

**CITY OF BELFAST CITY COUNCIL
SECOND READING & PUBLIC HEARING
FEBRUARY 7, 2023 7:00 P.M.
COUNCIL CHAMBERS IN BELFAST CITY HALL**

**SECOND READING - PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 82, SHORELAND**

Notes & Information to the Public on the Proposed Amendments.

1) Background Information & Purpose of Amendments:

The Belfast Planning Board is proposing a series of significant amendments to Chapter 82, Shoreland, in the City Code of Ordinances. The amendments have two main purposes:

- 1) To incorporate revisions identified in the most recently revised State Shoreland Regulatory Guidelines into Chapter 82 so it is consistent with current State requirements. Shoreland Zoning, unlike most elements of the City land use regulations, is required by the State of Maine, thus, the City Ordinance must reflect State requirements.
- 2) To incorporate a Use Table and Dimensional Table into Chapter 82 that is similar in scope and format to the Use Tables and Dimensional Tables used in Chapter 102, Zoning. The intent is to achieve greater consistency in the interpretation of the two Ordinances.

Following are some of the key provisions associated with the proposed amendments.

- a) The City would revise its nonconforming expansion standards for structures so they are consistent with the current approach required by the State. The revisions may affect the amount of expansion permitted for a nonconforming structure.
- b) The City would adopt the more refined vegetation cutting, hazard tree, and revegetation standards identified in the current State regulations. The updated standards should provide clearer guidance to property owners regarding what is required and allowed.
- c) The City would adopt standards for the regulation of non finfish aquaculture operations in Belfast Harbor and would prohibit said operations in the Inner Harbor, Bridge Harbor, and Outer Harbor. Finfish aquaculture would be prohibited in all areas of Belfast Harbor.
- d) The amount of shore frontage for a lot in the Urban Residential District would increase from the current 50 feet to 100 feet. The minimum lot size standard in this District is 10,000 square feet, and the proposed 100 foot shore frontage requirement is more in line with State minimum requirements and the shape of a property. Also, the 50 foot minimum standard could preclude adjacent property owners from constructing a dock.

- 5) Two properties on City Point Road that now have shore frontage on the Passagassawakeag River would be included in the Limited Residential Shoreland District rather than the current Resource Protection District. Houses were constructed on these lots over 20 years ago, and the adjacent properties are in the Limited Residential District.
- 6) The Use Table and the accompanying Footnotes are in the same format as those included in Chapter 102, Zoning, for the respective zoning districts. The greater detail in this Table should aid in interpreting uses that are allowed on a property that is in a Shoreland District.

There are many other amendments associated with this proposal and interested parties are encouraged to review the entire proposal and to not rely on this summary.

2) Recommendation of Belfast Planning Board.

The amendments presented at Second Reading were reviewed and prepared under the direction of the Belfast Planning Board. The Planning Board conducted a public hearing on the amendments at its meeting of December 14, 2022. No public comment was received on these proposed amendments at the December 14 hearing. At this same December 14 meeting, the Planning Board voted 5-1 to recommend the amendments for Council consideration.

3) Council Process for Consideration of Proposed Amendments.

The proposed amendments were considered at a formal First Reading at the Tuesday, January 17, 2023 regular City Council meeting. The Council also conducted a public hearing at the First Reading, however, no public comment was received regarding the proposed amendments to Chapter 82, Shoreland. The Council, at the recommendation of both the Planning Board and the Planning and Codes Department, incorporated revisions to the proposed amendments regarding the regulation of certain aquaculture operations in marine and freshwaters.

The Council has scheduled this same amendment for Second Reading and public hearing at the regular Tuesday, February 7 meeting. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments.

4) How to Offer Public Comment:

The City of Belfast and Belfast City Council encourage public comment on the proposed amendments. Any member of the public can offer comment to the City Council for this public hearing in any of the following three ways:

- a) Comment can be submitted in writing via email to public@cityofbelfast.org. All email comment must be received by 2:00 pm on February 7, 2023. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- b) Comment can be submitted in writing via letter. The letter must be received by 2:00 pm on February 7, 2023, so it can be photocopied and presented to the Council. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- c) Comment can be orally presented to the Council at the February 7, 2023 public hearing. Oral comment should be limited to 3 minutes. The Council meeting that begins at 7:00 P.M. in the Council Chambers of Belfast City Hall, and the hearing will start as soon as practical after 7:00

pm. All oral comment must be delivered at the Council meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Council.

The City notes that seating is limited in the Council Chambers. The public hearing and Council meeting can be live streamed on the City website www.cityofbelfast.org, seen live on BEL TV, channel 7 or channel 1303, or heard live on Belfast Community Radio WBFY 100.9.

5) Format of Amendment: Language/text in black font is existing language in the Ordinance that is not proposed to be changed through this amendment. Language/text proposed to be added to the existing Ordinance is shown in **Red Font**. Language/text proposed to be deleted/repealed from the existing Ordinance is shown in **Blue Strike-through Font**. Language that is **highlighted in Yellow** identifies a date that needs to be added to final Ordinance if the Council adopts the proposed amendments, or a specific Note to the Public regarding the proposed amendments..

6) Questions and Information on the Proposed Amendments.

The complete text of this proposed amendment can be found on the City website, cityofbelfast.org, reference Planning and Codes, February 7, 2023 Council Hearing, and a printed copy of the amendments can be inspected at the Planning and Codes offices during normal business hours, Monday - Thursday, 7:00 am - 6:00 pm. Questions regarding the proposed amendment should be directed to the Planning and Codes office at 338-3370 x 125, or by email to Wayne Marshall, Project Planner, at wmarshall@cityofbelfast.org.

CHAPTER 82, SHORELAND

ARTICLE I. In General

Sec. 82-1. Definitions.

[Ord. No. 8-1997, § 17, 7-15-1997; Ord. No. 40-1997, 4-1-1997; Ord. No. 54-2003, 6-17-2003; Ord. No. 20-2004, 1-6-2004]

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. **As such, some definitions that appear in the Maine Department of Environmental Protection, Chapter 1000: Guidelines for Municipal Shoreland Ordinances are included in Chapter 66, General Provisions, rather than this Section 82-1.** 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, **and Division 2.5 Adult 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 freshwater or the discharge of waters to marine waters or freshwater 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 freshwater or discharge of waters to marine waters or freshwater and be considered a freshwater aquaculture operation. If the freshwater activity occurs in a stream or river that is subject to tidal inundation, only aquaculture operations that occur in intertidal waters and above the low tide mark, or that occur on or that are attached/connected to a structure that is connected to shore shall be subject to City regulation pursuant to requirements of Chapter 82, Shoreland.

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. Only aquaculture operations that occur in intertidal waters and above the low tide mark, or that occur on or are attached/connected to a structure that is connected to shore shall be subject to City regulation pursuant to requirements of Chapter 82, Shoreland.

BASAL AREA

The area of cross-section of a tree stem at 4.5 feet above ground level and inclusive of bark.

BASEMENT (Note - This definition is specific to Chapter 82, Shoreland)

Any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50 percent of its volume below the existing ground grade.

BELFAST HARBOR

The shoreline and waters of Belfast as such are defined in Section 30-92 of this Code Chapter. 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.

CANOPY

The more or less continuous cover formed by tree crowns in the wooded area.

CROSS-SECTIONAL AREA

The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH

The diameter of a standing tree measured 4.5 feet from ground level.

DIMENSIONAL REQUIREMENTS

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

DISRUPTION OF SHORELINE INTEGRITY

The alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

EXPANSION OF A STRUCTURE IN THE SHORELAND ZONE

An increase in the floor area or volume footprint 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~~ **one or more** months to a use's operating season; **additional hours of operation**, or the use of more ~~floor area or ground area~~ **footprint of a structure** devoted to a particular use.

FLOODWAY (Note - This definition of Floodway is specific to Chapter 82. Chapter 78, Floods, has a more specific definition of a 'Regulatory Floodway')

The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

FOOTPRINT

The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

FOREST STAND

A contiguous group of trees sufficiently uniform in age class, distribution, composition, and structure, and growing on a site of sufficiently uniform quality to be a distinguishable unit.

FORESTED WETLAND

A freshwater wetland dominated by woody vegetation that is 20 feet or more in height.

FRESHWATER WETLAND

Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, ~~which~~ **that** are:

- (1) Of 10 or more contiguous acres:
- (2) Less than 10 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 or ground water 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 ~~e~~**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.

GROUND COVER

Small plants, fallen leaves, needles, and twigs, and the partially decayed organic matter of the forest floor.

HARVEST AREA

The area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

HAZARD TREE

A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

HEIGHT OF A STRUCTURE IN THE SHORELAND ZONE (Note - The definition of structure height in the Shoreland Zone is different than the definition in Chapter 66).

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, and similar appurtenances which have no floor area.

INCREASE IN NONCONFORMITY OF A STRUCTURE IN THE SHORELAND ZONE (Note - This definition is specific to Chapter 82)

Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally, provided that said expansion complies with the Nonconformance standards identified in Article III, Nonconformance, and provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that

water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

LAND MANAGEMENT ROAD

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

LICENSED FORESTER

A forester licensed under 32 M.R.S.A. Chapter 76.

LOT AREA

The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

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.

MINIMUM LOT WIDTH

The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

NATIVE

Indigenous to the local forests.

NONCONFORMING CONDITION

A nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Chapter (Ordinance) was initially adopted (November 6, 1991), or as a subsequent amendment to this Chapter took effect.

NONCONFORMING LOT IN THE SHORELAND ZONE

A single lot of record which, on the effective date (November 6, 1991) of the Ordinance from which this Chapter is derived, or the date of an amendment of this Chapter, does not meet the area, shore frontage, or width requirements of the shoreland district in which it is located.

NONCONFORMING STRUCTURE IN THE SHORELAND ZONE

A structure which that does not meet any one or more of the following dimensional requirements: structure setback, structure height, lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time (November 6, 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 6, 1991) this eChapter or subsequent amendments took effect.

NON-NATIVE INVASIVE SPECIES OF VEGETATION

Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

NORMAL HIGH-WATER LINE (NON-TIDAL WATERS)

The line that is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils, and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

OUTLET STREAM

Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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, water bodies and wetlands in Belfast that are subject to requirements of this eChapter.

SAPLING

A tree species that is less than 2 inches in diameter at 4.5 feet above ground level.

SEEDLING

A young tree species that is less than 4.5 feet in height above ground level.

SETBACK IN THE SHORELAND ZONE

The nearest horizontal distance from the normal high-water line **of a water body or tributary stream, or upland edge of a wetland**, 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, **horizontal distance**, of the upland edge of a coastal ~~or freshwater~~ wetland, **including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland**; or within 75 feet, **horizontal distance**, of the normal high-water line of a stream. Lands, water bodies and wetlands in the City of Belfast that are subject to shoreland zone requirements are depicted on the City ~~e~~**Official s**Shoreland ~~z~~**Zoning m**Map.

SKID ROAD OR SKID TRAIL

A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

SLASH

The residue, e.g., treetops and branches, left on the ground after a timber harvest.

STORM-DAMAGED TREE

A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

STRUCTURE (Definition for Chapter 82, Shoreland. Definition for a structure in Chapter 66, General Provisions, applies to other Chapters in Subpart B of the City Code)

Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

TIDAL WATERS

All waters affected by tidal action during the highest annual tide.

~~**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~~ **is connected hydrologically with other water body-bodies or wetland. **A 'Tributary Stream' does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.** This definition does not include the term "stream" as defined in this ~~s~~**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 OF A WETLAND

The boundary between upland and wetland. **For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are 20 feet or more in height.**

VEGETATION IN THE SHORELAND ZONE

All live trees, shrubs, ground cover, and other plants, including, without limitation, trees both over and under **four** 4 inches in diameter, measured at 4.5 ~~1/2~~ feet above ground level.

~~WATER BODY~~

~~Any great pond, river, stream or tidal area.~~

WETLAND

A freshwater or coastal wetland.

~~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 eChapter and eChapter 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.

WOODY VEGETATION

Live trees or woody, non-herbaceous shrubs.

Sec. 82-2. Violations; enforcement; penalties. (Section 82-2 Repealed by Council on --- insert date of Council adoption ---) [Ord. No. 8-1997, § 16(H), 7-15-1997] [Note to Public - Sec 82-2 was relocated to Article II, Sec 82-74]

~~(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 eChapter.

[Ord. No. 8-1997, § 1, 7-15-1997; Ord. No. 54-2003, 6-17-2003]

The purposes of this eChapter 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.

[Ord. No. 8-1997, § 2, 7-15-1997]

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

Sec. 82-5. Applicability of eChapter.

[Ord. No. 8-1997, § 3, 7-15-1997; Ord. No. 54-2003, 6-17-2003]

This eChapter applies to all land areas depicted on the City eOfficial sShoreland zZoning mMap 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 **wetland, including all areas affected by tidal action; or upland edge of a** freshwater wetland,; and within 75 feet, horizontal distance, of the normal high-water line of a stream identified on the **Official Shoreland Zoning Map**. This eChapter 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, **and certain aquaculture operations in Belfast Harbor and the Passagassawakeag River.**

Sec. 82-6. Effective date of ~~e~~Ordinance, approval of ~~e~~Ordinance by ~~s~~State-~~b~~Board of ~~e~~Environmental ~~p~~Protection; and repeal of previous ~~o~~Ordinance.

[Ord. No. 8-1997, § 4, 7-15-1997; Ord. No. 20-2004, 1-6-2004]

The ~~e~~Ordinance codified in this ~~e~~Chapter was adopted by the City ~~e~~Council on November 6, 1991, and was forwarded to and was subsequently approved by the ~~s~~State-~~b~~Board of ~~e~~Environmental ~~p~~Protection. The City ~~s~~Shoreland ~~z~~Zoning ~~e~~Ordinance previously imposed was repealed effective November 6, 1991. **The City, post the adoption of this Ordinance (Chapter) on November 6, 1991, has adopted subsequent amendments.**

Sec. 82-7. Availability of copies of regulations.

[Ord. No. 8-1997, § 5, 7-15-1997; Ord. No. 20-2004, 1-6-2004]

A certified copy of the ~~e~~Ordinance codified in this ~~e~~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 ~~e~~Ordinance shall be posted.

Sec. 82-8. Conflicting regulations.

[Ord. No. 8-1997, § 7, 7-15-1997]

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

Sec. 82-9. Amendments.

[Ord. No. 8-1997, § 8, 7-15-1997; Ord. No. 20-2004, 1-6-2004]

This ~~e~~Chapter may be amended by majority vote of the City ~~e~~Council. Copies of amendments, attested and signed by the City Clerk, shall be submitted to the ~~state-board~~ **Commissioner of the Department** of ~~e~~Environmental ~~p~~Protection following adoption by the City ~~e~~Council and shall not be effective unless approved by the ~~board of environmental protection~~ **Commissioner**. If the ~~board of environmental protection~~ **Commissioner** fails to act on any amendment within 45 **calendar** days of ~~the board's~~ **the Commissioner's** receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the City within the ~~forty-five~~ **45** day period shall be governed by the terms of the amendment, if such amendment is approved by the ~~board of environmental protection~~ **Commissioner**.

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

CHAPTER 82, SHORELAND.

ARTICLE II. ADMINISTRATION

DIVISION 1. Generally

Sec. 82-31 Administrative bodies and agents.

[Ord. No. 8-1997, § 16(A), 7-15-1997; Ord. No. 54-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004]

Administering bodies and agents for purposes of this eChapter 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 pPlanning bBoard as created in accordance with the provisions of sState 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 that require or** request the use of the contract rezoning process; for uses located in Belfast Harbor:
 - a. A pier, dock, wharf, bridge or other structure **and or** use extending over or below the normal high water line of Belfast Harbor;
 - b. A marina; and
 - c. Aquaculture, **marine based**.

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

DIVISION 2. Shoreland Permits

Sec. 82-51 Shoreland Permit Required.

[Ord. No. 8-1997, § 16(B), 7-15-1997]

- (1a) 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. **A person who is issued a permit pursuant to this Chapter shall have a copy of the permit on site while the work authorized by the permit is performed.**
- (b) **Any permit required by this Chapter shall be in addition to any other permit required by other law or City Ordinance.**

Sec 82-51.5 Shoreland Permit Not Required.

- (a) A permit is not required for the replacement of an existing road culvert as long as:**
 - (1) The replacement culvert is not more than 25 percent longer than the culvert being replaced;**
 - (2) The replacement culvert is not longer than 75 feet; and**
 - (3) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.**
- (b) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.**

Sec. 82-52 Shoreland Permit Application.

[Ord. No. 8-1997, § 16(C), 7-15-1997]

- (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 Sections 82-1357 and Section 82-138. See Reference the Table of Uses for Shoreland Districts 1 in Section 82-1357 and the Footnotes associated with this Use Table in Section 82-138 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, and providing evidence of right, title, and interest in the property. 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.**
- (e) When an excavation contractor performs an activity that requires or results in more than 1 cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each**

day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; or for municipal, state and federal employees engaged in projects associated with that employment.

Sec. 82-53 Procedure for Shoreland permits issued by the eCode eEnforcement eOfficer.
[Ord. No. 54-2003,6-17-2003; Ord. No. 20-2004, 1-6-2004]

Permits subject solely to eCode eEnforcement eOfficer review are identified in sSection 82-1357, tTable 1-of Uses for Shoreland Districts and the Footnotes associated with this Use Table in Section 82-138. The eCode eEnforcement eOfficer shall approve, approve with conditions, or deny the issuance of a shoreland permit using the following process:

- (1) The eCode eEnforcement eOfficer, within 30 calendar days of receipt of an application, shall determine if the application is complete and contains all information necessary to enable the eOfficer to make a determination. The eCode eEnforcement eOfficer shall decide to approve, approve with conditions, or deny a permit within 30 calendar days of the eOfficer's determination that the application is complete.
- (2) The eCode eEnforcement eOfficer shall review the application to determine conformance with provisions of this eChapter, particularly sSections 82-55, standards for review of shoreland permits, and aArticle V, lLand uUse sStandards, sSections 82-161 through 82-451511. The eOfficer also shall issue findings of fact that describe the basis of his the Officer's decision.

Sec. 82-54 Procedure for Shoreland permits issued by the Planning Board.
[Ord. No. 54-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004]

Permits subject to review by the pPlanning bBoard are identified in sSection 82-1357, tTable 1-of Uses for Shoreland Districts and the Footnotes associated with this Use Table in Section 82-138. The pPlanning bBoard 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 eCode eEnforcement eOfficer or the Officer's designee. The Code Enforcement Officer or the Officer's designee, 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 (or the Officer's designee) shall schedule the permit for review and public hearing by the Planning Board at the first available bBoard meeting after the Code Enforcement Officer (or the Officer's

designee) determines the application contains sufficient information.

- (2) The Department of Planning and **Community Development Codes** 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 13** 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 13** calendar days prior to the hearing.

The notification, at a minimum, shall include the name of the applicant, location of the property, **sub**district 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 Codes** 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 **b**Board's findings and decision shall determine conformance with provisions of this **e**Chapter, particularly **s**Section 82-55, standards for review of shoreland permits, and ~~**a**Article V, **L**and **u**se **s**Standards, **s**Sections 82-161 through 82-~~**45**~~**511**~~. 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 **identified in the Section 82-137 Tables of Uses** that are located in Belfast Harbor ~~**identified in sSection 82-135**~~ shall require review by the Belfast Harbor Committee prior to the permit application being heard by the Belfast Planning Board:
 - 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, **marine based**;

~~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 **s**Section 82-54(~~**1**~~) (**4**) shall be **45 60** days.

The Harbor Committee shall review the application to determine conformance with requirements of City **e**Code of **e**Ordinances, **e**Chapter 30, **m**Marine **a**Activities, and the standards identified in

sSection 82-204. The eCommittee shall issue its findings in writing to the Planning Board. The Planning Board shall consider the eCommittee's findings in its review of a shoreland permit application.

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

[Ord. No. 3-2005, 7-20-2004]

- (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 required or may voluntarily choose** to **use** the contract rezoning process; **reference provisions in Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Contract Rezoning, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts, and the Waterfront Development Shoreland District. 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 sShoreland dDistrict that may qualify for the contract rezoning process are identified in sSection 82-~~135-137~~, tTable ~~1~~ of **Uses for Shoreland Districts and the Footnotes associated with this Use Table in Section 82-138**. Such uses shall be reviewed by the Planning Board and City Council in accordance with procedures identified in eChapter 102, **Zoning**, aArticle X, dDivision 4.

The Planning Board and City Council shall make a finding that the proposed use satisfies the standards identified in sSection 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 eChapter 82, aArticle V, provided both parties find that the conditions it shall impose upon an applicant (use) satisfy the intent and purposes of eChapter 82, particularly the intent and purpose of establishing the Waterfront Development shoreland district. The role of the **Planning bBoard and City eCouncil** in the contract rezoning process is more particularly described in eChapter 102, aArticle X, dDivision 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 **Section 82-~~135 137~~, tTable ~~1, 17, 17(a) and 35~~ of Uses for Shoreland Districts and the Footnotes associated with this Use Table in Section 82-138**) below the normal high water mark, may be **subject required or may voluntarily choose** to **use** the contract rezoning process; **reference provisions in Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Contract Rezoning, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts, and the Waterfront Development Shoreland District.** Said application must be for a permit that involves a project that is **wholly or partly** located in both the Waterfront Development shoreland district and the **Waterfront Mixed Use-1 or Waterfront Mixed Use-2**

zoning districts. Such uses shall be reviewed by the Harbor Committee, Planning Board and City Council in accordance with procedures identified in **eChapter 102, aArticle X, dDivision 4**.

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

Sec. 82-55 Burden of proof.

[Ord. No. 54-2003, 6-17-2003; Ord. No. 20-2004, 1-6-2004]

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 **eChapter**.

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

[Ord. No. 54-2003, 6-17-2003]

The **eCode eEnforcement eOfficer** or Planning Board shall review a completed **permit** 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 and unhealthful** 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 **undue** adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat;
- (5) **When required, W**ill conserve **shore cover and** shoreland vegetation;
- (6) Will conserve visual points of access to inland and coastal waters as viewed from public facilities and public (**eCity and sState**) 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 **protect and will** not adversely impact archaeological and historic resources as **such are** designated in the Belfast Comprehensive Plan, **or on a State or National Historic Registry**;
- (9) Will not adversely affect existing commercial fishing or maritime activities in ~~a Commercial Fisheries/Maritime Activities District~~ **Belfast Harbor**;

- (10) Will avoid problems associated with floodplain development and use; ~~and~~
- (11) Is in conformance with the provisions of ~~a~~Article V of this ~~e~~Chapter, pertaining to land use standards; ~~;~~ **and**
- (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.

[Ord. No. 20-2004,1-6-2004]

In addition to the criteria identified in Section 82-56, excepting structure setback requirements, ~~T~~the ~~p~~Planning ~~b~~Board may approve a permit by special exception to allow the construction of one single family residential structure in a Resource Protection District ~~if~~**provided** 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 ~~r~~Resource ~~p~~Protection ~~d~~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 ~~e~~Official ~~s~~Shoreland ~~z~~Zoning ~~m~~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~~%~~**percent**; 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 ~~e~~Chapter 78, ~~f~~Floods.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be ~~1/2~~ **no greater than 50 percent of the width** of the one-hundred-year floodplain.

- (4) The total ~~ground-floor—area~~ **footprint, including cantilevered or similar overhanging extensions**, 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,

horizontal distance. In determining the greatest practical extent, the **pP**lanning **bB**oard 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 **zZ**oning **bB**oard of **aA**ppeals can grant an administrative appeal, but cannot grant a variance to the terms of a special exception for the **rR**esource **pP**rotection **dD**istrict.

Sec. 82-58 Expiration of permit.

[Ord. No. 8-1997, § 16(E), 7-15-1997; Ord. No. 54-2003, 6-17-2003; Ord. No. 20-2004, 1-6-2004]

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.

[Ord. No. 8-1997, § 16(F), 7-15-1997; Ord. No. 54-2003, 6-17-2003; Ord. No. 20-2004, 1-6-2004]

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 **eC**hapter, or any previous ordinance, has been issued by the City **dD**eartment of **pP**lanning and **community-development Codes**. Following installation of service, the company or district shall forward the written authorization to the **dD**eartment indicating that installation has been completed.

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

DIVISION 3 Appeals and Variances

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

[Ord. No. 8-1997, § 16(G)(1), 7-15-1997; Ord. No. 25-2005, 12-7-2004; Ord. No. 3-2005, 7-20-2004]

The **zZ**oning **bB**oard of **aA**ppeals 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 **eC**hapter. Notwithstanding this provision, the **zZ**oning **bB**oard of **aA**ppeals 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 **eC**hapter.

A request for an administrative appeal or variance shall comply with the procedures described in

eChapter 102, ~~z~~Zoning, aArticle II, aAdministration, dDivision 4, aAppeals and vVariances.

Sec. 82-72 Variances.

[Ord. No. 8-1997, § 16(G)(2), 7-15-1997; Ord. No. 25-2005, 12-7-2004]

- (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~~ **structure** setback, **and vegetation cutting or cover** requirements.
 - (2) Use variances. Variances shall not be granted for establishment of any uses otherwise prohibited by this eChapter.
 - (3) Disability variances. The criteria for granting a disability variance is defined in eChapter 102, Zoning, sSection 102-133.
- (b) (Reserved)
- (c) Required findings.
- (1) The ~~b~~**B**oard shall not grant a variance unless it finds that:
 - a. The proposed structure or use would meet the provisions of aArticle V of this eChapter 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 eChapter would result in undue hardship.
 - (2) For purposes of this subsection, the term "undue hardship" is defined by criteria established in eChapter 102, Zoning, sSection 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 eChapter 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 sState. 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 eCommissioner of the sState dDepartment of eEnvironmental pProtection at least 20 days prior to action by the Zoning Board of Appeals. Any comments received from the eCommissioner 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 sState. A copy of all variances granted by the ~~z~~**Z**oning ~~b~~**B**oard of ~~a~~**A**ppeals shall be submitted to the sState dDepartment of eEnvironmental pProtection within 14 days of the decision.

Sec. 82-74. Violations; enforcement; penalties. [Note to public - This Section was relocated from Article I, Administration]

- (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 finds that any provision of this Chapter is being violated, the Officer 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-~~73~~ 74 through Sec. 82-100. (Reserved)

CHAPTER 82, SHORELAND

ARTICLE III. NONCONFORMANCE.

Sec. 82-101 Generally.

[Ord. No. 8-1997, § 12(A), 7-15-1997]

It is the intent of this **e**Chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of the **e**Ordinance **(November 6, 1991)** from which this **e**Chapter is derived shall be allowed to continue, subject to the requirements set forth in this **a**Article. **Except as provided otherwise in this Chapter, a nonconforming condition shall not be permitted to become more nonconforming.**

Sec. 82-102 Transfer of ownership.

[Ord. No. 8-1997, § 12(B)(1), 7-15-1997]

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 **e**Chapter.

Sec. 82-103 Repair and maintenance.

[Ord. No. 8-1997, § 12(B)(2), 7-15-1997]

This **e**Chapter allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations **which that** do not involve **an** 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 Expansion of ~~N~~nonconforming structures.

[Ord. No. 8-1997, § 12(C), 7-15-1997]

(a) Expansions.

- (1) **All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements identified in Section 82-185.** 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 **and is in accordance with subparagraphs a. and b. below.**

~~(2) Further limitations as follows:—~~

- ~~a. After January 1, 1989, if any portion of a 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 either floor area or volume, by 30 percent or more, during the lifetime of the structure.~~

- a. Except in the Waterfront Development District that does not have a structure setback requirement, the expansion of any portion of a structure located within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - b. Notwithstanding paragraph a., above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded per the following standards, provided all other applicable municipal land use standards are met, and the expansion is not prohibited by other standards in Sec 82-104(a)(1).
 - 1. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (2) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, provided other applicable municipal land use standards are met, and the expansion is not prohibited by Sec 82-104(a) or (a)(1) above.
- a. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30 percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - b. For structures that are located in the Resource Protection or Limited Residential districts, and that are located less than 100 feet from the normal high-water line of the section of Upper Mason Pond (a great pond) or the section of the Goose River (from Swanville/Belfast municipal boundary to the Pond) that flows into this Pond, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30 percent larger than the total footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is

greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 82-104(a)(1)b.1. and Section 82-104(a)(2)a., above.

- (3) In addition to the limitations in subparagraphs (2)a. and b. above, for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30 percent larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 82-104(a)(1)b.1. and Section 82-104(a)(2)a., above.
- (4) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Waldo County Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary, and evidence of approval by the municipal review authority.

b.(b) Foundations.

Whenever a new, enlarged, or replacement ~~Construction or enlargement of a~~ foundation ~~is constructed under a nonconforming~~ ~~beneath the existing~~ structure, ~~shall not be considered an expansion of the structure provided that~~ the structure and new foundation ~~are must be~~ placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in ~~s~~Subsection (ba) of this ~~s~~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 and Section 102-105, Relocation.~~

~~e.~~(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)~~ **Sec 102-104.25. Relocation of a nonconforming structure.**

~~(1)~~(a) 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 **or its designee**, and provided that the applicant demonstrates that the present subsurface sewage

disposal system meets the requirements of ~~s~~State law and the ~~s~~State ~~s~~Subsurface ~~w~~Wastewater ~~d~~Disposal ~~r~~Rules, or that a new system can be installed in compliance with the law and ~~such~~ ~~said~~ rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

- (2b) In determining whether the ~~building~~ ~~structure~~ relocation meets the setback to the greatest practical extent, the Planning Board ~~or its designee~~ 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.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 82-400, Revegetation Requirements. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (1) **Trees removed in order to relocate a structure must be replanted with at least 1 native tree, 3 feet in height, for every tree removed. If more than 5 trees are planted, no one species of tree shall make up more than 50 percent of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.**

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (2) **Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.**

(e)Sec 102-104.5. Reconstruction or replacement of a nonconforming structure.

- (1a) Any nonconforming structure ~~which~~ ~~that~~ 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~~ ~~that~~ is removed, or damaged or destroyed, **regardless of the cause**, by more than ~~50%~~ ~~percent~~ 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~~ **18 months** of the date of such damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water **body, tributary stream, or wetland** setback requirement to the greatest practical extent as determined by the Planning Board ~~or its designee~~ in accordance with the purposes of this ~~e~~Chapter. In no case,

however, shall a structure be reconstructed or replaced so as to increase its nonconformity. **If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 102-104(a) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 104.25, Relocation, above, and as identified in Section 82-400, Revegetation Requirements.**

- (2b) Any nonconforming structure ~~which~~ **that** is **located less than the required setback from a water body, tributary stream, or wetland, and that is removed by 50 percent or less of the market value, or** damaged or destroyed by ~~50%~~ **percent** or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place ~~with~~ **if** a permit **is obtained** from the ~~e~~**C**ode ~~e~~**E**nforcement ~~e~~**O**fficer within 1 year of such damage, destruction, or removal.
- (3c) In determining whether the building reconstruction or replacement meets the ~~water~~ **structure** setback ~~from the water~~ to the greatest practical extent, the Planning Board ~~or its designee~~ shall consider, in addition to the criteria in ~~subsection (b) of this s~~**Section 104.25, Relocation**, the physical condition and type of foundation present, if any.

~~(d)~~**Sec 104.75 Change of use of a Nonconforming Structure.**

- (1a) 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, **tributary stream**, or wetland, or on the subject or adjacent properties and resources, than the existing use.
- (2b) 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 water-dependent uses.

Sec. 82-105 Nonconforming uses.

[Ord. No. 8-1997, § 12(D), 7-15-1997; Ord. No. 3-2005, 7-20-2004]

- (a) Expansion **of a nonconforming use.**

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 ~~s~~**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~~ 1 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~~ 1 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~~ 5 year period.

(c) Change of a **nonconforming** 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 ~~sSection 82-104(d)~~ **104.75**.

Sec. 82-106 Nonconforming lots.

[Ord. No. 8-1997, § 12(E), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

(a) Generally. A nonconforming lot of record as of the effective date of the ~~e~~Ordinance (November 6, 1991) from which this ~~e~~Chapter is derived, or the date of an amendment to this ~~e~~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 ~~e~~Chapter except lot **size area, lot width, and shore** 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 ~~e~~Ordinance (November 6, 1991) from which this ~~e~~Chapter is derived, if all or part of the lots do not meet the dimensional requirements of this ~~e~~Chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the ~~s~~State ~~m~~Minimum ~~l~~Lot ~~s~~Size ~~l~~Law and ~~s~~Subsurface ~~w~~Wastewater ~~d~~Disposal ~~r~~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 ~~e~~Ordinance (November 6, 1991) from which this ~~e~~Chapter is derived, each may be sold on a separate lot provided that the law and rules referenced in ~~s~~Subsection (b)(1) of this ~~s~~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 ~~e~~Chapter.

(c) Contiguous vacant or partially built lots.

(1) 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 ~~e~~Ordinance (November 6, 1991) from which this

eChapter is derived, or at the time of an amendment of this eChapter, if any of these lots do not individually meet the dimensional requirements of this eChapter 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.

- (2) Subsection (c)(1) above shall not apply to 2 or more contiguous lots, at least 1 of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance (November 6, 1991) and recorded in the Waldo County Registry of Deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and**
- a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or**
 - b. Any lots that do not meet the frontage and lot size requirements of Subsection a. above are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.**

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

CHAPTER 82, SHORELAND

ARTICLE IV. Shoreland Districts and Table of Uses

Sec. 82-131. Districts established; Official Shoreland Zoning Map.

[Ord. No. 8-1997, § 9, 7-15-1997; Ord. No. 16-2000, 8-15-2000; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004; Ord. of 3-31-2011]

(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 that is 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-1 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-Map. [Note - The City's Official Map is available in a digital format that allows the user many options in examining district boundaries.]

(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 Department of Planning and Codes offices in City offices Hall, and is available on the City website; cityofbelfast.org.

(d) Changes to Official Shoreland Zoning Map 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 Commissioner of the Department 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, **as such has been amended from time to time. This The Official** Shoreland Zoning Map is provided to assist readers of **this Chapter** (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, -- insert date of Council adoption ---**. ~~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.

[Ord. No. 8-1997, § 10, 7-15-1997; Ord. No. 20-2004, 1-6-2004]

- (a) Unless otherwise set forth on the ~~e~~**Official s**Shoreland ~~z~~**Zoning m**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 ~~e~~**Chapter**.
- (b) The depiction of the **respective** shoreland ~~overlay~~ districts on the **Official s**Shoreland ~~overlay district maps~~ **Zoning Map** for the City are merely illustrative of their general location. The **specific** boundaries of ~~these the respective~~ districts shall be determined by measurement of the horizontal distance from the normal high-water line of the water body, **tributary stream**, 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 ~~e~~**Official s**Shoreland ~~z~~**Zoning m**Map is not subject to the requirements of this ~~e~~**Chapter**.

Sec. 82-133. Applicability of land use requirements.

[Ord. No. 8-1997, § 12, 7-15-1997]

Except as specified in this ~~e~~**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 ~~e~~**Chapter** for the district in which it is located, unless a variance is granted.

Sec. 82-134. Description of districts.

[Ord. No. 8-1997, § 13, 7-15-1997; Ord. No.16-2000, 8-15-2000; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]

- (a) Resource Protection District. The Resource Protection District includes all areas depicted on the ~~o~~Official ~~s~~Shoreland ~~z~~Zoning ~~m~~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~~, **Waterfront Development**, 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 that~~ are rated "moderate" or "high" value by the ~~s~~State ~~d~~Department of ~~i~~Inland ~~f~~Fisheries and ~~w~~Wildlife ~~as of January 1, 1973~~. **In Belfast, Upper Mason Pond is the only water body that qualifies as a Great Pond, and there are no rivers that qualify as a Significant River Segment.**
 - (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; **reference Chapter 78, Floods, for the most recent FIRM map adopted by the City.**
 - (3) Areas of ~~two~~ **2** or more contiguous acres with sustained slopes of ~~20%~~ **percent** or greater.
 - (4) Areas of ~~two~~ **2** or more contiguous acres supporting wetland vegetation and hydric soils, ~~which that~~ are not part of a freshwater or coastal wetland, and ~~which that~~ 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 that~~ 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 ~~o~~Official ~~s~~Shoreland ~~z~~Zoning ~~m~~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 ~~o~~Official ~~s~~Shoreland ~~z~~Zoning ~~m~~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. **In many of these urban areas, all of which are adjacent to Belfast Harbor or the tidal waters of the Passagassawakeag River, the predominant lot sizes are in the range of 5,000 to 10,000 square feet with limited shore frontage, and structures are built close to the shore.**

- (d) General Development District. The General Development District includes those areas depicted on the ~~o~~Official ~~s~~Shoreland ~~z~~Zoning ~~m~~Map as General Development. **In Belfast, The** the General Development District **generally** includes areas devoted to a **mix of** 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~~ includes residential development, **as many developed areas include a wide range of uses. 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 ~~o~~Official ~~s~~Shoreland ~~z~~Zoning ~~m~~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. **Only a limited number of properties located near the existing dams on the lower stretches of the Goose River are in the Stream Development District.**
- (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. **At the time of the establishment of this District in 2004, the** ~~The~~ Swan Lake Mobile Home Park ~~is~~ **was** located on parcels 4 and 6, and a

manufactured housing sales office ~~is~~ **was** located on parcel 5. **As of November 2022, the manufactured housing sales office no longer exists, but the Mobile Home Park remains an important component of the City's available affordable housing.**

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 (**Park owner**) to adapt the current ~~uses~~ **units** on the current **mobile home** sites to make more efficient use of ~~their~~ **the Park** property. For example, the Swan Lake Mobile Home Park is licensed for 48 units. This **Shoreland** district's regulations would permit an applicant to relocate manufactured housing units in the ~~P~~**ark**, provided there ~~was~~ **is** no expansion in the number of units and no unit was located closer to the ~~Goose~~ **R**iver than any existing unit. Public water is ~~now~~ available to this area, and **the City expended grant and City funds to extend public sewer to the Park should be available** in 2004 **so the Park owner could eliminate an open sewage lagoon system that the Department of Environmental Protection required to be discontinued, and so the community could retain the affordable housing provided at the Park.**

- (i) Waterfront Development. The Waterfront Development District includes those areas depicted on the ~~o~~**Official s**Shoreland ~~z~~**Zoning m**Maps 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 **contiguous** working waterfront area that remains in Belfast.

Sec. 82-135. Table of land uses. Section 82-135, including the attached Table 1, was repealed by the City Council on --- insert date of Council action ---, and concurrently was replaced by the Table of Uses identified in Section 82-137, and the associated Footnotes to this Table identified in Section 82-138. Table 1 and the accompanying Footnotes that have been repealed are included on the next 5 pages.

~~{Ord. No. 8-1997, § 14, 7-15-1997; Ord. No. 16-2000, 8-15-2000; Ord. No. 54-2003, 6-17-2003; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004; Ord. No. 3-2005, 7-20-2004}~~

- ~~(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.~~

Placeholder for repealed Table 1

~~Sec. 82-136 through Sec. 82-160.~~ (Reserved)

Sec. 82-137. Table of Land Uses for Shoreland Districts.

- (a) All land use activities identified in the Table of Uses for Shoreland Districts in Sec 82-137 shall conform with all applicable Land Use Standards in Article V of this Chapter. The Footnotes identified in Sec 82-138 shall apply to the Table of Uses and information in said The district designation for a particular site shall be determined from the designation identified on the Official Shoreland Zoning Map.

[NOTE - THE TABLE OF USES IS INCLUDED AS AN ATTACHMENT AT THE END OF THESE PROPOSED AMENDMENTS]

Sec. 82-138. Footnotes to Use Table for Shoreland Zoning Districts.

The Footnotes in Sec 82-138 apply to the Use Table for the respective Shoreland Zoning districts, reference Sec 82-137 for the Table of Uses. The Footnotes identify specific provisions that apply to certain uses identified in the Shoreland Zoning Use Table, and are intended to make persons aware of said provisions. The respective Footnotes, however, do not identify all provisions in Chapter 82, Shoreland, that may apply to a specific use, nor do they identify all other standards in Subpart B, Land Use Regulations, of the City Code of Ordinances, particularly Chapter 102, Zoning, that may apply to a specific use that occurs on a property in a Shoreland Zoning District. All persons must review all provisions in the City Code of Ordinances to determine the applicability of other requirements. The Footnotes appear next to the information that is subject to the Footnote, and are shown in the Use Table as follows: *[letter of alphabet].

- *[a] If a property is located in a respective Shoreland District that allows residential housing, reference Article V, Land Use Standards, Division 3.25, Dimensional Standards, to identify the minimum lot size and maximum density requirements that apply to a property on which 1 or more dwelling units is located.

Also reference Chapter 102, Zoning, Article V, District Regulations, to identify if a respective zoning district allows a single family residence with a detached accessory dwelling unit, and the minimum lot size and density requirements for this use. In addition, a single family residence with a detached accessory dwelling unit shall comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 6, Supplemental Performance Standards for an Accessory Dwelling Unit in a Detached Structure.

- *[b] If a property is located in a respective Shoreland District that allows residential housing, reference Article V, Land Use Standards, Division 3.25, Dimensional

Standards, to identify the minimum lot size and maximum density requirements that apply to a property on which more than 1 dwelling unit is located. It is specifically noted that the minimum lot size and maximum density standards in this Chapter may preclude most persons who own property in a Shoreland Zone from developing a 'Flex Housing' project.

Reference the respective Use Tables and Dimensional Tables in Chapter 102, Zoning, Article V, District Regulations, to identify if a respective zoning district allows 'Flex Housing', and the applicable minimum lot size and maximum density requirements that apply to this use. In addition, all 'Flex Housing' projects must comply with the Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project.

The adopted definition for 'Flex Housing' is identified in Chapter 66, General Provisions. In general, 'Flex Housing' is an approach that allows a property owner flexibility in the maximum number of dwelling structures and dwelling units that can be constructed on a property based on the size (area) of the lot (as calculated based on net developable acreage), the number of dwelling units, the number of dwelling structures, and the method used to manage wastewater, public sewer or a subsurface wastewater disposal system,. In all cases, the maximum number of dwelling units that can be located in any single structure in a flex housing project is four dwelling units.

- *[c] If a property is located in a respective Shoreland District that allows residential housing, reference Article V, Land Use Standards, Division 3.25, Dimensional Standards, to identify the minimum lot size and maximum density requirements that apply to a property on which 1 or more dwelling units is located. A project must include a minimum of 3 dwelling units in one structure to be considered multi-family housing. It is specifically noted that the minimum lot size and maximum density standards in this Chapter may preclude most persons who own property in a Shoreland Zone from developing a multi-family housing project.**

Reference the respective Use Tables and Dimensional Tables in Chapter 102, Zoning, Article V, District Regulations, to identify if a respective zoning district allows multi-family housing, and the applicable minimum lot size and maximum density requirements that apply to this use. Also reference performance standards for multi-family housing; Chapter 102, Zoning, Article IX, Performance Standards, Division 7, Supplemental Performance Standards for a Multi-family Housing or Flex Housing Project.

- *[d] If a property is located in a respective Shoreland District that allows residential housing, reference Article V, Land Use Standards, Division 3.25, Dimensional Standards, to identify the minimum lot size and maximum density requirements**

that apply to a property on which 1 or more dwelling units is located. A residential structure that includes 2 dwelling units in one structure shall be considered a duplex.

- *[e]** If a property is located in a respective Shoreland District that allows residential housing, reference Article V, Land Use Standards, Division 3.25, Dimensional Standards, to identify the minimum lot size and maximum density requirements that apply to a property on which 1 or more dwelling units is located. A project must include a minimum of 3 dwelling units in one structure to be considered multi-family housing. It is specifically noted that the minimum lot size and maximum density standards in this Chapter may preclude most persons who own property in a Shoreland Zone from developing a multi-family housing project.

In addition, multi-family housing shall be considered a distinct and separate use from 'Flex Housing'. Multi-family housing shall be regulated pursuant to the standards in this Chapter, the density standards for the respective zoning districts in Chapter 102, Zoning, Article V, District Regulations, and other provisions in the City Code of Ordinances that apply to a multi-family housing project. An applicant, when a permit application is submitted, must declare if the proposed development is a Multi-family or a Flex Housing project, which shall affirm the standards in the City Code of Ordinances that shall apply to the project.

- *[f]** Reference Chapter 102, Zoning, Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development.
- *[g]** Flexibility is permitted regarding the types of Multi-family housing or Flex Housing that can be constructed in a residential Planned Unit Development. In zoning districts in which multi-family housing is not a permitted use, a residential Planned Unit Development shall allow the construction of a structure that has more than 4 dwelling units, subject to the project complying with the overall density standards that apply to the number of dwelling units that can be constructed on a property pursuant to the respective Flex Housing standards, and minimum lot size standards in Chapter 82, Shoreland. Reference the density standards in the Dimensional Standards Table for each respective zoning district, and reference standards in Chapter 102, Zoning, Article VI, Planned Unit Development, Division 1, Residential Planned Unit Development.
- *[h]** Reference the exception identified in this Chapter, Division 19, Solar Energy Systems, (b), for certain systems located in the Resource Protection or Stream Protection Shoreland Districts.
- *[i]** A manufactured housing community that is located in a Shoreland District must comply with all applicable Shoreland requirements, with all standards identified

in Chapter 102, Article VIII, Supplemental District Regulations, Division 4, Manufactured Housing Communities, and with other applicable requirements in the City Code of Ordinances.

- *[j] Residential development in the upper stories of structure shall be a permitted use in a respective Shoreland (Chapter 82) and Zoning (Chapter 102) districts that allow residential housing, provided the use complies with the minimum lot size and maximum density requirements identified in the above Chapters.**
- *[k] A home occupation must comply with all applicable Shoreland requirements in this Chapter, and shall comply with the Performance Standards for Home Occupations, identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 1.5.**
- *[l] A bed and breakfast must comply with all applicable Shoreland requirements in this Chapter, and shall comply with standards identified Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments.**
- *[m] The following uses must comply with all applicable Shoreland requirements in this Chapter and shall comply with maximum size requirements, if any, identified for a respective zoning district in Chapter 102, Zoning, Article V, District Regulations:**
 - 1. Professional office or health care office,**
 - 2. Retail store,**
 - 3. Shopping center,**
 - 4. Personal service business,**
 - 5. Convenience store,**
 - 6. Storage/Warehouse facility,**
 - 7. Light manufacturing facility,**
 - 8. Manufacturing, processing or industrial facility,**
 - 9. Lumber yards and building supply retail stores,**
 - 10. Service business**
- *[n] A permit is required from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.**
- *[o] In areas in the Resource Protection Shoreland District that have been designated Resource Protection because of wildlife values, mineral extraction, including sand and gravel operations, are prohibited activities.**
- *[p] The identified use is permitted, provided the applicant obtains a structure setback variance from the Zoning Board of Appeals.**
- *[q] Reference additional requirements in Section 82-352(b).**

- *[r] Except when an area is the Resource Protection Shoreland District due to floodplain criteria, in which case, a permit is required from the Planning Board.**
- *[s] The only exception is to provide access to permitted activities/uses within the Shoreland District, or where no reasonable alternative route or location is available outside of the Resource Protection area, in which case a permit is required from the Planning Board.**
- *[t] The sale and display of manufactured houses is permitted on the site, as well as an office for said sales activities.**
- *[u] Notwithstanding minimum lot size requirements identified in Chapter 82, Shoreland, a property that is used for contractor operations, including the interior or exterior storage of construction equipment and materials by a construction contractor, shall be a minimum of 1 acre in size. The exterior storage area may be located on the same property as one or more dwelling units. The contractor operation and storage area, as well as any dwelling units on the property, shall comply with applicable Chapter 82, Shoreland, and Chapter 102, Zoning, requirements, as well as with other applicable requirements in the City Code of Ordinances.**
- *[v] A property that is used for an Animal Kennel, Class 1, or an Animal Kennel, Class 2 facility, shall be a minimum of 2 acres in size, regardless of the Zoning or Shoreland district in which it is located, and all facilities used for boarding animals shall be located a minimum of 100 feet from any side or rear property line. An Animal Kennel, Class 1, or an Animal Kennel, Class 2, that was permitted by the City prior to November 30, 2022, that does not comply with the 2 acre minimum lot size or 100 foot structure setback requirement, may continue, and an existing structure that is used for animal kennel operations may expand, provided that none of the expansion is located closer to the property line than the existing nonconforming structure, and provided that all applicable performance standards in Chapter 82, Shoreland, and Chapter 102, Zoning, are met, as well as other applicable requirements of the City Code of Ordinances. All new structures constructed after November 30, 2022 that are used for animal kennel operations shall comply with applicable structure setback requirements.**
- *[w] A Shoreland Permit for this use in the Waterfront Development Shoreland District may involve Planning Board and Harbor Committee review pursuant to the contract rezoning process established in this Chapter (Chapter 82) and Chapter 102, Zoning, Article X, Division 4, Contract Rezoning for the Waterfront Mixed Use-1 and Waterfont Mixed Use-2 Zoning Districts, and the Waterfront Development Shoreland District.**

- *[x] A property that is used for a Campground or RV Park operation, shall comply with all applicable Chapter 82, Shoreland, requirements, reference Art IV, Div 4, Sec 82-221, and the Performance Standards for Campgrounds and Recreational Vehicle (RV) Parks identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD). *(Note to Public – The City has not yet prepared or adopted the Chapter 102 Performance Standards. These standards will be prepared and presented for Planning Board, City Council, and public consideration at a future date.)*
- *[y] Notwithstanding minimum lot size requirements identified in Chapter 82, Shoreland, a property that is used for commercial boat building, retrofitting, storage, and/or repair, shall be a minimum of 2 acres in size. This standard applies to any property that initially applied for a permit to perform any of the above activities after November 30, 2022. A property that was used for boat building, retrofitting, storage, and/or repair prior to November 30, 2022, that does not comply with this lot size requirement, may continue, and existing structures that were used for the above activities may expand, provided any structure expansion complies with the dimensional requirements for structures and properties that apply to the respective zoning district (reference Article V, District Regulations) and Shoreland district (reference Chapter 82) in which the facility is located. The facility must also comply with applicable performance standards in Chapter 82, Shoreland, and Chapter 102 Zoning, as well as with other requirements in the Code of Ordinances.
- *[z] A quasi-public or non-municipal use that qualifies as a Major Site Plan Development shall require a Site Plan permit from the Planning Board. A quasi-public or non-municipal facility or use that qualifies as a Minor Site Plan Development, or that does not meet the thresh-hold of a Site Plan development shall require a permit from the Code Enforcement Officer. Notwithstanding this provision, in the Airport Business Park zoning district, a quasi-public or non-municipal use that qualifies as a Major Site Plan Development shall require a Site Plan permit from the Code Enforcement Officer. Said application also shall comply with all applicable Chapter 82, Shoreland, requirements.
- *[aa] A fill, loam, sand, and gravel extraction operation shall require review by the Planning Board pursuant to the provisions of Chapter 90, Site Plan, regardless of the size of the non-vegetated area. The Board, in its review, shall consider applicable Department of Environmental Protection (DEP) regulations for such operations; reference Title 38, Chapter 3: Protection and Improvement of Waters, Subchapter 1, Environmental Protection Board, Article 7, Performance Standards for Excavations of Borrow, Clay, Topsoil or Silt, and Article 8-A, Performance Standards for Quarries. The Planning Board, in its review, may apply the DEP regulations as its deems appropriate, in adopting City Permit conditions for the operation. Said operation also shall comply with all applicable Chapter 82, Shoreland, requirements.

- *[bb]** An outdoor theater or event facility that is permitted as an accessory use to a residential use or an agricultural use is limited to a maximum of 100 seats or guests and a maximum of 8 events per year, and no more than 2 events in any single month. This use is subject to review by the Planning Board and compliance with applicable Chapter 82, Shoreland requirements, and with specific performance standards in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division (YTBD), Performance Standards for Event Facilities and Outdoor Theaters. *(Note to Public - The City has not yet prepared or adopted the referenced performance standards for Outdoor Theaters and Event Facilities. These standards will be prepared and presented for Planning Board, City Council, and public consideration at a future date.)*
- *[cc]** A Medical Marijuana facility or operation must comply with applicable Chapter 82, Shoreland, requirements (reference Article V, Land Use Standards, Division 18, Medical Marijuana Facilities), and with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 8, Medical Marijuana Regulations.
- *[dd]** An Adult Use Marijuana facility or operation must comply with applicable Chapter 82, Shoreland, requirements (reference Article V, Land Use Standards, Division 20, Adult Use Marijuana Facilities), and with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 10, Adult Use Marijuana Regulations.
- *[ee]** A Solar Energy System must comply with applicable Chapter 82, Shoreland, requirements identified in Article V, Land Use Standards, Div 19, Solar Energy Systems, and requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 9, Solar Energy Systems.
- *[ff]** A Telecommunications Facility must comply with all applicable Chapter 82, Shoreland requirements, and requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 5, Telecommunications Facilities. If a project is located in the Airport Business Park, Lower Congress Mixed Use, or Airport Growth zoning districts, a telecommunications facility is only permitted if the Federal Aviation Administration and the Belfast Airport Committee find that the proposed facility will not adversely impact operations and safety at the Belfast Airport.
- *[gg]** The review of a Power Substation and/or Generator Facility application shall occur pursuant to procedures identified in Chapter 90, Site Plan, and shall comply with all applicable Chapter 82, Shoreland, Chapter 90, Site Plan, Chapter 98, Technical Standards, and Chapter 102, Zoning requirements that may apply to a specific Shoreland Zone or zoning district.

- *[hh]** An application for a Significant Groundwater Well must comply with applicable Chapter 82, Shoreland requirements, and with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 7, Significant Groundwater Well Permit, and Article IX, Performance Standards, Division 2, Environmental Standards, Section 102-1137, Significant Groundwater Well.
- *[ii]** An application for a Significant Water Intake or a Significant Water Discharge/Outfall Pipe must comply with applicable Chapter 82, Shoreland requirements, and with the Chapter 102, Zoning, Article IX, Performance Standards, Division 2, Environmental Standards, Sec 102-1138, Significant Water Intake or Significant Water Discharge/Outfall Pipe.
- *[jj]** The City, as of November 1, 2022, has issued contract rezoning agreements for the properties listed below that are located in the Waterfront Development Shoreland District and either the Waterfront Mixed Use-1 or Waterfront Mixed Use-2 zoning districts. Chapter 82, Shoreland, and Chapter 102, Zoning, allow the use of contract rezoning for properties in the above districts. The Planning and Codes Department has copies of the applicable contract rezoning agreements available for public inspection:

 - 1) Map 11/Lots 132, 136-A, and 136 p/o. Dubba, Inc., doing business as Front Street Shipyard. Contract rezoning agreements include Amendments 3, 4, 5, 6, 7, and 8 (136 p/o property). Agreements entered between 2011 and 2017. Contract rezoning agreements to allow operations of Front Street Shipyard.
 - 2) Map 11/Lot 141. Maine Tugboats (current owner Marshall Wharf, LLC). A 2005 contract rezoning agreement to allow increase in building height.
 - 3) Map 11/Lot 141A. MAIA, LLC, July 20, 2021, agreement to allow a reduction in certain structure setbacks to support an expansion of the Three Tides Restaurant.
 - 4) Map 11/149 and Map 37/54, a 2021 agreement with Paul Naron to allow certain uses and marine improvements on two adjacent properties located on Front Street.
- *[kk]** The Special Use Areas identified in the Shoreland Use Table, reference Use 311), reference zoning use areas that are identified in Chapter 102, Zoning, Article V, District Regulations, Division 16, Northwest of Bypass and Outside Rural Districts. None of these Special Use Areas are located within a Shoreland District.
- *[ll]** Uses Specific to Shoreland Areas. This category of uses, Uses 325) to 337) identified in the Shoreland Use Table, are uses that are specific to the Table of Uses identified in the State Model Shoreland Regulations. Said uses typically do not require a specific permit pursuant to Chapter 102, Zoning, thus, the City has

listed such as Uses Specific to Shoreland Areas. This category of uses shall involve the review and award of any required Shoreland Permit.

- *[mm] Reference Chapter 82, Land Use Standards, Article V, Division 21, Marine Aquaculture, Operations, for the standards that apply to such operations. In addition, the Shoreland District designation (such as Limited Residential or Resource Protection) refers to Shoreland District that abuts (coastline) the marine waters in which the marine aquaculture operation is proposed.
- *[nn] Reference Special Exception provisions, Section 82-57, that may allow the construction of one single family residence on certain lots in the Resource Protection District. Special Exception requires review by Planning Board.
- *[oo] Road and Driveway Construction. Reference the Division 7, Road and Driveways Standards identified in Article V.
- *[pp] If a motor vehicle, snowmobile, utility terrain vehicle (UTV), all-terrain vehicle (ATV) vehicle, and similar repair business is a permitted use in the Shoreland District (Chapter 82) and the respective Zoning District (Chapter 102, Zoning, Article V, District Regulations) in which it is located, the business shall be allowed to display, at any single point in time, the number of vehicles identified in the respective zoning district standard. The display of vehicles for sale shall be considered a permitted accessory use to the repair business. Was *[uu]
- *[qq] A land based aquaculture operation may conduct accessory uses such as but not limited to the following on the site: 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 water body, and construct infrastructure to support these activities, including but not limited to a significant water intake/significant water discharge pipe, and a water/wastewater treatment facility.
- *[rr] The following uses in the Route One South Business Park zoning district may construct dwelling units on their site as an accessory use to the following activities: light industrial/light manufacturing use; a manufacturing, processing, or industrial use; land- based aquaculture operation, or a professional office use. The number of dwelling units allowed on a property shall comply with applicable Chapter 82, Shoreland requirements regarding minimum lot size and minimum shore frontage, and with applicable lot size and density requirements identified in Chapter 102, Zoning, for the Route One South Business Park zone.
- *[ss] Hydroelectric Facilities. All applications to establish a new hydroelectric facility or to remove a facility, such as a dam, that was used to produce hydroelectric power, shall be subject to review pursuant to Chapter 90, Site Plan, and shall

comply with all applicable Chapter 78, Floods, Chapter 82, Shoreland, and Chapter 102, Zoning, requirements.

Sec 82-139 - 160 (Reserved).

~~SHORELAND ZONING~~

~~82 Attachment 1~~

~~City of Belfast~~

~~Table 1. Land Uses in The Shoreland Zone
[Amended 1-7-2020]~~

~~Key to table 1:~~

- ~~Yes~~ Allowed (no permit required but the use must comply with all applicable land use standards).
- ~~No~~ Prohibited.
- ~~PB~~ Requires permit issued by the Planning Board.
- ~~CEO~~ Requires permit issued by the Code Enforcement Officer.
- ~~LPI~~ Requires permit issued by the Local Plumbing Inspector.

~~Abbreviations:~~

- ~~RP~~ Resource Protection
- ~~LR~~ Limited Residential
- ~~UR~~ Urban Residential
- ~~GDI~~ General Development I
- ~~CFMA~~ Commercial Fisheries/Maritime Activities
- ~~SP~~ Stream Protection
- ~~SD~~ Stream Development
- ~~MHC~~ Manufactured Housing Community
- ~~WD~~ Waterfront Development

Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
(1) Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(2) Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(3) Forest management activities except for timber harvesting	Yes	Yes	CEO	Yes	No	Yes	No	No

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Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
(4) Timber harvesting	CEO	CEO	CEO	CEO	No	CEO	No	No
(5) Clearing of vegetation for approved construction and other allowed uses	CEO	CEO	CEO	Yes	Yes	Yes	CEO	CEO
(6) Fire prevention activities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(7) Wildlife management practices	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(8) Soil and water conservation practices	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
(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
(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	PB	Yes	Yes	Yes	Yes
(14) Aquaculture								
a. In Belfast Bay	No	No	No	No	No	PB	PB	No
b. In all other areas	PB	PB	PB	PB	PB	PB	Yes	PB
(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 nonresidential 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

SHORELAND ZONING

Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
(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	PB-11	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
(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
(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

~~BELFAST CODE~~

Land Uses	Districts							
	SP	SD	RP	LR	UR	GDI	WD	MHC
(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) Reserved								
(41) Reserved								
(42) Reserved								
(43) Reserved								
(44) Solar energy system, small, roof- and ground-mounted	NO-12	CEO	NO-12	CEO	CEO	CEO	CEO	CEO
(45) Solar energy system, medium, roof- and ground-mounted	NO	PB	NO	PB	PB	PB	PB	PB
(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

SHORELAND ZONING

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

DIVISION 1. Generally

Sec. 82-161. Applicability.

[Ord. No. 8-1997, § 15, 7-15-1997; Ord. No. 3-2005, 7-20-2004]

All land use activities within the ~~s~~Shoreland ~~z~~Zone shall conform with the provisions of this ~~a~~Article, if applicable. The City, however, pursuant to the contract rezoning process (**reference Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 zoning districts and the Waterfront Development Shoreland Zone**), may grant a ~~s~~Shoreland ~~p~~Permit **in the Waterfront Development Shoreland District** that does not comply with all provisions of this ~~a~~Article.

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

~~DIVISION 2. Area Requirements~~—(Division 2 repealed by Council on **---enter date of vote**)

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

~~[Ord. No. 8-1997, § 15(A), 7-15-1997; Ord. No. 8-1996, 9-17-1996; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]~~

~~(a) Minimum lot standards are as follows:~~

~~(1) Residential per dwelling unit:~~

- ~~a. Within the shoreland zone adjacent to tidal areas~~
- ~~b. Within the shoreland zone adjacent to nontidal areas~~
- ~~c. Urban Residential and Stream Development District~~
- ~~d. Manufactured Housing Community District~~
- ~~e. Manufactured Housing Community District (per manufactured housing community)~~
- ~~f. Waterfront Development~~

~~(2) Governmental, institutional, commercial or industrial per principal structure:~~

- ~~a. Within the shoreland zone adjacent to tidal areas exclusive of those areas zoned for waterfront development.~~
- ~~b. Reserved~~

~~Minimum Lot Area~~

~~(square feet)~~

~~30,000~~

~~Minimum Shore Frontage~~

~~(feet)~~

~~150~~

Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
40,000	200
10,000	50
5,000	25

~~Number of units established by mobile home park license. Prohibited to subdivide a licensed park.~~

~~Minimum lot area is 40,000 square feet, with 200 feet of shore frontage. Density requirement established by chapter 102, zoning, article V, district regulations, division 11.5. Waterfront Mixed Use District.~~

- ~~c. Within the shoreland zone adjacent to nontidal areas, exclusive of those areas zoned for waterfront development~~
- ~~d. Within the waterfront development district adjacent to tidal and nontidal areas.~~

~~(3) Public and private recreational facilities within the shoreland zone adjacent to tidal and non-tidal areas~~

Minimum Lot Area (square feet)	Minimum Shore Frontage (feet)
40,000	200
60,000	300
43,560	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.~~

~~[1] Editor's Note: Former Section 82-182, adopted 7-15-1997 by Ord. No. 8-1997, which contained provisions on division of existing lots in the Urban Residential District, was repealed 1-6-2004.~~

Sec. 82-183-182 through Sec. 82-200. (Reserved)

DIVISION 3. Structures (Division 3 repealed by Council on --- enter date of vote ---)

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

[Ord. No. 8-1997, § 15(8)(1), 7-15-1997; Ord. No. 16-2000, 8-15-2000; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]

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

District	Amount of Setback (feet)	Maximum Height (feet)	Lot Coverage (percent)
(1) Resource protection	100	35	20
(2) Limited residential	100 ¹ 75 ²	35	20
(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	04	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 set-back 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)

[1] ~~Editor's Note: Former Section 82-202, adopted 7-15-1997 by Ord. No. 8-1997, which contained provisions on maximum height, was repealed 1-6-2004 by Ord. No. 20-2004.~~

Division 3.25 Dimensional Standards for Shoreland Districts

Sec 82-202. Applicability of Dimensional Standards

- a) All properties and all principal and accessory structures and expansions of existing principal and accessory structure shall satisfy the minimum requirements identified in the following Dimensional Standards Table.**

Note - This page is a placeholder for the Dimensional Table

Note - This page is a placeholder for the Dimensional Table

(b) Specific Footnotes to the Division 3.25 Dimensional Table.

The Footnotes in Subsection (b) shall apply to the Dimensional Table for the respective Shoreland Districts identified in Subsection (a) of this Division. The respective Footnotes are identified as follows; *[upper case letter of alphabet].

***[A] In the Waterfront Development District, the minimum lot size of a property and the minimum amount of shore frontage shall be consistent with the minimum lot size and minimum street frontage standards identified in Chapter 102, Zoning, Article V, District Regulations, for the Waterfront Mixed Use-1 and Waterfront Mixed Use-2 zoning districts. Reference the City Official Zoning Map for the boundaries of these zoning districts. Most properties in these two zoning districts also are located in the Waterfront Development Shoreland District. The respective standards are:**

- 1. Waterfront Mixed Use-1.
Minimum Lot Size - 43,560 sq ft.
Minimum Road (Shore) Frontage - 200 feet**
- 2. Waterfront Mixed Use-2.
Minimum Lot Size - 20,000 square feet
Minimum Road (Shore) Frontage - 200 feet**

Notwithstanding the above requirements, properties in the Waterfront Development District are subject to the contract rezoning process identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts and the Waterfront Development Shoreland District. A project in the Waterfront Mixed Use-1 zoning district must use the contract rezoning process, and a project in the Waterfront Mixed Use-2 zoning district can voluntarily choose to use the contract rezoning process. The City Council, pursuant to terms of an adopted contract rezoning agreement, may amend the dimensional requirements that apply to the Waterfront Development Shoreland District.

***[B] In the Waterfront Development District, the maximum height of a residential or nonresidential structure may exceed the height limit for the District pursuant to terms of a contract rezoning agreement for the property that is adopted by the City Council. The process for Council adoption of a contract rezoning agreement is identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts and the Waterfront Development Shoreland District.**

***[C] In the Manufactured Housing Community District, the minimum lot size for a manufactured housing community (mobile home) park and other uses shall be 40,000 square feet with 200 feet of shore frontage on the Goose River. However, there is no specific minimum lot size or shore frontage requirement for the individual rental lots in the manufactured housing community, provided the overall density of the Park complies with City and State requirements for a manufactured housing community that are identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 4, Mobile Homes and Manufactured Housing, and the Park remains in common ownership. The current**

manufactured housing community on the property in the Manufactured Housing Community District was established in the 1960's, prior to the adoption of the shoreland zoning requirements for the State or City.

***[D] In the Manufactured Housing Community District, all structures shall be setback a minimum of 25 feet from the normal high mark of the Goose River. If an existing mobile home/manufactured housing unit has a setback of less than 25 feet, and it is replaced, the Park owner must demonstrate to the Code Enforcement Office why the replacement unit cannot comply with the 25 foot structure setback requirement.**

***[E] In the section of the Resource Protection District or Limited Residential District located adjacent to Upper Mason Pond (a great pond) or the section of the Goose River (from Swanville/Belfast municipal boundary to the Pond) that flows into the Pond, the minimum structure setback from the normal high water mark for a permitted use shall be 100 feet.**

***[F] Some properties in the General Development, Limited Residential, Urban Residential, Waterfront Development, and Resource Protection districts have shore frontage on Belfast Bay or the portion of the Passagassawakeag River that forms the headwaters of Belfast Bay. In said districts, the water and wetland setback measurements for principal structures shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Zoning Board of Appeals.**

(c) Dimensional requirements applicable to all Shoreland Districts, properties, structures, and uses.

The following dimensional standards shall apply to all properties, structures, and uses in any Shoreland District:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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 or to the

- (5) **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.**

- (6) **Calculation of Lot Coverage.**

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed or does not exist. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990, and in continuous existence since that date.

~~Sec. 82-203. (7) Elevation.~~

~~[Ord. No. 8-1997, § 15(B)(3), 7-15-1997]~~

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 ~~e~~Chapter 78, ~~a~~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 82-206. (8) Stairways and similar structures providing shoreline access.~~

~~[Ord. No. 8-1997, § 15(B)(5), 7-15-1997; Ord. No. 54-2003, 6-17-2003]~~

Notwithstanding the requirements otherwise stated in this ~~d~~Division, stairways or similar structures may be allowed, with a permit from the ~~e~~Code ~~e~~Enforcement ~~e~~Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of ~~four~~ 4 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 ~~s~~State ~~d~~Department of ~~e~~Environmental ~~p~~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.

- (9) **Accessory Structures on a Nonconforming Lot of Record**

On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland structure setback requirement, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Said accessory structure shall not be used to house motor vehicles and/or animals, and it shall not exceed 64 square feet in area (footprint), nor 6 feet in height at the eaves and 8 feet in height at the peak. The accessory structure shall be located as far from the shoreline or tributary stream as practical, and shall meet

all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(d) Provisions applicable to certain retaining walls

Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

- (1) The site has been previously altered and an effective vegetated buffer does not exist;**
- (2) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;**
- (3) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;**
- (4) The total height of the wall(s), in the aggregate, are no more than 24 inches;**
- (5) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.**
- (6) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and**
- (7) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:**
 - a. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;**
 - b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;**
 - c. Only native species may be used to establish the buffer area;**
 - d. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;**
 - e. A footpath not to exceed the standards in Section 82-397(c)(1), may traverse the buffer;**

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.

[Ord. No. 8-1997, § 15(C), 7-15-1997; Ord. No. 16-2000, 8-15-2000; Ord. No. 54-2003,^[1] 6-17-2003; Ord. No. 3-2005, 7-20-2004]

(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 **the respective harbor districts in** Belfast harbor established in City eCode of eOrdinances, mMarine aActivities, sSection 30-95, **as said districts are described in Section 30-92 and identified on Map 10, Wharf Lines, Belfast Harbor:**

<u>Harbor District</u>	<u>Distance Standard</u>
a. Coastal harbor	300 feet from normal high water
b. Outer harbor	200 feet from normal high water. Notwithstanding this provision, the City Council shall have the authority to adopt a contract rezoning agreement for a specific property that has shore frontage in the Outer Harbor and that is located in the

Waterfront Development Shoreland District regarding the specific designation of the wharf line (amount a structure can extend beyond the normal high water line) for the property; reference Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts and Waterfront Development Shoreland District.

c. Inner Harbor

c.1 West side of harbor ~~100 feet from normal high water.~~ **25 feet from the designated channel for Belfast harbor.**

c.2 East side of harbor 100 feet from normal high water.

d. Bridge **harbor**

d.1 West side of harbor 25 feet from the designated channel from Belfast harbor.

d.2 East side of harbor 100 feet from the normal high water mark for structures connected to shore-, **and** 25 feet from the designated channel for structures connected to the **Armistice Bridge** (foot bridge).

e. River **area** 100 feet **from normal high water**

(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 **s**State **d**Department of **e**Environmental **p**rotection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C.

(c) The Belfast Harbor Committee, as stipulated in **s**Section 82-54(5), shall provide a recommendation to the Planning Board regarding the standards identified in this **s**Section.

Sec. 82-205. (Reserved)

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

[Ord. No. 3-2005, 7-20-2004]

- (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-1 or Waterfront Mixed Use-2 zoning district and the Waterfront Development shoreland district. The Harbor Committee and Planning Board shall use the process established in Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts and Waterfront Development Shoreland District 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 **Section** 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 **e**Committee or **b**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 **s**Section 82-54(5), and **e**Chapter 102, **Zoning**, **a**Article X, **Contract Rezoning**, **d**Division 4, **Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts and Waterfront Development Shoreland District** shall provide a recommendation to the Planning Board regarding the standards identified in this section.

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

CHAPTER 82, SHORELAND ZONING, ARTICLE V, LAND USE REGULATIONS, DIVISION 3.25, DIMENSIONAL STANDARDS

DIMENSIONAL STANDARD	LIMITED RESIDENTIAL	URBAN RESIDENTIAL	GENERAL DEVELOPMENT	WATERFRONT DEVELOPMENT	RESOURCE PROTECTION	STREAM PROTECTION	STREAM DEVELOPMENT	MANUFACTURED HOUSING COMMUNITY
1) Residential, Minimum Lot Size per Dwelling Unit								
a. Within the Shoreland Zone Adjacent to Tidal Areas	30,000 sf	10,000 sf	30,000 sf	See Footnote *[A]	30,000 sf	30,000 sf	30,000 sf	See Footnote *[C]
b. Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000 sf	10,000 sf	40,000 sf	See Footnote *[A]	40,000 sf	40,000 sf	40,000 sf	See Footnote *[C]
2) Nonresidential, Governmental, and Institutional Uses Minimum Lot Size Per Principal Structure								
a. Within the Shoreland Zone Adjacent to Tidal Areas	40,000 sf	40,000 sf	40,000 sf	See Footnote *[A]	40,000 sf	40,000 sf	40,000 sf	40,000 sf
b. Within the Shoreland Zone Adjacent to Non-Tidal Areas	60,000 sf	40,000 sf	60,000 sf	See Footnote *[A]	60,000 sf	60,000 sf	60,000 sf	60,000 sf
3) Minimum Shore Frontage (Lineal Feet), Residential								
a. Residential, Lot Adjacent to Tidal Area	150 ft	100 ft	150 ft	See Footnote *[A]	150 ft	150 ft	150 ft	150 ft *[C]
b. Residential, Lot Adjacent to Non-Tidal Area	200 ft	100 ft	200 ft	See Footnote *[A]	200 ft	200 ft	200 ft	200 ft *[C]
4) Minimum Shore Frontage (Lineal Feet), Nonresidential, Governmental, and Institutional								
a) Nonresidential, Lot Adjacent to Tidal Area	200 ft	200 ft	200 ft	See Footnote *[A]	200 ft	200 ft	200 ft	200 ft
b) Nonresidential, Lot Adjacent to Non-Tidal Area	300 ft	200 ft	300 ft	See Footnote *[A]	300 ft	300 ft	300 ft	300 ft

CHAPTER 82, SHORELAND ZONING, ARTICLE V, LAND USE REGULATIONS, DIVISION 3.25, DIMENSIONAL STANDARDS

DIMENSIONAL STANDARD	LIMITED RESIDENTIAL	URBAN RESIDENTIAL	GENERAL DEVELOPMENT	WATERFRONT DEVELOPMENT	RESOURCE PROTECTION	STREAM PROTECTION	STREAM DEVELOPMENT	MANUFACTURED HOUSING COMMUNITY
5) Minimum Structure Setback, Residential, Princiipal and Accessory Structures (Also See Sec 82-???)	75 ft *[E] & *[F]	25 ft *[F]	25 ft *[F]	0 ft	250 ft *[E] & *[F]	75 ft	25 ft	25 ft *[D]
6) Minimum Structure Setback, Nonresidential, Governmental and Institutional (Also See Sec 82-???)	75 ft *[E] & *[F]	25 ft *[F]	25 ft *[F]	0 ft	250 ft *[E] & *[F]	75 ft	25 ft	75 ft
7) Maximum Lot Coverage, Residential, Impervious Surface	20%	35%	70%	100%	20%	20%	70%	80%
8) Maximum Lot Coverage, Nonresidential, Impervious Surface	20%	35%	70%	100%	20%	20%	70%	80%
9) Maximum Structure Height, Residential, as measured from existing ground grade to peak of roof	35 ft	35 ft	38 ft	35 ft *[B]	35 ft	35 ft	38 ft	35 ft
9) Maximum Structure Height, Nonresidential, Governmental, and Institutional, as measured from existing ground grade to peak of roof	35 ft	35 ft	50 ft	35 ft *[B]	35 ft	35 ft	50 ft	35 ft

DIVISION 4. Campgrounds and Campsites

Sec. 82-221 Campgrounds.

[Ord. No. 8-1997, § 15(D), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

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

- (1a) 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.
- (2b) 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, **horizontal distance**, 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, **horizontal distance**, 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.

[Ord. No. 8-1997, § 15(E), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

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

- (1a) One campsite per lot existing on the effective date of the ordinance from which this **e**Chapter is derived, or 30,000 square feet of lot area within the **s**Shoreland **z**Zone, whichever is less, may be permitted.
- (2b) 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 **p**Pond, and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3c) 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.
- (4d) 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.
- (5e) 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 **L**ocal **p**lumbing **i**nspector. 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 **L**ocal **p**lumbing **i**nspector, 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.

- (6f) 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 wastewater system in compliance with the ~~s~~State ~~s~~Subsurface ~~w~~Wastewater ~~d~~Disposal ~~r~~Rules unless served by public sewage facilities.
- (g) **When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot size dimensional requirements for the principal structure and/or use, and the individual private campsite separately.**

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

DIVISION 5. Commercial and Industrial Uses

Sec. 82-241 Prohibited uses.

[Ord. No. 8-1997, § 15(F), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

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 ~~p~~Pond:

- (1)a. Auto washing facilities.
- (2)b. Auto or other vehicle service and/or repair operations, including body shops.
- (3)c. Chemical and bacteriological laboratories.
- (4)d. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms.
- (5)e. Commercial painting, wood preserving, and furniture stripping.
- (6)f. Dry cleaning (**on-site**) establishments.
- (7)g. Electronic circuit assembly.
- (8)h. Laundromats, unless connected to a **public** sanitary sewer **system**.
- (9)i. Metal plating, finishing, or polishing.
- (10)j. 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)k. Photographic processing.
- (12)l. Printing.

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

DIVISION 6. Parking Areas

Sec. 82-261 Setback.

[Ord. No. 8-1997, § 15(G)(1), 7-15-1997; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]

Parking areas shall meet the **shoreline, tributary stream, and wetland normal high-water line** setback requirements for structures **from the normal high water line** for the **shoreland** 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 districts, **however**, 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.

[Ord. No. 8-1997, § 15(G)(2), 7-15-1997]

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, **tributary stream, or wetland**, and, where feasible, to retain all runoff on-site. **Reference the Chapter 98, Technical Standards, for the number of parking spaces that must be provided for a specific use.**

Sec. 82-263 (~~Reserved~~). **Size of parking spaces and accompanying drive aisles.**

Reference the Chapter 98, Technical Standards, for the construction and design standards for parking spaces and the accompanying drive aisles.

Sec. 82-264 through Sec. 82-280. (Reserved)

DIVISION 7. Roads and Driveways

Sec. 82-281 Generally.

[Ord. No. 8-1997, § 15(H), 7-15-1997]

The standards in this **d**Division shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features **that are located within the shoreland zone.**

Sec. 82-282 Setbacks for roads and driveways.

[Ord. No. 8-1997, § 15(H)(1), 7-15-1997; Ord. No. 16-2000, 8-15-2000; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]

(a) **New** Roads and driveways **shall comply with the following setback requirements:**

- (1) ~~in~~ **In** the General Development, ~~and~~ **and** Urban Residential, Stream Development and Manufactured Housing Community districts, **newly constructed roads and driveways** shall be setback **a minimum of 25** feet from the normal high water line. **If an existing road or driveway does not satisfy this minimum setback requirement, the Planning Board may allow an expansion of the road or driveway, provided none of the road or driveway is located closer to the setback requirement than the existing road or driveway.**
 - (2) **In the Waterfront Development District,** ~~T~~**there** is no setback requirement from the normal high water line for **new** roads and driveways ~~in the Waterfront Development district.~~
 - (3) ~~New roads and driveways i~~**n** the Limited Residential district, **new roads and driveways** 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~~ **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, **tributary stream or wetland.** 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. **If an existing road or driveway does not satisfy the minimum setback requirement, the Planning Board may allow an expansion of the existing road or driveway, provided none of the expansion is located closer to the setback requirement than the existing road or driveway.**
- (b) **In all districts identified in (a) above,** ~~O~~**on** slopes of greater than ~~20% percent,~~ the road ~~and/or~~ **and/or** driveway setback shall be increased by 10 feet for each ~~5% percent~~ **percent** increase in slope above ~~20% percent.~~
 - (c) This ~~s~~**s**ection 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, **excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section, except for the portion of the road or driveway necessary for direct access to the structure.**

Sec. 82-283 Expansion of existing public roads.

[Ord. No. 8-1997, § 15(H)(2), 7-15-1997]

Notwithstanding the provisions identified in Sec 82-282, ~~E~~**existing** public roads may be expanded within the legal road right-of-way, regardless of the **amount of** setback from a water body, **tributary stream or wetland.**

Sec. 82-284 (Reserved)

Sec. 82-285 ~~New~~ **Roads and driveways in the Resource Protection and Stream Protection Districts.**

[Ord. No. 8-1997, § 15(H)(4), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

New roads and driveways are prohibited in a Resource Protection ~~and~~ **or** Stream Protection Districts, **except that the Planning Board may grant a permit to construct a road or driveway** to provide access to permitted uses within the respective district. **In said Districts, a road or driveway may be ~~or~~ as** approved by the ~~p~~Planning ~~b~~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.

An existing road or driveway in a Resource Protection or Stream Protection District that provides access to a permitted or pre-existing use (use established prior to the date that the Resource Protection or Stream Protection designation applied to the property) may remain, and may be expanded, subject to a finding by the Planning Board that none of the expansion shall be located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland, and that the existing road or driveway is the most reasonable alternative to provide access.

Sec. 82-286 Road banks.

[Ord. No. 8-1997, § 15(H)(5), 7-15-1997]

Road banks shall be no steeper than a slope of two horizontal to one vertical, **and preferably a slope of three horizontal to one vertical**, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in ~~d~~Division 13 of this ~~a~~Article.

Sec. 82-287 Road grades.

[Ord. No. 8-1997, § 15(H)(6), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

Road banks shall conform to specifications identified in ~~the e~~Chapter 98, Technical Standards, and shall be no greater than ~~10%~~ **percent** except for short segments of less than 200 feet **in length**.

Sec. 82-288 Drainage buffer strip.

[Ord. No. 8-1997, § 15(H)(7), 7-15-1997; Ord. No. 3-2005, 7-20-2004]

In order to prevent road surface drainage from directly entering water bodies, **tributary streams, and wetlands**, 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.

[Ord. No. 8-1997, § 15(H)(8), 7-15-1997]

(1a) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto un-scarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, **driveway**, or ditch. To accomplish this, the following **construction standards** shall apply:

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

(2b) Drainage dips may be used in place of ditch relief culverts only where the road grade is **10% percent** or less.

(3c) On road sections having slopes greater than **10% percent**, ditch relief culverts shall be placed across the road at approximately a **thirty- 30** degree angle downslope from a line perpendicular to the centerline of the road **or driveway**.

(4d) 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.

[Ord. No. 8-1997, § 15(H)(9), 7-15-1997]

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

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

DIVISION 8. Reserved

Sec. 82-311 through Sec. 82-330. (Reserved)

DIVISION 9. Stormwater Control

Sec. 82-331 Required.

[Ord. No. 8-1997, § 15(J)(1), 7-15-1997]

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 stormwaters.

Sec. 82-332 Maintenance of runoff control facilities.

[Ord. No. 8-1997, § 15(J)(2), 7-15-1997]

Stormwater runoff control systems shall be maintained **pursuant to permit conditions that may be established and** as necessary to ensure proper functioning.

Sec 82-333. Applicability of other requirements.

A project in the shoreland zone shall also comply with following City stormwater management requirements that may be applicable: Chapter 90, Site Plan, Chapter 94, Subdivisions, Chapter 98, Technical Standards, and Chapter 102, Zoning.

An applicant shall provide evidence to the City that the project has obtained any State permit that may be required pursuant to the Stormwater Management Law (38 M.R.S.A Section 420-D, as such may be amended) for project construction, and shall demonstrate on-going compliance with applicable permit conditions established by the State.

Sec. 82-~~333~~334 through Sec. 82-350. (Reserved)

DIVISION 10. Utilities

Sec. 82-351 Subsurface sewage disposal systems.

[Ord. No. 8-1997, § 15(K), 7-15-1997]

All subsurface sewage disposal systems shall be installed in conformance with the **s**State **s**Subsurface **w**Wastewater **d**Disposal **r**Rules. The **r**Rules, among other requirements, include the following:

- (1a) 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 **or the upland edge of a wetland**. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
- (2b) Replacement systems shall meet the standards for replacement systems as contained in the **R**ules.
- (c) **A holding tank is not allowed for a first-time residential use in the shoreland zone.**

Sec. 82-352 Essential services.

[Ord. No. 8-1997, § 15(L), 7-15-1997]

- (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, **other than road-side distribution lines**, is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within **the said** district, or except where the applicant demonstrates **to the Planning Board** 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.
- (c) **Damaged or destroyed public utility transmission and distribution lines, towers, and related equipment may be replaced or reconstructed without a permit.**

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

DIVISION 11. Mining

Sec. 82-371 Mineral exploration.

[Ord. No. 8-1997, § 15(M), 7-15-1997]

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 **can occur without a permit**. A permit from the **e**Code **e**Enforcement **e**Officer shall be required for **any** 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 and gravel extraction.

[Ord. No. 8-1997, § 15(M), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

Mineral **and gravel** extraction may be permitted under the following conditions:

- (1a) 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 ~~s~~Subsection (3c) of this ~~s~~Section.
- (2b) Setbacks. Unless authorized pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C, **and City regulations**, 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 ~~p~~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 **or occur** within 75 feet of any property line without written permission of the owner of such adjacent property.
- (3c) Restoration of site. Within **a maximum of** 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-~~ 12 month period, ground levels and grades shall be established in accordance with the following ~~standards~~: **Notwithstanding the 12 month time period identified above, the Planning Board shall have the authority to impose a permit condition that requires the start and completion of restorative work in a lesser period of time. The Board shall consider site conditions, potential adverse impacts to adjacent properties associated with the extraction activities and the timing of restorative work, the time of the year (season) when extraction work ceases, and past extraction activities conducted by the applicant (person/firm conducting the extraction activities) and the quality and timeliness of restorative work at other mining and gravel extraction sites in Belfast or on a project in another community that received a State permit.**
- ~~a.~~(1) 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 ~~s~~State ~~s~~Solid ~~w~~Waste ~~L~~Law, 38 M.R.S.A. § 1310, and ~~e~~Chapter 404 of the regulations of the ~~s~~State ~~d~~Department of ~~e~~Environmental ~~p~~Protection, may contain other applicable provisions regarding disposal of such materials.
- ~~b.~~(2) The final graded slope shall be a two-to-one slope or flatter.
- ~~e.~~(3) 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.
- (4d) Authority to impose additional conditions. In keeping with the purposes of this ~~e~~Chapter, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral **and gravel** extraction operations on surrounding uses and resources.

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

DIVISION 12. Agriculture and Timber Harvesting and Clearing of Vegetation

Sec. 82-391 Agriculture.

[Ord. No. 8-1997, § 15(N), 7-15-1997; Ord. No. 20-2004, 1-6-2004]

- (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~~ **Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. Sections 4201-4209).**
- (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 **p**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, a~~**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 **e**Chapter. [**Note to public** - Assistance in preparing a soil and water conservation plan may be available through the local **s**Soil and **w**Water **e**Conservation **d**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 **p**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 (**prior to January 1, 1991**) from which this **e**Chapter is derived and not in conformance with this **s**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 **p**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 (**activities that existed prior to 1991**), and which are not in conformance with the setback provisions in this **s**Subsection, may continue, provided that such grazing is conducted in accordance with a soil and water conservation plan **filed with the Planning Board**.

Sec. 82-392 Timber harvesting.

[Ord. No. 8-1997, § 15(O), 7-15-1997; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]

Timber harvesting, **effective December 21, 2021**, is not regulated by the City of Belfast. Maine Forest Service regulations, including MFS Rule - Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland areas will apply along with any amendments **to said standards**.

Sec 82-393 - 396. Reserved.

DIVISION 12.5 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Sec. 82-~~393~~ 397 Clearing of vegetation for development.

[Ord. No. 8-1997, § 15(P), 7-15-1997; Ord. No. 16-2000, 8-15-2000; Ord. No. 20-2004, 1-6-2004; Ord. No. 3-2005, 7-20-2004]

(a) ~~Resource Protection districts and Upper Mason Pond.~~ **Section repealed by Council action on ~~---~~ insert date ~~---~~.**

~~(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) **Size of ~~V~~vegetation buffer strips for Shoreland Districts.**

(1) ~~Except in areas as described in subsection (a) of this section, and~~ **In the Resource Protection, Limited Residential, and Stream Protection Districts**, 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: that complies with standards a.,---- identified in Subsection ----.**

Notwithstanding the above standard, in the areas of the Resource Protection and Limited Residential Districts that abut Upper Mason Pond (a great pond) or the section of the Goose River (from Belfast/Swanville municipal boundary to the Pond) that flows into Upper Mason 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 trees as described in **Sec 82-398.**

(2) **In the Urban Residential, General Development, Stream Development, and Manufactured Housing Community Districts, except to allow for the development of permitted uses, within a strip of land extending 25 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 in compliance with standards identified in Subsection (c).

- (3) In the Waterfront Development District, there is no requirement for a vegetative buffer strip located adjacent to the high annual tide for the Passagassawakeag River or the upland edge of a wetland. The Waterfront Development District allows 100 percent lot coverage.

(c) General standards for vegetated buffer strips.

(41) Cleared openings; and footpath standards.

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~~ **In** an area that is zoned Resource Protection or Limited Residential near Upper Mason Pond **or the section of the Goose River that flows into this Pond**, the width of the footpath shall be limited to ~~six~~ **6** feet.

(2) ~~General~~ **Selective cutting standards.**

- a. ~~The S~~selective cutting of trees within ~~the a~~ **required** buffer strip is permitted provided that a "well-distributed stand of trees" and other vegetation is maintained. For the purposes of this ~~s~~Subsection, a "well-distributed stand of trees" and other vegetation **shall comply with the standards identified in 1, 2 and 3 below, as such is determined by the rating system identified in 4. below;**

1. **In areas of the Resource Protection and Limited Residential District located adjacent to Upper Mason Pond and the section of the Goose River ~~adjacent to that flows into this p~~Pond (a great pond), a "well-distributed stand of trees" and other natural vegetation, shall be defined as maintaining a rating score of ~~12~~ **24** or more in ~~any each twenty-five-foot~~ **25** by ~~twenty-five~~ **50** - foot square ~~rectangular~~ area (~~625~~ **1,250** square feet).**

- ~~b.~~**2.** For other regulated water bodies, tributary streams, and wetlands, **in the Resource Protection, Limited Residential, and Stream Protection districts, a "well-distributed stand of trees" and other natural vegetation is defined as maintaining a minimum rating score of ~~eight~~ **16** per ~~twenty-five-foot-square area~~ **each 25 by 50 foot square rectangular area (1,250 square feet).****

3. **For regulated water bodies, tributary streams, and wetlands in the General Development, Urban Residential, Stream Development, and Manufactured Housing Community districts, a "well-distributed stand of trees" and other natural vegetation is defined as maintaining a minimum rating score of 12 per each 25 by 50 square foot rectangular area (1,250 square feet).**

4. 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 -- to less than 4 inches	1
4 -- to less than 12 8 inches	2
8 to less than 12 inches	4
Over 12 inches	4 8

e. As an example of how to apply the above rating system, adjacent to a regulated water body, if a ~~twenty-five~~ 25 foot by ~~twenty-five~~ 50 foot plot contains ~~three~~ 4 trees between ~~two~~ 2 and ~~four~~ 4 inches in diameter, ~~three~~ 2 trees between ~~four~~ 4 and ~~12~~ 8 inches in diameter, 3 trees between 8 and 12 inches in diameter, and ~~three~~ 2 trees over 12 inches in diameter, the rating score is as follows:

$$(\del{3}4 \times 1) + (\del{3}2 \times 2) + (3 \times 4) + (2 \times 8) = \del{21} 36 \text{ points}$$

Thus, the ~~twenty-five~~ 25 foot by ~~twenty-five~~ 50 foot plot contains trees worth ~~21~~ 36 points. Trees totaling ~~13~~ 12 points (~~21~~ 36 - 8 24 = ~~13~~ 12) may be removed from the plot provided that no cleared openings are created.

b. Standards that govern how to apply the point system identified in a.4 above:

1. The 25 foot by 50 foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
2. Each successive plot must be adjacent to, but not overlap a previous plot;
3. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Chapter;
4. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Chapter; and
5. Where conditions permit, no more than 50 percent of the points on any 25 foot by 50 foot rectangular area may consist of trees greater than 12 inches in diameter.

c. "Other Natural Vegetation".

For the purposes of the selective cutting standards identified in this Section, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4.5 feet above ground level for each 25 foot by 50 foot rectangular area. If 5 saplings do not exist, no woody stems less than 2 inches in diameter can be removed until 5 saplings have been recruited into the plot.

- d. Notwithstanding the provisions of this ~~sub~~Section, no more than 40% **percent** of the total volume of trees ~~four~~ **4** inches or more in diameter measured at ~~4-1/2~~ **4.5** feet above ground level may be removed in any ~~ten-~~ **10** year period.
- ~~(3)~~**e.** Removal of low vegetation and ground cover. In order to protect water quality and wildlife habitat, adjacent to Upper Mason Pond (a great pond) **and the section of the Goose River that flows into this 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 ~~s~~Subsection ~~(b)~~(1) of this ~~s~~Section.
- ~~(4)~~**f.** Pruning of tree branches. Pruning of tree branches on the bottom one-third of the tree is permitted.
- ~~(5)~~**g.** 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 **in accordance with Section 82-398 below**, unless existing new tree growth is present.
- h. In order to maintain the vegetation in the shoreline buffer area, the clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 82-397.**

~~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.~~

- ~~(e)~~**3)** 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-~~ **10** year period, selective cutting of not more than 40% **percent** of the volume of trees ~~4~~ **four** inches or more in diameter, measured ~~4-1/2~~ **4.5** feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% **percent** 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% **percent** 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, **Manufactured Housing Community**, or Waterfront Development districts.

- (d4) Existing cleared openings. Cleared openings within the **Shoreland Zone** legally in existence **on September 1, 1990**, the effective date of the **eOrdinance** from which this **eChapter** is derived, may be maintained, but shall not be enlarged, except as permitted by this **eChapter**.
- (e5) Open fields. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this **sSection (82-397)**.

Sec 82-398. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- (a) **Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:**
 - (1) **Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least 2 inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least 4 feet in height, and be no less than 2 inches in diameter. Stumps may not be removed.**
 - (2) **Outside of the shoreline buffer, when the removal of hazard trees exceeds 40 percent of the volume of trees 4 inches or more in diameter, measured at 4.5 feet above ground level in any 10 year period, and/or results in cleared openings exceeding 25 percent of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least 2 inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least 2 inches in diameter, measured at 4.5 feet above the ground level.**
 - (3) **The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.**
 - (4) **The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.**

- (5) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed 8 inches in diameter measured at 4.5 feet above the ground level.
- (b) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (1) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
- a. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - b. Stumps from the storm-damaged trees may not be removed;
 - c. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3rd) of the tree; and
 - d. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every 80 square feet of lost canopy.
- (2) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40 percent of the volume of trees 4 inches or more in diameter, measured at 4.5 feet above the ground level in any 10 year period, or results, in the aggregate, in cleared openings exceeding 25 percent of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

Sec 82-399. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 82-397, provided that all other applicable requirements of this Chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (a) The removal of vegetation that occurs at least once every 2 years for the maintenance of legally existing areas that do not comply with the vegetation standards in this Chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this Section. If any of these areas, due to lack of removal of vegetation every two 2 years, reverts back to primarily woody vegetation, the requirements of Section 82-397 shall apply.

- (b) **The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements identified in the Division 3.25 Dimensional Table are not applicable.**
- (c) **The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility.**
- (d) **The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Division 12 of this Article are complied with.**
- (e) **The removal of vegetation associated with brownfields or Voluntary Response Action Program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a General Development, Stream Development, Manufactured Housing Community, or other equivalent shoreland zoning district approved by the Commissioner (DEP) that is part of a State or Federal brownfields program or a Voluntary Response Action Program pursuant 38 M.R.S.A Section 343-E (as such may be amended), and that is located along:
 - 1. **A coastal wetland; or**
 - 2. **A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.****
- (f) **The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - 1. **If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;**
 - 2. **Removal of vegetation within 25 feet, horizontal distance, from the shoreline occurs via hand tools; and**
 - 3. **If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.****

{NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm}

- (g) **The removal of vegetation associated with emergency response activities conducted by the State Department of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.**

Sec. 82-400. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 82-397, to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- (a) **The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.**
- (b) **Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:**
- (c) **If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.**
- (d) **Revegetation activities shall meet the following requirements for trees and saplings:**
 - 1. **All trees and saplings removed must be replaced with native noninvasive species;**
 - 2. **Replacement vegetation must at a minimum consist of saplings;**
 - 3. **If more than 3 trees or saplings are planted, then at least 3 different species shall be used;**
 - 4. **No one species shall make up 50 percent or more of the number of trees and saplings planted;**
 - 5. **If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and**

6. A survival rate of at least 80 percent of planted trees or saplings is required for a minimum 5 years period.
- (e) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three 3 feet in height:
1. All woody vegetation and vegetation under 3 feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under 3 feet in height as applicable;
 2. Woody vegetation and vegetation under 3 feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 3. If more than 3 woody vegetation plants are to be planted, then at least 3 different species shall be planted;
 4. No one species shall make up 50 percent or more of the number of planted woody vegetation plants; and
 5. Survival of planted woody vegetation and vegetation under 3 feet in height must be sufficient to remain in compliance with the standards contained within this Chapter for minimum of 5 years.
- (f) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
1. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 2. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum 4 inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 3. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Chapter for minimum of 5 years.

Sec. 82-~~394~~ 401 through Sec. 82-410. (Reserved)

DIVISION 13. Erosion and Sedimentation Control

Sec. 82-411 Erosion and sedimentation control plan.

[Ord. No. 8-1997, § 15(Q)(1), 7-15-1997]

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.

[Ord. No. 8-1997, § 15(Q)(2), 7-15-1997]

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.

[Ord. No. 8-1997, § 15(Q)(3), 7-15-1997]

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.

[Ord. No. 8-1997, § 15(Q)(4), 7-15-1997]

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.

[Ord. No. 8-1997, § 15(Q)(5), 7-15-1997]

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.

[Ord. No. 8-1997, § 15(R), 7-15-1997]

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 **e**Certified **s**Soil **s**Scientists, Maine **r**Registered **p**Professional **e**Engineers, Maine **s**State-**e**Certified **g**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.

[Ord. No. 8-1997, § 15(S), 7-15-1997]

No activity shall deposit on or into the ground or discharge to the waters of the **s**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.

[Ord. No. 8-1997, § 15(T), 7-15-1997]

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 Maine h**Historic **p**Preservation **e**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 **e**Commission prior to rendering a decision on the application.

Sec. 82-452 - 459. Reserved.

DIVISION 16. Significant Groundwater Well.
(Division adopted October 16, 2018)

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.

Sec. 462 - 469. Reserved.

DIVISION 17. Significant Water Intake or Significant Water Discharge/Outfall Pipe.
(Division adopted October 16, 2018)

Sec. 82-470. Significant Water Intake or Significant Water Discharge/Outfall Pipe Standards.

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.

Sec 471 - 479. Reserved.

DIVISION 18: ~~Medical~~ Marijuana Facilities.

Sec 82-480. Medical Marijuana Facilities. (Adopted December 18, 2018)

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~~ **136**, 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.

Sec 82-481. Adult Use Marijuana Facilities. (Adopted December 21, 2021)

Adult use marijuana cultivation (nursery and tiers 1-4), adult use manufacturing facilities, and adult use testing facilities that are permitted in a Shoreland District, reference Sec 82-~~135~~ 136, Table of Uses, shall comply with all applicable requirements of Chapter 82 Shoreland, and shall comply with requirements identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 10, Adult Use Marijuana Regulations.

Sec. 482 - 489. Reserved.

DIVISION 19. Solar Energy Systems. (Adopted January 7, 2020)

Sec. 82-490. Compliance with Chapter 82, Shoreland, and Chapter 102, Zoning requirements.

~~(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)~~ **Sec 82-491.** Minimum setback requirements for a solar energy system located in a Shoreland Zoning District.

- (1a) 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 **the Division 3, Structures 3.25, Dimensional Standards Table**, of this Article, does not need to comply with minimum structure setback requirements.
- (2b) 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.
- (3c) 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.
- (4d) 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.1) 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.2) 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.
 - e.3) 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.4) 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.5) A nonresidential use does not qualify for this exception.
- (e) **Sec 82-492** 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)~~ **Sec 82-493** 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)~~ **Sec 82-494** Height of a solar energy system.

~~(1a)~~ A roof-mounted solar energy system shall not be considered in determining the maximum height of a structure.

~~(2b)~~ A ground-mounted solar energy system shall not exceed sixteen (16) feet in height when the system is at maximum tilt.

Sec 82-495 - 510. Reserved.

Division 20. Adult Use Marijuana Facilities. Division repealed by Council on --- date ---, and requirements relocated to Division 18, Marijuana Facilities.

~~Adult use marijuana cultivation (nursery and tiers 1 – 4), adult use manufacturing facilities, and adult use testing facilities that are permitted in a 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 VIII, Supplementary District Regulations, Division 10, Adult Use Marijuana Regulations.~~

Division 21. Marine Aquaculture Operations. (Adopted on --- insert date of Council action ---).

Sec. 82-511. Standards for Marine Aquaculture Operations.

~~The City shall allow~~ **Aquaculture operations that occur entirely in the marine waters, of Belfast Bay and or the Passagassawakeag River (City landing to the bridge on City Point Road), and that occur in intertidal waters and above the low tide mark, or that occur on or are attached/connected to a structure that is connected to shore, complying shall be subject to Shoreland regulation, and shall comply with all of the following criteria:**

(a) The aquaculture activity does not involve the growing or propagation of harvestable finfish that are reared and harvested entirely in marine waters.

- (b) None of the active aquaculture operations shall occur in the areas identified as the Inner Harbor, Outer Harbor, or the Bridge Harbor; reference Section 82-204.**
- (c) None of the aquaculture operations shall occur in a designated navigational channel for Belfast Harbor, and the operations shall not adversely impact navigation in the marine waters identified in Division. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement.**
- (d) None of the aquaculture operations shall have a significant adverse impact on the location of moorings that were active when the permit application is submitted. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement.**
- (e) The aquaculture activity shall not require the construction of any structures that are connected to shore, and the size of facilities, such as a moored float, that are located in marine waters shall be limited to the minimum size necessary to effectively and safely conduct all operations. The Planning Board shall consider the recommendations of the Belfast Harbor Committee in rendering a finding on this requirement.**
- (f) The location of the aquaculture operation shall be marked to minimize conflicts with navigation. The Planning Board shall consider the recommendations of the Belfast Harbor Committee, and shall consider requirements in the Department of Natural Resources Permit application in establishing conditions, if any, regarding the marking (identification) of a marine aquaculture operation.**
- (g) None of the aquaculture operations shall have a significant adverse impact on water quality.**
- (h) None of the aquaculture operations shall have a significant adverse impact on spawning grounds, fish, aquatic life, or bird or other wildlife habitat.**
- (i) The aquaculture activity shall provide evidence to the Planning Board that it can obtain any and all permits required from the Department of Marine Resources or other State agencies.**

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Steam Development (SD)	Manufactured Housing Community (MHC)
RESIDENTIAL USES								
1) Dwelling, single-family	P-CEO	P-CEO	P-CEO	PB *[w]	NO *[zz]	P-PBR *[p]	P-CEO	P-CEO
2) Dwelling, Accessory dwelling unit in a detached accessory structure to a single-family residential unit.	P-CEO *[a]	P-CEO *[a]	P-CEO *[a]	PB *[a] & *[w]	NO	NO	P-CEO *[a]	P-CEO *[a]
3) Dwelling, two-family.	P-CEO *[d]	P-CEO *[d]	P-CEO *[d]	P-CEO *[d]	NO	P-PBR *[p]	P-CEO *[d]	P-CEO *[d]
4) Dwelling, Flex Housing.	P-PBR *[b]	P-PBR *[b]	P-PBR *[b]	P-PBR *[b]	NO	NO	NO	NO
5) Dwelling, multi-family (3 or more units in one structure).	P-PBR *[c]	P-PBR *[c]	P-PBR *[c]	P-PBR *[c] & *[w]	NO	NO	NO	P-PBR *[c]
6) Dwelling, multi-family in a residential planned unit development or cluster housing development.	P-PBR *[f] & *[g]	P-PBR *[f] & *[g]	P-PBR *[f] & *[g]	P-PBR *[f], [g], & *[w]	NO	NO	NO	P-PBR *[f] & *[g]
7) Planned unit development (PUD) or cluster housing development, residential.	P-PBR *[f] & *[g]	P-PBR *[f] & *[g]	P-PBR *[f] & *[g]	P-PBR *[f], [g], & *[w]	NO	NO	NO	P-PBR *[f] & *[g]
8) Rural affordable housing development (PUD).	NO	NO	NO	NO	NO	NO	NO	NO
9) Manufactured housing on a chassis/mobile home.	P-CEO	P-CEO	P-CEO	NO	NO	NO	P-CEO	P-CEO
10) Manufactured housing (units on permanent foundation).	P-CEO	P-CEO	P-CEO	NO	NO	NO	P-CEO	P-CEO
11) Manufactured housing community (units on chassis) or mobile home park.	PB *[i]	NO	PB *[i]	NO	NO	NO	NO	PB *[i]
12) Accessory residential structures.	P-CEO	P-CEO	P-CEO	P-CEO	NO *[zz]	P-PBR *[p]	P-CEO	P-CEO
13) Accessory residential uses.	P-CEO	P-CEO	P-CEO	P-CEO	NO	NO	P-CEO	P-CEO
14) Accessory residential uses on the upper stories of nonresidential structures. See Footnote *[j].	P-CEO or P-PBR *[j]	P-CEO or P-PBR *[j]	P-CEO or P-PBR *[j]	P-CEO or P-PBR *[j] & *[w]	NO	NO	P-CEO or P-PBR *[j]	P-CEO or P-PBR *[j]
15) Yard sales, residential held no more than 10 days in a calendar year.	P-CEO	P-CEO	P-CEO	P-CEO	NO	NO	P-CEO	P-CEO
16) Home occupation class 1: Small scale. See Footnote *[k]	P *[k]	P *[k]	P *[k]	P *[k]	P *[k] & *[zz]	NO	P *[k]	P *[k]
17) Home occupation class 2: Mid-scale. See Footnote *[k].	P-CEO *[k]	P-CEO *[k]	P-CEO *[k]	P-CEO *[k]	NO	NO	P-CEO *[k]	P-CEO *[k]
18) Home occupation class 3: Large scale. See Footnote *[k].	P-PBR *[k]	P-PBR *[k]	P-PBR *[k]	P-PBR *[k]	NO	NO	P-PBR *[k]	NO
19) Owner occupied boarding or owner occupied lodging house with up to 3 borders or lodgers.	P-CEO	P-CEO	P-CEO	P-CEO	NO	NO	P-CEO	NO
20) Owner occupied boarding or owner occupied lodging house with 4 or more borders or lodgers.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Steam Development (SD)	Manufactured Housing Community (MHC)
21) Owner occupied group home or owner occupied hospice with a capacity of up to 8 residents.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
22) Owner occupied group home or owner occupied hospice with a capacity of 9 or more residents.	NO	NO	P-PBR	NO	NO	NO	NO	NO
23) Group home with a capacity of up to 8 residents.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
24) Group home with a capacity of 9 or more residents.	P-PBR	NO	P-PBR	NO	NO	NO	NO	NO
25) Up to 8 residents in the following: Congregate care, residential retirement housing, assisted living facility or hospice. [State defined Levels I, II and III Residential Care Facility and State defined Levels I, II and III Private Non-Medical Institution]	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
26) Nine or more residents in the following: Congregate care, residential retirement housing, assisted living facility or hospice. [State defined Level IV Residential Care Facility, and State defined Level IV Private Non-Medical Institution]	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	NO	NO
27) Bed and breakfast class 1. See Footnote *[I]	P-CEO *[I]	P-CEO *[I]	P-CEO *[I]	P-PBR *[I]	NO	NO	P-CEO *[I]	NO
28) Bed and breakfast class 2. See Footnote *[I]	P-PBR *[I]	P-PBR *[I]	P-PBR *[I]	P-PBR *[I]	NO	NO	P-PBR *[I]	NO
29) Bed and breakfast class 3. See Footnote *[I]	P-PBR *[I]	P-PBR *[I]	P-PBR *[I]	P-PBR *[I]	NO	NO	P-PBR *[I]	NO
30) Bed and breakfast, non-owner occupied. Class 1, 2, or 3 *[I]	P-PBR *[I]	P-PBR *[I]	P-PBR *[I]	P-PBR *[I]	NO	NO	P-PBR *[I]	NO
Reserved 31) - 44)								
OFFICE, CHILD CARE, HEALTH CARE & VETERINARY USES								
45) Professional offices and health care offices.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	P-PBR *[m]	NO
46) Health care facilities and hospitals.	NO	NO	P-PBR	NO	NO	NO	NO	NO
47) Nursing homes and Long-term care facilities	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
48) Care facility, child care facility serving up to 12 children. [State defined Small Childcare Facility for 3 - 12 children]	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	P-PBR
49) Care facility, child care facility serving more than 12 children. [State defined Child Care Center].	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	P-PBR
50) Care facility, youth and adult.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	P-PBR
51) Veterinary clinic and veterinary hospital.	NO	NO	P-PBR	NO	NO	NO	P-PBR	NO
52) Animal kennel Class 1, includes day-time training facilities.	NO	NO	NO	NO	NO	NO	P-PBR	NO
53) Animal kennel Class 2.	NO	NO	NO	NO	NO	NO	P-PBR	NO
Reserved 54) - 69)								

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Steam Development (SD)	Manufactured Housing Community (MHC)
RETAIL, MOTOR VEHICLE, SERVICES, & REPAIR USES								
70) Retail Store. Reference Footnote *[m] regarding applicable size limits on a retail use.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	P-PBR *[m]	NO
71) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex). Reference Footnote *[m] regarding applicable size limits on a shopping center.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	NO	NO
72) Commercial agricultural greenhouse or nursery: Sale of materials, plants or similar items commonly associated with landscaping activities.	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
73) Farmers Market, indoor or outdoor, that may also include food and craft sales.	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
74) Medical Marijuana caregiver retail stores	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
75) Adult Use, Marijuana Retail Store	NO	NO	NO	NO	NO	NO	NO	NO
76) Convenience stores. Reference Footnote *[m] regarding size limits that apply.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	P-PBR *[m]	NO
77) Redemption Centers for Beverage Containers	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
78) Motor vehicle, snowmobile, utility-terrain vehicle (UTV) and all-terrain vehicle (ATV) and similar repair business. Reference Footnote *[uu] for the respective underlying zoning district.	NO	NO	P-PBR *[uu]	P-PBR *[uu]	NO	NO	P-PBR *[uu]	NO
79) Motor vehicle fuel sales.	NO	NO	P-PBR	NO	NO	NO	P-PBR	NO
80) Motor vehicle sales including automobiles, snowmobiles, utility-terrain vehicles (UTV) and all-terrain vehicles (ATV). Primary use.	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
81) Motor homes, heavy trucks, and related equipment sales, repairs and services.	NO	NO	P-PBR	NO	NO	NO	NO	NO
82) Mobile home, manufactured home and modular home sales.	NO	NO	P-PBR	NO	NO	NO	NO	P-PBR *[t]
83) Personal services. Reference Footnote *[m] regarding size limits that may apply.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	P-PBR *[m]	NO
84) Service Business. Reference Footnote *[m] regarding size limits that may apply.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	P-PBR *[m]	NO
85) Lumber Yard & Building Supply Store. Reference definition of a Lumber Yard & Building Supply Store in Chapter 66 and size standards in Footnote *[m].	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	NO	NO
86) Laundromat	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
87) Dry Cleaning (on-site)	NO	NO	NO	NO	NO	NO	NO	NO
88) Funeral Home	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
89) Mausoleum/crematory	NO	NO	NO	NO	NO	NO	NO	NO
90) Reserved. 90) - 109)								

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Stream Development (SD)	Manufactured Housing Community (MHC)
RESTAURANT & LODGING USES								
110) Hotel and motel.	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
111) Campground excluding Recreation Vehicle (RV) Park.	P-PBR *[x]	NO	P-PBR *[x]	NO	NO	NO	NO	NO
112) Campground, including a Recreation Vehicle (RV) Park and Motor Homes	NO	NO	NO	NO	NO	NO	NO	NO
113) Restaurant, fast food.	NO	NO	P-PBR	NO	NO	NO	NO	NO
114) Restaurant, formula	NO	NO	P-PBR	NO	NO	NO	NO	NO
115) Restaurant with indoor seating.	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
116) Restaurant with outdoor seating.	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
117) Restaurant, take out.	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
118) Restaurant with drive through window.	NO	NO	P-PBR	NO	NO	NO	NO	NO
119) Restaurant, ice cream stand.	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
120) Lobster pound, and accessory fish/seafood processing	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
Reserved 121) - 139)								
INDUSTRIAL, MANUFACTURING, LABORATORY, WAREHOUSE, STORAGE & AQUACULTURE								
140) Light industrial/Light manufacturing. Reference Footnote *[m] regarding size limits that may apply.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	P-PBR *[m]	NO
141) Manufacturing, processing and industrial activities, including accessory retail sales. Reference Footnote *[m] regarding size limits that may apply.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	P-PBR *[m]	NO
142) Bituminous asphalt plant/mixing operations.	NO	NO	NO	NO	NO	NO	NO	NO
143) Storage, contractor operations including exterior storage of materials and equipment.	NO	NO	P-PBR *[u]	P-PBR *[u]	NO	NO	P-PBR *[u]	NO
144) Storage facility/warehouse. Reference Footnote *[m] regarding size limits that may apply.	NO	NO	P-PBR *[m]	P-PBR *[m]	NO	NO	NO	NO
145) Storage, self-storage facility.	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
146) Storage tanks for petroleum products, including propane for sale.	NO	NO	NO	P-PBR *[w]	NO	NO	NO	NO
147) Boat building, boat repair, boat retrofitting or boat storage, including allowing limited onsite sales as an accessory use.	NO	NO	P-PBR *[y]	P-PBR *[y]	NO	NO	P-PBR *[y]	NO
148) Research laboratory.	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
149) Medical Marijuana testing facilities	NO	NO	P-CEO *[cc]	P-PBR *[cc]	NO	NO	P-PBR *[cc]	NO

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Steam Development (SD)	Manufactured Housing Community (MHC)
150) Medical Marijuana manufacturing facilities	NO	NO	P-CEO *[cc]	P-PBR *[cc]	NO	NO	P-PBR *[cc]	NO
151) Adult Use Marijuana Cultivation, Tier 1	NO	NO	NO	NO	NO	NO	NO	NO
152) Adult Use Marijuana Cultivation, Tier 2	NO	NO	NO	NO	NO	NO	NO	NO
153) Adult Use Marijuana Cultivation, Tier 3	NO	NO	NO	NO	NO	NO	NO	NO
154) Adult Use Marijuana Cultivation, Tier 4	NO	NO	NO	NO	NO	NO	NO	NO
155) Adult Use, Marijuana Cultivation Nursery	NO	NO	NO	NO	NO	NO	NO	NO
156) Adult Use, Marijuana Testing Facility	NO	NO	NO	NO	NO	NO	NO	NO
157) Adult Use, Marijuana Manufacturing Facility	NO	NO	NO	NO	NO	NO	NO	NO
158) Aquaculture, Land-Based	P-PBR *[qq]	NO	P-PBR *[qq]	P-PBR *[qq]	P-PBR *[qq]	P-PBR *[qq]	P-PBR *[qq]	NO
159) Aquaculture, Freshwater	P-PBR	NO	P-PBR	P-PBR	P-PBR	P-PBR	P-PBR	NO
160) Aquaculture, Marine	P-PBR *[mm]	P-PBR *[mm]	P-PBR *[mm]	NO	P-PBR *[mm]	NO	NO	NO
161) Aviation and uses accessory to aviation.	NO	NO	NO	NO	NO	NO	NO	NO
Reserved 162) - 179)								
AGRICULTURE & NATURAL RESOURCE USES								
180) Commercial agricultural, dairy and horticultural activities, including you-pick operations. Also reference 181) - 184) below.	P-CEO	NO	P-CEO	NO	NO	NO	P-CEO	NO
181) Farm Stand and/or Small Craft Sales as an Accessory Use to an Agricultural Use	P-CEO	NO	P-CEO	NO	NO	NO	P-CEO	NO
182) Commercial Poultry. (Refer to Chap 66, Definition)	P-PBR	NO	P-PBR	NO	NO	NO	NO	NO
183) Commercial Piggeries. (Refer to Chap 66, Definition)	NO	NO	NO	NO	NO	NO	NO	NO
184) Accessory Uses to Commercial Agriculture. An operating agricultural use may operate a small campground (No RV's) or an outside event activity, subject to Performance Standards identified in Division (YTBD - Performance Standards have not yet been prepared)	P-PBR *[bb]	NO	P-PBR *[bb]	NO	NO	NO	NO	NO
185) Domestic chickens .- Reference City Code of Ordinances, Chapter 10, Animals, Article III, Domesticated Chickens	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	NO	P-CEO	P-CEO
186) Slaughterhouse.	NO	NO	NO	NO	NO	NO	NO	NO
187) Horses and horse barns/Stables.	P-PBR	NO	P-PBR	NO	NO	NO	P-PBR	NO
188) Animal breeding, husbandry.	P-PBR	NO	P-PBR	NO	NO	NO	P-PBR	NO

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Stream Development (SD)	Manufactured Housing Community (MHC)
189) Tree farm.(Including on-site sales)	NO	NO	P-PBR	NO	NO	NO	P-PBR	NO
190) Timber Harvesting. Reference State Permitting requirements from DEP.	State	State	State	NO	State	State	State	State
191) Forestry: Commercial firewood processing.	NO	NO	P-PBR	NO	NO	NO	NO	NO
Reserved 192) - 209)								
UTILITIES								
210) Stealth telecommunications facilities.	P-PBR *[ff]	P-PBR *[ff]	P-PBR *[ff]	P-PBR *[ff]	NO	NO	P-PBR *[ff]	P-PBR *[ff]
211) Minor telecommunications facilities including co-location on existing structures.	P-CEO *[ff]	P-CEO *[ff]	P-CEO *[ff]	P-CEO *[ff]	NO	NO	P-CEO *[ff]	P-CEO *[ff]
212) Telecommunications facilities.	P-PBR *[ff]	NO	P-PBR *[ff]	P-PBR *[ff]	NO	NO	P-PBR *[ff]	NO
213) Small Wireless Facility (as defined by State Statute)	P	P	P	P	P-PBR *[q]	P-PBR *[q]	P	P
214) Essential Services. Also see 215) below.	P	P	P	P	P-PBR *[q]	P-PBR *[q]	P	P
215) Power Generation & Substations, Phase 3 Power Transmission Lines, & natural gas line facilities	NO	NO	NO	NO	NO	NO	NO	NO
216) Solar Energy Systems, Large-Scale, ground-mounted.	P-PBR *[ee]	NO	P-PBR *[ee]	NO	NO	NO	NO	NO
217) Solar Energy Systems, Small-Scale and Medium-Scale, ground-mounted and roof-mounted.	P-CEO*[ee]	P-CEO*[ee]	P-CEO*[ee]	P-CEO*[ee]	NO *[h]	NO *[h]	P-CEO*[ee]	P-CEO*[ee]
218) Solar Energy Systems, Large-Scale, roof-mounted.	P-PBR *[ee]	P-PBR *[ee]	P-PBR *[ee]	P-PBR *[ee]	NO	NO	P-PBR *[ee]	P-PBR *[ee]
219) Wind Generation - Tubines (Commercial)	NO	NO	NO	NO	NO	NO	NO	NO
220) Wind Generation - Turbines (Residential)	P-CEO	P-CEO	P-CEO	NO	NO	NO	P-CEO	P-CEO
221) Hydroelectric Power Generation facilities	NO	NO	P-PBR *[ss]	NO	NO	NO	P-PBR *[ss]	NO
Reserved 222) - 239)								
PUBLIC, SCHOOLS, COMMUNITY FACILITIES, PERFORMANCE FACILITIES & RECREATION								
240) Municipal uses deemed necessary by the City Council for which the Council shall hold a public hearing with ten days' public notice given.	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO	P-CEO
241) Quasi-public and non-municipal public uses. Reference Footnote *[z] regarding City authority responsible for issuing a permit.	P-PBR *[z]	P-PBR *[z]	P-PBR *[z]	P-PBR *[z]	NO	NO	P-PBR *[z]	P-PBR *[z]
242) Public park.	P-CEO	P-CEO	P-CEO	P-CEO	P-PBR	NO	P-PBR	P-CEO
243) Public parking facility.	P-PBR	P-PBR	P-PBR	P-PBR *[w]	NO *[r]	NO	P-PBR	NO

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Stream Development (SD)	Manufactured Housing Community (MHC)
244) School, public	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
245) School, private/parochial/charter.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
246) Community center.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
247) Social club.	P-PBR	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
248) Museum.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
249) Convention center.	NO	NO	NO	P-PBR	NO	NO	NO	NO
250) Theater/Performing arts center.	NO	NO	P-PBR	P-PBR	NO	NO	NO	NO
251) Theater, outdoor and event facility. Permitted as an accessory use to a residential or agricultural use.	P-PBR *[bb]	NO	P-PBR *[bb]	NO	NO	NO	NO	NO
252) Recreational facility, indoor (public or private).	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
253) Recreational facility, outdoor, excluding motorized vehicles.	NO	NO	P-PBR	P-PBR	NO	NO	P-PBR	NO
254) Recreational facility, outdoor, including motorized vehicles.	NO	NO	NO	NO	NO	NO	NO	NO
255) Recreational or community activities.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
256) Shooting or rifle range (public allowed).	NO	NO	NO	NO	NO	NO	NO	NO
257) Drive-in movie theater.	NO	NO	NO	NO	NO	NO	NO	NO
258) Amusement park.	NO	NO	NO	NO	NO	NO	NO	NO
Reserved 259) - 279)								
MISCELLANEOUS USES								
280) Accessory non-residential structure if the principal structure was subject to review by Code Enforcement Officer.	P-CEO	P-CEO	P-CEO	P-CEO	NO	NO	P-CEO	P-CEO
281) Accessory non-residential structure if the principal structure was subject to review by the Planning Board.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
282) Accessory non-residential use in which the principal use was subject to review by the Code Enforcement Officer.	P-CEO	P-CEO	P-CEO	P-CEO	NO	NO	P-CEO	P-CEO
283) Accessory non-residential uses in which the principal use was subject to review by the Planning Board. (Permitted uses or expansions of legally established nonconforming uses).	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO
284) Marinas and marina related service businesses.	P-PBR	NO	P-PBR	P-PBR	NO	NO	NO	NO
285) Docks, floats and similar uses that occur below the normal high water mark. This use also requires review by the Harbor Committee pursuant to Chapter 82,Shoreland.	P-PBR	P-PBR	P-PBR	P-PBR	NO	NO	P-PBR	NO

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Steam Development (SD)	Manufactured Housing Community (MHC)
286) Water borne transportation and recreation.	P-PBR	NO	P-PBR	P-PBR	NO	NO	NO	NO
287) Fill, loam, sand, and gravel extraction operations provided the operation does not include the removal of bedrock material through blasting or any other mechanical means or the crushing or further processing of such bedrock material.	P-PBR	NO	P-PBR	NO	NO	NO	NO	NO
288) Fill, loam, sand, gravel extraction, excluding bedrock, with restrictions on extent of area to be extracted at one time, and establishment of a continuing reclamation and reforestation program.	P-PBR	NO	P-PBR	NO	NO	NO	NO	NO
289) Fill activities that involve the addition or removal of 10 cubic yards or less of fill.	P	P	P-CEO	P	P-CEO	P-CEO	P	P-CEO
290) Fill activities that involve the addition or removal of more than 10 cubic yards of fill.	P-CEO	P-CEO	P-CEO	P-PBR *[w]	P-PBR	P-PBR	P-CEO	P-PBR
291) Septage, storage and spreading.	NO	NO	NO	NO	NO	NO	NO	NO
292) Junkyards, including auto graveyards.	NO	NO	NO	NO	NO	NO	NO	NO
293) Significant Groundwater Well	P-PBR *[hh]	NO	P-PBR *[hh]	NO	P-PBR *[hh]	P-PBR *[hh]	P-PBR *[hh]	NO
294) Significant Water Intake or Significant Water Discharge/Outfall Pipe	P-PBR *[ii]	P-PBR *[ii]	P-PBR *[ii]	P-PBR *[ii]	P-PBR *[ii]	P-PBR *[ii]	P-PBR *[ii]	P-PBR *[ii]
295) Mineral Extraction	P-PBR	NO	P-PBR	NO	P-PBR *[o]	NO	NO	NO
Reserved 296) - 310)								
SPECIAL USES								
311) Special Use Areas (Certain Special Use Areas are identified in Chapter 102, Zoning, Article V, District Regulations, Division --, Northwest of Bypass and Outside Rural Zoning Districts *[kk])	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
312) Special Uses that Require City Review Pursuant to Contract Rezoning * [jj]	N/A	N/A	N/A	Potential SU-CR *[jj]	N/A	N/A	N/A	N/A
Reserved 313) - 324)								
USES SPECIFIC TO CHAPTER 82, SHORELAND *[II]								
325) Nonintensive recreational uses not requiring structures, such but not limited to hunting, fishing and hiking.	P	P	P	P	P	P	P	P
326) Motorized vehicular traffic on existing roads and trails.	P	P	P	P	P	P	P	P
327) Clearing of Vegetation for Development	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
328) Fire Prevention Activities	P	P	P	P	P	P	P	P

ARTICLE IV, SECTION 82-137, TABLE OF USES

SECTION 82-137 TABLE OF USE SHORELAND DISTRICTS, TYPE OF USE	Limited Residential (LR)	Urban Residential (UR)	General Development (GD)	Waterfront Development (WD)	Resource Protection (RP)	Stream Protection (SP)	Stream Development (SD)	Manufactured Housing Community (MHC)
329) Wildlife Management Practices	P	P	P	P	P	P	P	P
330) Soil and Water Conservation Practices	P	P	P	P	P	P	P	P
331) Mineral Exploration	CEO *[n]	NO	CEO *[n]	NO	CEO *[n]	NO	NO	NO
332) Surveying and Resource Analysis	P	P	P	P	P	P	P	P
333) Emergency Operations	P	P	P	P	P	P	P	P
334) Conversion of Seasonal Residences to Year-Round Residences	LPI (CEO)	LPI (CEO)	LPI (CEO)	NO	NO	LPI (CEO)	LPI (CEO)	P-PBR
335) Service Drops to Allowed Uses	P	P	P	P	P	P	P	P
336) Private Sewage Disposal Systems of Allowed Uses	LPI (CEO)	LPI (CEO)	LPI (CEO)	NO	NO *[zz]	LPI (CEO)	LPI (CEO)	NO
337) Road and Driveway Construction *[vv]	CEO *[oo]	CEO *[oo]	CEO *[oo]	PB *[w] & *[oo]	NO *[s] & *[oo]	P-PBR *[oo]	CEO *[oo]	CEO *[oo]
338) Small Nonresidential Facilities for Educational, Scientific, or Nature Interpretation Purposes	CEO	CEO	CEO	PB *[w]	NO	P-PBR *[p]	CEO	CEO
<p>NOTES TO TABLE</p> <p>Shoreland Zones and Shoreland Uses are not shown. Refer to Chapter 82, Shoreland, for</p> <p>YTBD= Yet to Be Determined. City has not yet adopted referenced standards for Certain</p>								

Key to Tables	
P	Permitted Use - No Permit Required
P -CEO	Permitted Use that requires CEO Review & Permit
P-PBR	Permitted Use that requires Planning Board review & permit
SU-CZ	Special Use - Contract Rezoning Approval required
SUA	Special Use Area in Outside Rural 1 or Outside Rural 2
P-LPI	Licensed Plumbing Inspector review & permit required
STATE	Appropriate State Agency
NO	Prohibited Use

AMENDMENTS PROPOSED TO THE OFFICIAL SHORELAND ZONING MAP

The Belfast Planning Board, pursuant to the process identified in Chapter 82, Shoreland, Article I, In General, Section 82-9, is proposing 2 specific amendments to the Official Shoreland Map the City has adopted and that is referenced in Article IV, Districts, Section 82-131(e).

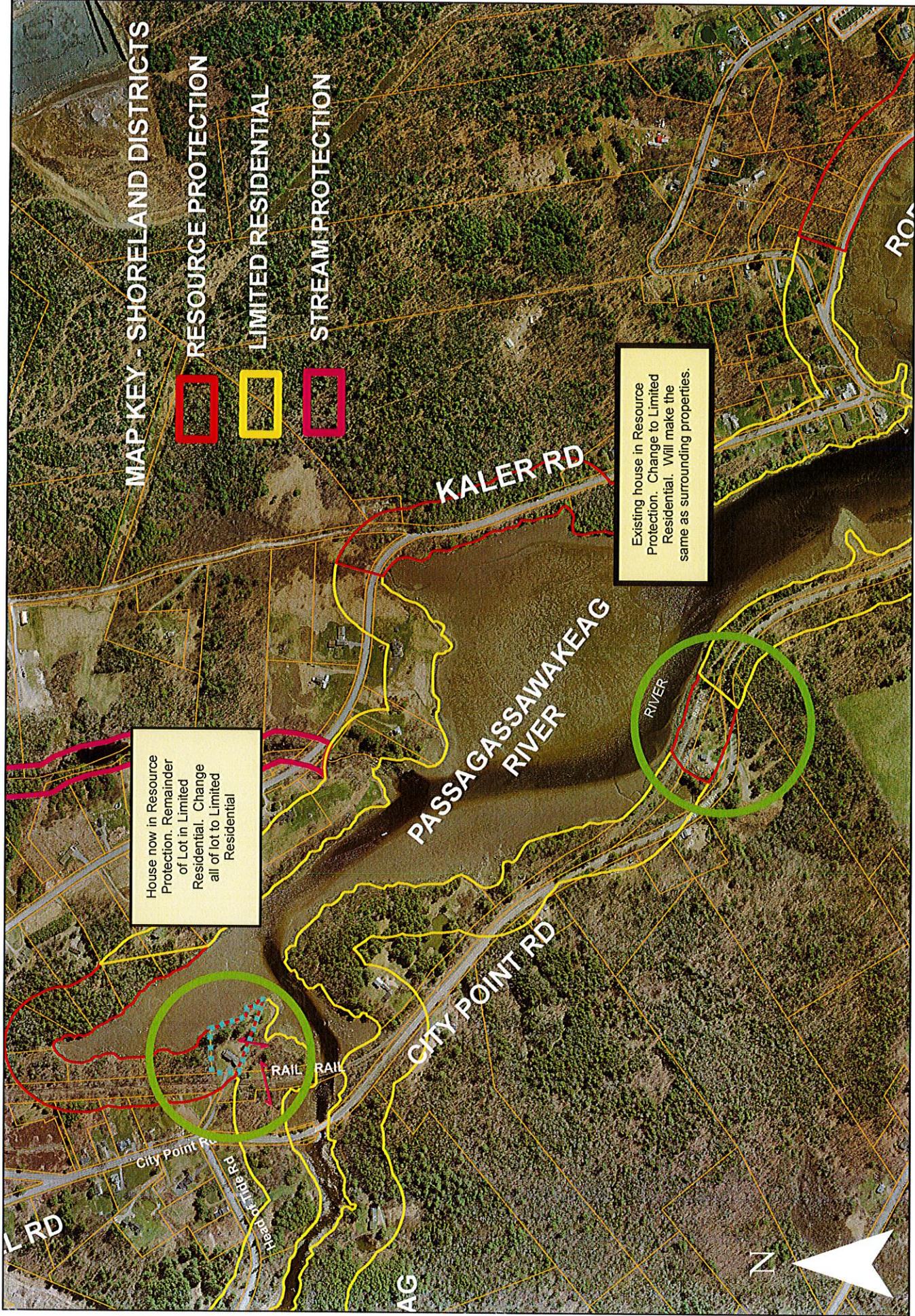
The specific amendments that are proposed are illustrated on the attached 2 maps; the first of which identifies the location of the two changes to the Official Shoreland Map, and the second of which is an aerial photo that illustrates the location of the proposed changes.

The proposed changes would revise the current Shoreland designation for the following two properties:

- 1) A portion of Map 8, Lot 11, that is owned by The Madeline Fried Revocable Trust, would be changed from the current designation, Resource Protection, to Limited Residential. Most of the property is now included in the Limited Residential District, however, most of the existing house, that was constructed prior to the designation of the area as Resource Protection, is now in the Resource Protection district. The purpose of the proposed amendment is so the existing house is located in a more appropriate Shoreland District.**

- 2) Map 8, Lot 4, that is owned by Robert Gordon, would be changed from the current designation, Resource Protection, to Limited Residential. The existing house on the property was constructed prior to the designation of the area as Resource Protection. The purpose of the proposed amendment is so the existing house is located in a more appropriate Shoreland District. The Planning Board also notes that all of the surrounding (adjacent) properties in this area are now included in the Limited Residential District, even though many of these properties are undeveloped, except for the former Belfast & Moosehead Lake Railroad corridor, which was developed as the Belfast Rail Trail (pedestrian) in 2016.**

ILLUSTRATION OF TWO AMENDMENTS TO OFFICIAL SHORELAND MAP



WHARF LINE AREAS IN BELFAST HARBOR

