (b) The requirements and standards of the state department of environmental protection and department of human services and the latest revised edition of the state plumbing code shall be met.
- (c) A subsurface wastewater disposal system must be designed and installed for any new use, expanded use or change of use unless the use is to be served by municipal sewer.

**Sec. 102-1123 Erosion control.**

Erosion of soil and sedimentation of water-courses and water bodies shall be minimized by employing the following best management practices as set forth in Maine Erosion and Sediment Control Handbook for Construction Best Management Practices, prepared by the Cumberland County Soil and Water Conservation District and the state department of environmental protection, 1991:

- (1) Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.
- (2) The duration of exposure of the disturbed area shall be kept to a practical minimum.
- (3) Temporary vegetation and/or mulching shall be used to protect critical areas during development.
- (4) Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction begins.

- (5) Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, silt traps, or other acceptable methods as determined by the code enforcement officer.
- (6) The top of a cut or the bottom of a fill section shall not be closer than 10 feet to an adjoining property, unless otherwise specified by the code enforcement officer or the Planning Board. Extraction operations (sand pits, etc.) shall not be permitted within 100 feet of any property line, except as provided for in this chapter.
- (7) During grading operations, methods of dust control shall be employed.
- (8) Those areas with soil unsuitable for construction shall be utilized for open space.
- (9) Trees and other vegetation shall be preserved wherever possible.
- (10) Lot grading shall be held to a minimum by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade.

**Sec. 102-1124 Control of stormwater run-off.**

Surface water runoff shall be minimized and detained on-site if possible. If it is not possible to detain water on-site, downstream improvements to the channel may be required to prevent flooding. The natural state of watercourses, swales, floodways or rights-of-way shall be maintained as nearly as possible. The stormwater design shall be for a fifty-year storm, that is, the largest storm which would be likely to occur during a fifty-year period.

**Sec. 102-1125 Wastewater pollution.**

- (a) Wastewater to be discharged into City sewers, should they be available, shall be in such quantities and/or of such quality as to be compatible with federal and state standards and in compliance with chapter 62, article II.
- (b) To meet those standards, the City may require that such wastes shall undergo pretreatment or full treatment at the site in order to render them acceptable for the treatment processes.
- (c) The disposal of wastewater by means other than a public system must comply with the laws of the state.

**Sec. 102-1126 Air pollution.**

Uses which would cause emission of dust, fly ash, fumes, vapors or gases which will have an adverse impact on human health, animals, vegetation, or property, or strain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable federal and state regulations. Construction is not a use for the purposes of this section.

**Sec. 102-1127 Odors.**

No land use or establishment shall be permitted to produce noxious or harmful odors perceptible beyond the lot lines, either at ground or habitable elevation.

**Sec. 102-1128 Glare.**

No land use or establishment shall be permitted to produce a light or reflection of that light beyond its lot lines onto neighboring properties which would interfere with the permitted use of that property or be inconsistent with the character of lighting in the area, or onto any City way so as to impair the vision of the driver of any vehicle upon that City way.

**Sec. 102-1129 Noise.**

Noise may be equal to but not exceed, during any consecutive eight-hour period, an average of 75 dB(A) (re 20 micronewtons/m<sup>2</sup>) measured at any boundary line. During the peak activity of 60 minutes in a twenty-four-hour period a noise may not exceed 115 dB(A) when measured at the source.

**Sec. 102-1130 Gravel extraction.**

Regardless of acreage involved, all gravel extraction operations in the City shall be subject to the rules and guidelines of the state department of environmental protection referenced under the Site Location Law, 38 M.R.S.A. §§ 481-490, and department of environmental protection regulations pursuant to the Site Location Development Law, 38 M.R.S.A. chapters 371-377, and the provisions of chapter 90, pertaining to site plan review, no matter what the size of the non-vegetated area.

**Sec. 102-1131 Heating systems and oil storage tanks.**

Home heating oil systems, including oil storage tanks, shall be installed in compliance with 32 M.R.S.A. ch. 33, the current edition of National Fire Protection Standard No. 31, and any other standards and regulations adopted by the state oil and solid fuel board.

**Sec. 102-1132 Burning of household trash, brush and stumps.**

All burning or disposal of household trash, brush and stumps shall require approval from the state department of environmental protection, except backyard burning of trash for a single-family occupancy in an approved container as allowed by state law, rules or regulations.

**Sec. 102-1133 Timber harvesting.**

Persons carrying on timber harvesting operations must submit a forestry harvesting plan prepared by a Maine licensed forester. The requirements of this section shall be met by selecting the most appropriate best management practices (BMPs) options contained in the publication entitled "Erosion and Sediment Control Hand-book for Maine Timber Harvesting Operations: Best Management Practices," Maine Forest Service, June 1991, as amended. The Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations: Best Management Practices is hereby specifically incorporated in this section.

**Sec. 102-1134 Uses in wetlands.**

Any proposed land use located in wetlands must demonstrate compliance with the provisions of the National Resource Protection Act.

**Sec. 102-1135 Uses in floodplains.**

Any proposed land use located in a floodplain must be in compliance with the provisions of chapter 78, article II.

**Sec. 102-1136 Soils.**

Soils must be adequate for the intended purpose.

### **Sec. 102-1137. Significant Groundwater Well.**

- (a) Exploration to establish a significant groundwater well.

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

- (b) Extraction of a significant groundwater resource.

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

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

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

- (1) The installation of and physical location of the pipe or pipes does not have a significant 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 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.

### **Sec. 102-1137 through Sec. 102-1180. (Reserved)**

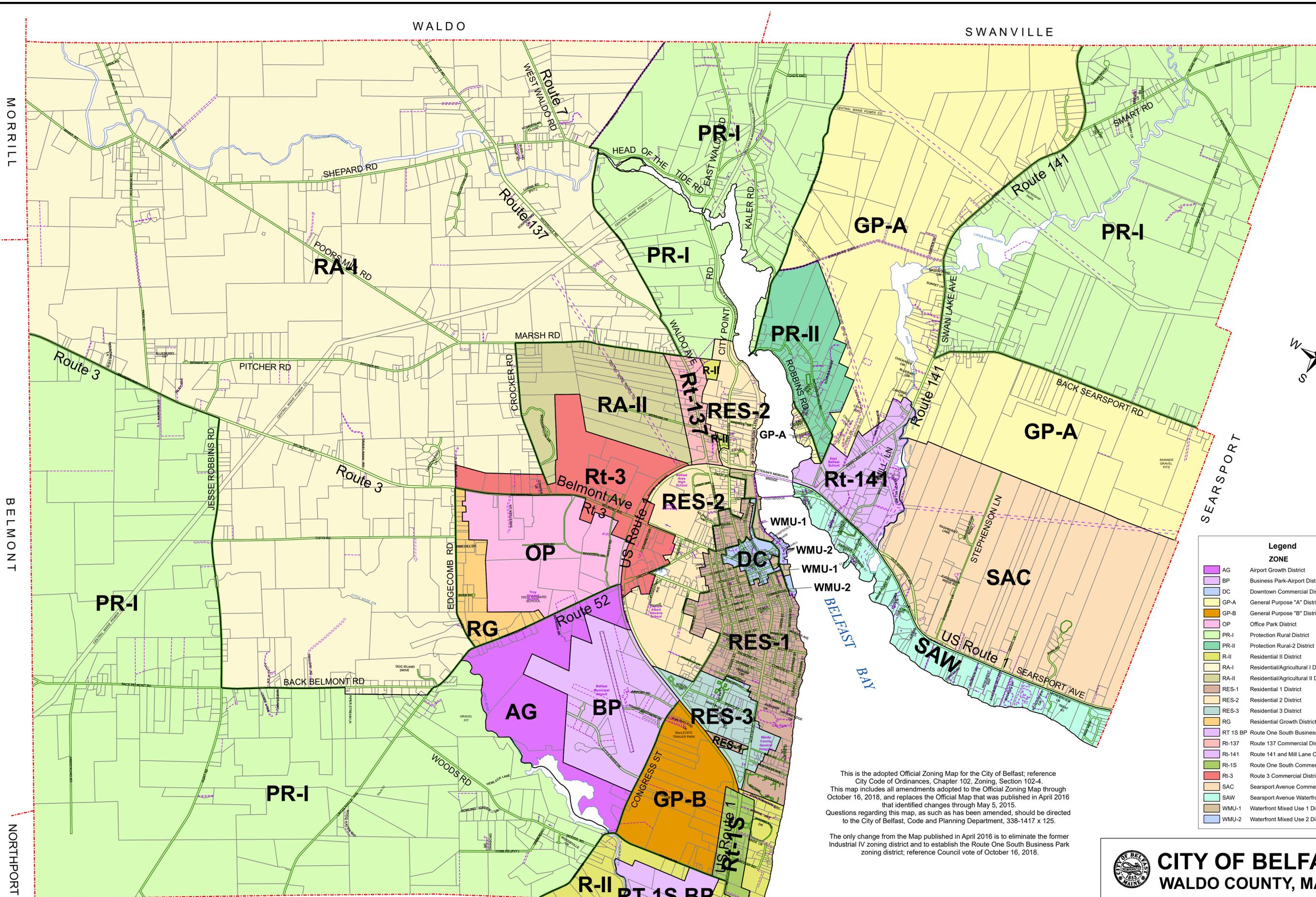
**CHAPTER 102, ZONING  
EFFECTIVE DATE (SUNSET CLAUSE)  
OCTOBER 16, 2018 ORDINANCE AMENDMENTS  
ROUTE ONE SOUTH BUSINESS PARK DISTRICT**

**Effective date of Amendments and Conditional Expiration Date for Amendments.**

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

The following amendments to Chapter 102, Zoning, Article IV, Description of Districts, Sec. 102-256, Residential II District, Sec. 102-267, Industrial IV Perkins Road District, and Sec. 102-282, Route One South Business Park District, and to Chapter 102, Zoning, Article V, District Regulations, Division 7, Residential II District, Division 18, Industrial IV Perkins Road District, Division 19, Route One South Business Park District, and Division 20, Protection Rural District, that were adopted by the City Council on October 16, 2018, shall expire and no longer be in effect if a person (applicant) does not submit an initial Use Permit and Site Plan Permit application to construct a land based salmon aquaculture farm to the Belfast Planning Board by December 31, 2019. If the identified Permit applications are not submitted by December 31, 2019, the provisions of Article IV and Article V associated with these amendments shall revert to the respective zoning regulations that were in effect on October 16, 2018.

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



**Legend**

**ZONE**

AG	Airport Growth District
BP	Business Park-Airport District
DC	Downtown Commercial District
GP-A	General Purpose "A" District
GP-B	General Purpose "B" District
OP	Office Park District
PR-I	Protection Rural District
PR-II	Protection Rural-2 District
R-II	Residential II District
RA-I	Residential/Agricultural I District
RA-II	Residential/Agricultural II District
RES-1	Residential 1 District
RES-2	Residential 2 District
RES-3	Residential 3 District
RG	Residential Growth District
RT 1S BP	Route One South Business Park
Rt-137	Route 137 Commercial District
Rt-141	Route 141 and Mill Lane Commercial District
Rt-1S	Route One South Commercial District
Rt-3	Route 3 Commercial District
SAC	Searsport Avenue Commercial District
SAW	Searsport Avenue Waterfront District
WMU-1	Waterfront Mixed Use 1 District
WMU-2	Waterfront Mixed Use 2 District

This is the adopted Official Zoning Map for the City of Belfast; reference City Code of Ordinances, Chapter 102, Zoning, Section 102.4. This map includes all amendments adopted to the Official Zoning Map through October 16, 2018, and replaces the Official Map that was published in April 2016 that identified changes through May 5, 2015. Questions regarding this map, as such as has been amended, should be directed to the City of Belfast, Code and Planning Department, 338-1417 x 125.

The only change from the Map published in April 2016 is to eliminate the former Industrial IV zoning district and to establish the Route One South Business Park zoning district; reference Council vote of October 16, 2018.

**CITY OF BELFAST**  
**WALDO COUNTY, MAINE**

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

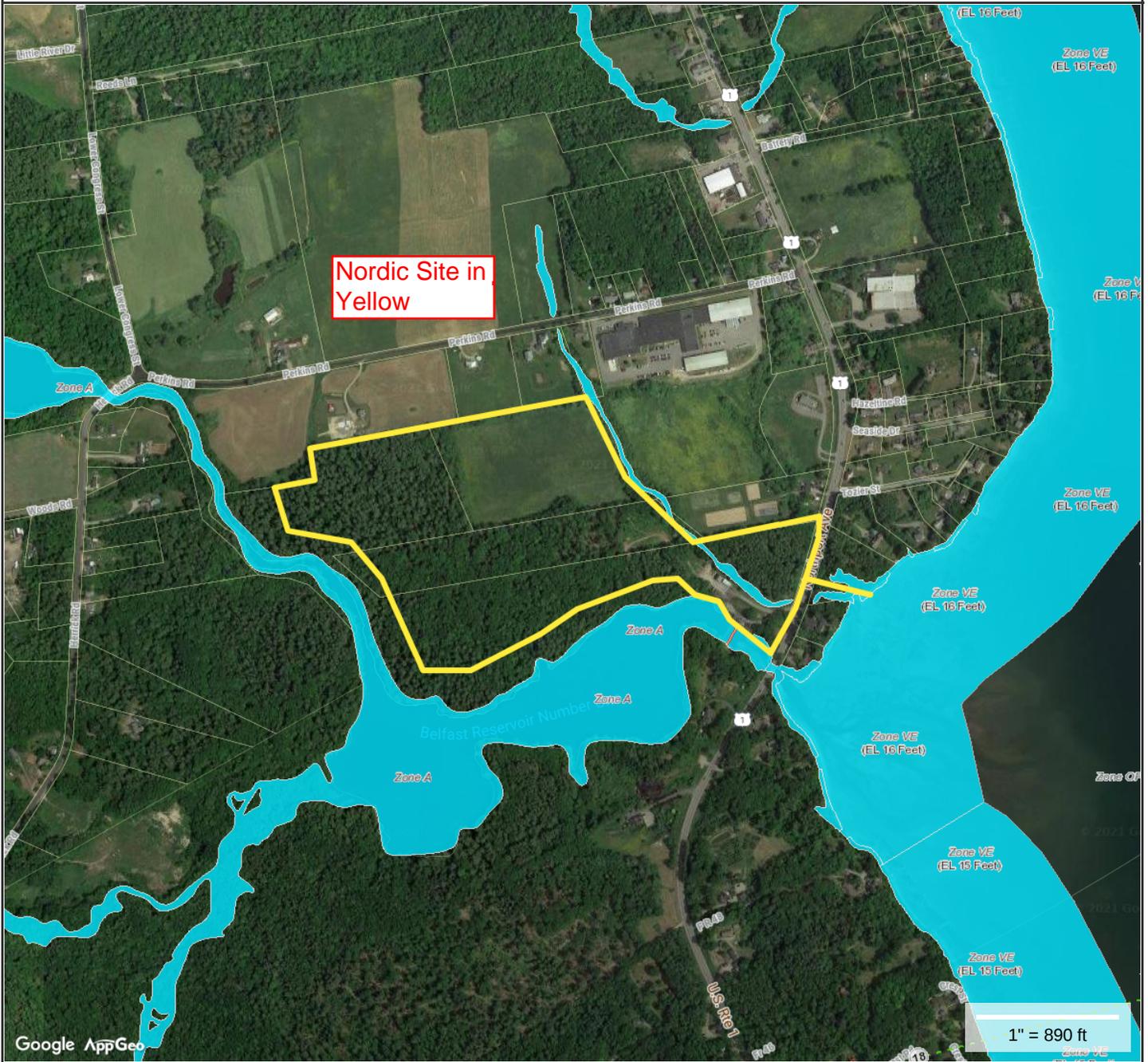




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Geometry updated September 15, 2020  
Data updated September 15, 2020



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