

# AGENDA TOPIC 10.A

TO: Mayor & City Council  
FROM: Wayne Marshall, Director, Code & Planning  
DATE: March 2, 2018  
RE: Nordic Aquafarm Project - Proposed Ordinance & Land Use Plan Amendments

## **REQUESTED ACTIONS**

The Council's March 6 meeting presents an opportunity for the City to conduct the formal Introduction of proposed amendments to City Ordinances and the adopted 2009 Future Land Use Plan (part of Comprehensive Plan) associated with the proposed Nordic Aquafarms salmon aquaculture farm project that would be located on property now owned by the Belfast Water District and Sam Cassida near Reservoir # 1 on the Little River. The purposes of conducting a formal Introduction of the amendments include:

- 1) To inform the public of the scope of the proposed amendments.
- 2) To inform the public of the public review process that the Council will conduct to consider the proposals and how the public can offer comment for Council consideration.
- 3) To establish the date for the formal First Reading of the proposed Ordinance amendments and the tentative date for the formal hearing on the Land Use Plan amendments.
- 4) To obtain initial comment and direction from the Council on the proposals and to respond to questions from the Council.

I note that while State law does not require a municipality to conduct a formal Introduction of Ordinance amendments, the City Council often has chosen to schedule an Introduction for large scale proposals such as this one.

This proposal involves a series of amendments to City Ordinances and the Future Land Use Plan. I separately discuss each of the proposals below, but first will identify specific actions that I am requesting of the Council because many of the proposals involve the same public review processes.

**ACTION # 1:** Council should provide Department staff an opportunity to outline the proposed amendments at this Introduction, the March 6 Council meeting. I note that the City is not required to conduct a public hearing at the Introduction stage and that this meeting does not include a scheduled public hearing on the proposals.

**ACTION # 2:** I request that the Council schedule the formal First Reading of proposed amendments to the City Code of Ordinances for the regular Council meeting of March 20, 2018. The proposal involves amendments to the following Chapters: Chapter 66, General Provisions (Definitions), Chapter 82, Shoreland, and Chapter 102, Zoning. I also recommend that the

Council conduct a public hearing at the March 20 Council meeting. I note that I have already published notice of the hearing for the March 20 Council meeting.

**ACTION 3:** I request that the Council provide direction on any of the proposed amendments regarding specific language that would be included for public consideration at the First Reading.

**ACTION 4:** I request that the Council tentatively schedule the Second Reading and public hearing of the proposed amendments for the regular Council meeting of April 17. While the Council can change the date of said Reading and hearing after the First Reading, my intent is to provide the public information regarding potential dates for consideration of the Ordinance proposals.

**ACTION 5:** I request that the Council schedule an initial public hearing on the proposed Future Land Use Plan amendments for the Council meeting of March 20 (same date as First Reading of Ordinance amendments) and that you schedule the required public hearing for April 17. I note that State law establishes a different public notification process (minimum 30 days) for the final public hearing on amendments to a Future Land Use Plan compared to consideration of an Ordinance amendment, thus my desire to establish a specific date for the required hearing on the Land Use Plan at this time.

### **SPECIFIC INFORMATION ON EACH OF PROPOSALS**

I have included a significant amount of information with this memorandum. My intent is to provide background information for Council review. I encourage you to hold onto this background information through-out the public review process.

#### **Why is the City Pursuing the Proposed Amendments?**

Nordic Aquafarms, a Norwegian company, on January 30, 2018, held a press conference in Belfast in conjunction with the City and Belfast Water District to announce their plans to locate a major land based salmon aquaculture farm in Belfast. Nordic Aquafarms has purchase and sale agreements to purchase about 40 acres of land from the Belfast Water District and Sam Cassida, a private property owner. The property is located on the westerly side of Route 1 near the Little River Reservoir. The company is now doing their due diligence to determine if they can find the quantity and quality of water on the site that they need to support their proposed operations.

When Nordic Aquafarms first approached the City to express their interest in this property, the City explained that current City Ordinances do not fully support the potential use of this property for a land based salmon aquaculture farm. The City, at that time, also committed to pursuing potential Ordinance amendments to identify an aquaculture farm as an allowed activity in that area. Thus, the amendments identified in this proposal are associated with identifying an aquaculture farm as an allowed use in this area. Stated simply, if the City does not amend its current Ordinances, the project cannot be located in this area.

I have included a document that is now posted on the City website labeled Overview of City Rezoning Process, Nordic Aquafarms Project.

## **What Does it mean if the City adopts the Proposed Amendments?**

If the City adopts the proposed amendments identified in these proposals it means that Nordic Aquafarms would have the right to submit permit applications to the Belfast Planning Board that identify how the company would propose to develop and operate their project. The Belfast Planning Board would review the permit applications, conduct public hearings on the applications, and ultimately decide if the applications satisfy all City requirements and if the City permits should be approved. I specifically note that the Planning Board's role and their review of permit applications is an independent and separate process from the City Council's role in the review of the proposed Ordinance amendments. The Planning Board will only become involved in the review of the Nordic Aquafarms project if Nordic Aquafarms chooses to submit permit applications to develop the property.

I also note that the Nordic Aquafarms project will require permits from state and federal agencies, particularly the State Dept of Environmental Protection (DEP) and U.S. Army Corps of Engineers (ACOE). The state and federal agencies make their decisions independent of any decision made by the Belfast Planning Board on a permit application.

## **What is Involved in the Current Proposal to Amend City Ordinances and the Future Land Use Plan?**

I believe the City needs to consider a series of amendments to current City Ordinances. Following is an outline of each of the proposed amendments. I also note that at the Introduction stage, the City is not required to present specific language for the amendments. Specific language, however, would be prepared and presented in advance of the formal First Reading of the amendments.

### **1) Chapter 102, Zoning.**

City Zoning Ordinances identify the range of uses permitted in a specific zoning district and the main dimensional standards that apply to the respective zoning district that a project must satisfy. The main Zoning Ordinance amendments associated with this proposal include:

- Changing the zoning district designation for this area associated with the Nordic Aquafarms project from the Residential II district to the Industrial IV Perkins Road district. I have attached four maps that identify current zoning district designations and how the boundaries of the Industrial IV Perkins Road district are proposed to be changed to include the property associated with the proposed aquaculture farm.
- Changing the range of uses allowed in the Industrial IV Perkins Road district to specifically include a land based aquaculture farm and accompanying activities, including but not limited to offices, fish processing operations, water treatment, a visitors center and such. The intent is to create a zoning district that will support the proposed project.
- Establishing a specific height limit for buildings. The proposed height limit is 50 feet; a standard which is used in several other districts that allow larger scale uses. At present, there is no height limit in the Industrial IV (Mathews Brothers) zoning district. I also

note that this proposed height limit is partly associated with the company's desire to locate solar panels on the roof of the buildings in which the aquaculture tanks will be located.

- Establishing a lot coverage standard based on an impervious surface ratio of 70%. The current Industrial IV zoning district lot coverage standard of 65% is based solely on building coverage. Building coverage includes only the footprint of any building, while impervious surface ratio includes building footprints, parking lots, and all areas that are not 'green' or vegetated.
- Identifying structure setback requirements for this facility that may differ from some of the current setback requirements that apply to the Mathew Brothers project.

In addition to the existing and proposed zoning maps, I have attached language in the current Ordinance for the two main zoning districts affected by this proposal, Industrial IV Perkins Road and Residential II, as well as other districts in the area: Route 1 South Commercial, General Purpose B, Protection Rural and Airport Growth. I also note that while the Residential II zoning district allows a fairly narrow range of uses, none of which are industrial uses, the uses permitted in this district also include large scale health care facilities, such as a Hospital, and professional offices and that there is no predetermined size limit on an office. Continuing, many of the adjacent zoning districts, particularly the Industrial IV Perkins Road district (Mathews Brothers), the General Purpose B zoning district (northerly side of Perkins Road) and the Route One South district which is located along Route 1 beginning where the former Moss building is located, all allow a wide range of uses, including many larger uses.

## **2) Chapter 82, Shoreland**

The area located within 250 feet of the Little River and Reservoir # 1 is in the City Shoreland Zone. Similar to City Zoning, the Shoreland Zone is divided into districts that identify the type of uses allowed in that district and the standards that apply to a project, such as the minimum amount of structure setback from the high annual tide (HAT) associated with the regulated waterbody (such as the Little River). A Shoreland Zone is an overlay zone, meaning that the more restrictive of the Zoning Ordinance or Shoreland Ordinance standards apply to a project. Also, unlike the City Zoning Ordinance, which is based almost entirely on local preferences regarding land use, the underlying basis for the City Shoreland Ordinance must comply with State guidelines that are identified by the Department of Environmental Protection (DEP). The DEP oversees and manages the State Shoreland Program and all municipalities in Maine are required to adopt a Shoreland Ordinance that is approved by the DEP.

Main amendments to the Shoreland Ordinance associated with this proposal are as follows:

- Proposal to expand the amount of area located in the General Development District to include about .5 acre of land area that is now in the Resource Protection District. This area is located near the existing Water District offices next to Reservoir #1 and there is an existing storage building located on this property that the Water District has constructed.

I have included a map that identifies the area subject to Shoreland Zoning and the small area that would be affected by the proposed amendment.

- Proposal to amend the range of uses allowed in both the Resource Protection Shoreland district and the General Development Shoreland district to specifically allow land based aquaculture and to allow an activity such as an outfall pipe for water discharge and an intake pipe for water from Belfast Bay to serve this facility. The recommended State Shoreland Guidelines allow aquaculture as an allowed activity in all Shoreland Districts. However, when the City adopted its Shoreland Ordinance it chose to prohibit aquaculture activities located in Belfast Bay, and to allow such in other waterbodies. The proposed amendments are intended to clarify current City Shoreland requirements. The proposed amendments would do the following: specifically allow land based aquaculture in the area proposed by Nordic Aquafarms (I believe current Shoreland zoning allows the Nordic Aquafarm project onshore near the Little River Reservoir), allow water intake and discharge pipes to serve a land based aquaculture project when said pipes discharge to Belfast Bay (this activity may not be allowed by current Shoreland Ordinances because of the discharge to the Bay), and continue the current prohibition on locating aquaculture activities such as pen raised fish in Belfast Bay. I have included the Table of Uses from Chapter 82, Shoreland, that identifies the range of uses now permitted in each Shoreland District.
- Clarify current Shoreland Ordinance standards to allow deep groundwater wells to be located within the Shoreland Zone when said wells are to intended to support an industrial operation.

I also note that I am still in the process of conferring with State DEP officials regarding how the State would interpret some of the Shoreland issues associated with this project. I hope to have additional direction from the State prior to preparing the specific language for the proposed Shoreland amendments.

### **3) Chapter 66, General Provisions & Chapter 82, Shoreland**

The City may need to clarify some of the existing definitions identified in both Chapter 66, General Provisions, and Chapter 82, Shoreland, to ensure that the definitions support how the City desires to regulate the proposed Nordic Aquafarms project and a land based aquaculture project. To date, I have not identified all definitions that may need clarification. That said, I envision making changes to the current definition of aquaculture, and may include a specific definition for a groundwater well so it can be more readily regulated as a specific activity.

I will provide more specific information regarding the definitions that I propose to amend at the First Reading of all Ordinance amendments.

### **4) Future Land Use Plan Amendments**

The City's adopted Future Land Use Plan, which is part of the City's Comprehensive Plan, dates to October 2009. A Future Land Use Plan identifies City policy and serves as the underpinning for City land use regulation reflected in City Zoning. To date, the City has not implemented needed amendments (adopted Zoning Ordinances) to reflect all policy direction

identified in the 2009 adopted Future Land Use Plan. Many areas in the City still reflect the land use recommendations identified in the adopted 1997 Comprehensive Plan.

The area that Nordic Aquafarms proposes to develop as a land based aquaculture farm is identified in the adopted Future Land Use Plan as an area that would mostly remain rural in character. Most of this area is included in the proposed designation of Outside Rural, Rural Road Class II area. I have attached information from the Future Land Use Plan that identifies proposed standards for the Outside Rural area and a map that compares current zoning for the area to the proposed Outside Rural designation recommended in the Future Land Use Plan.

I also have enclosed a map for the Business Park - Perkins Road (Mathews Brothers property) industrial areas recommended in the Future Land Use Plan, as well as the accompanying description for these areas.

The proposed amendments to the Future Land Use Plan that I will be presenting at the First Reading will recommend that the Perkins Road/Little River area should be designated as a 'Jobs Zone'. This area will encompass the property owned by Mathews Brothers and the properties now owned by the Belfast Water District and Sam Cassida that either Nordic Aquafarms or the City will purchase as part of the Nordic Aquafarms proposal. The two maps that are included in the information on proposed zoning district boundaries identify the area that would be included in the proposed Perkins Road/Little River area 'Jobs Zone'. This land use area will allow most industrial activities and will specifically allow land based aquaculture and accompanying activities. The land use recommendations also will speak to the need to preserve significant natural features such as the shore of the Little River Reservoir # 1 and the accompanying Little River Trail.

The intent of making the proposed amendments to the Future Land Use Plan is to establish consistency between potential City Zoning Ordinances that may be adopted in support of the proposed Nordic Aquafarms project and the policy recommendations identified in the Future Land Use Plan.

I recognize that there are a significant number of amendments associated with this proposal, which is one of the main reasons for having an Introduction phase for this amendment process. Preparing the amendments well is a major undertaking. It also should be a process in which both the Council and the public have confidence that the City has considered the issues that it needs to address. I have presented my recommendations regarding the timetable and process for preparing and considering the amendments and I believe that our Department can meet this schedule. That said, the Council can decide if you believe an alternative schedule is more appropriate. You have the authority and flexibility to adjust the schedule and if you choose, and to make changes to any of the proposed Ordinance amendments through-out the public review process.

I will do my best to respond to any questions.

## **OVERVIEW OF CITY REZONING PROCESS NORDIC AQUAFARMS PROJECT**

Prepared March 1, 2018  
Wayne Marshall, Director, Code & Planning

The Belfast City Council will soon begin the public process of considering potential amendments to the City Code of Ordinances and the adopted Future Land Use Plan (2009) to allow Nordic Aquafarms to submit permit applications to develop and construct an onshore aquaculture salmon farm on a property that is 40 - 80 acres in size that is now owned by the Belfast Water District and Sam Cassida. The property is located on the westerly side of Route 1 between the Little River Reservoir and Perkins Road.

### **WHAT CHANGES MAY BE INVOLVED WITH THE PROPOSAL**

Current City Zoning Ordinances do not allow most of the development that will be proposed by Nordic Aquafarms. The City Council will be considering amendments that would create the opportunity for the company to locate their proposed project in Belfast. The rezoning proposal likely will involve amendments to the following:

- 1) Chapter 102, Zoning. City proposes to expand the current boundaries of the current Industrial IV Perkins Road zoning district where Mathews Brothers is located to include the area associated with the Nordic Aquafarms project. One of the attached maps identify the boundaries of current zoning districts in the area, and the second identifies the expanded area in support of the Nordic Aquafarms project that is proposed to be included in the Industrial IV Perkins Road zoning district.
- 2) Chapter 102, Zoning. The type of uses now allowed in the Industrial IV Perkins Road zoning district will be changed to specifically identify onshore aquaculture and associated activities as allowed uses.
- 3) Chapter 82, Shoreland. The City may make revisions to the Shoreland Ordinance to ensure greater consistency between current Shoreland standards and this proposed project. The area subject to regulation through the Shoreland Ordinance (Chapter 82) is the area located within 250 feet of the Little River Reservoir.
- 4) The City will consider making revisions to the adopted 2009 Future Land Use Plan for this area to ensure consistency between the policies identified in the Future Land Use Plan and the proposed rezoning for this area. The Future Land Use Plan, which is part of the City Comprehensive Plan, serves as the underpinning policy plan for City Zoning Ordinances.

### **WHAT IS THE SCHEDULE AND PUBLIC PROCESS THAT THE CITY WILL USE TO CONSIDER THE PROPOSED CHANGES**

The Belfast City Council will conduct the formal public process associated with considering all proposed amendments to City Ordinances and the Future Land Use Plan. Following is an outline of the tentative schedule associated with the proposed changes. The Council, however, may choose to revise this schedule as it addresses the proposals.

**March 6, 2018 Regular City Council meeting.** Council considers the Introduction of proposed amendments to both City Ordinances and the Future Land Use Plan. The main purpose of doing an Introduction is to make the public aware of the scope of the proposed amendments and the public review process associated with such. The Council does not conduct a public hearing at the Introduction stage. Further, State law does not require a municipality to conduct a formal Introduction of Ordinance amendments, and as such, the City is not required to have specific language for the proposed amendments available for public review at the Introduction stage. Regular Council meetings are in the Council Chambers in Belfast City Hall and begin at 7:00 pm.

**March 20, 2018 Regular Council meeting.** Council considers the First Reading of the proposed Ordinance amendments. The Council will conduct a formal public hearing at this meeting. Council will accept verbal comment at the meeting and will accept comment in writing and via email (see instructions below). The City will prepare specific language for the proposed Ordinance amendments and will make such available on the City website at least 7 days in advance of the meeting (by March 13). The Council, following the receipt of public comment at the hearing, will review the proposed amendments and will identify any changes that it would like to make to the proposals. The Council also will vote to either proceed or to not proceed with the amendments and to establish the specific date for the required Second Reading of the Ordinance amendments. State law requires that the City conduct a First Reading of all Ordinance amendments.

**April 17, 2018.** Regular Council meeting. This is the tentative date for the formal Second Reading and public hearing on all proposed Ordinance amendments and for the public hearing on proposed amendments to the Future Land Use Plan. City will post the final language for the proposed amendments by April 3 on the City website. The Council will accept verbal comments at the public hearing and also will accept comment in writing or via email (see instructions below). Council has the authority to adopt, reject or amend any of the proposed amendments at the Second Reading. If the Council makes any substantive amendments to the proposal, the Council is required to conduct a duly noticed additional public hearing to accept public comment on the revised proposal. If the Council adopts the amendments, they take effect upon their adoption. State law requires a formal Second Reading and public hearing on all Ordinance amendments and also requires a public hearing on any proposed amendments to a Future Land Use Plan (part of the City Comprehensive Plan).

**How to Offer Public Comment.** Public comment on both the proposed Ordinance amendments and the proposed amendments to the Future Land Use Plan can be offered in any one of three ways:

- 1) Attend a scheduled public hearing and make your comment in person at the hearing.
- 2) Submit comment via email. Email comment should be sent to: [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org).
- 3) Submit comment in a letter. Comment should be sent to: Wayne Marshall, Director, Code and Planning, City of Belfast, 131 Church Street, Belfast, Maine 04915

Written and email comment must be received by 4:00 pm on the date of the scheduled public hearing to be considered by the Council at the scheduled public hearing.

## WHAT OCCURS IF ORDINANCES ARE AMENDED?

Nordic Aquafarms is now doing testing on the property owned by the Belfast Water District and Sam Cassida to determine if they can find the quality and quantity of water that they need to support the salmon farm. If the company finds the water resources that they need, Eric Heim, President, Nordic Aquafarms, has stated that the company plans to develop a major onshore salmon farm on this property.

Nordic Aquafarm's proposal to construct a salmon farm will require the review and approval of needed permits by the City of Belfast Planning Board. The Planning Board will conduct a number of duly noticed public hearings during its review of the permit applications. At present, the City does not know when (or if) permit applications will be submitted, however, the City cannot consider any applications until or unless City Ordinances are amended. In short, the Belfast Planning Board will not be receiving or reviewing any permit applications between now and May 1, 2018 at the earliest.

The City believes that this project will require the following permits from the Belfast Planning Board:

- Site Plan Permit issued pursuant to the City Code, Chapter 90, Site Plan.
- Use Permit issued pursuant to City Code, Chapter 102, Zoning.
- Shoreland Permit issued pursuant to City Code, Chapter 82, Shoreland.
- A small part of the project may require a Floodplain Permit pursuant to Chapter 78, Floods.

Any and all permit applications that are submitted to the Planning Board will be available for public review and inspection at the Code and Planning Department offices in City Hall. The Department will post information on the City website regarding the permit applications, the Planning Board process for the review of such applications, when any public hearings will be scheduled and how public comment can be submitted once an application is submitted.

The City also notes that this project will require state and federal permits, particularly from the State Department of Environmental Protection and the U.S. Army Corps of Engineers. At present, the City does not know when Nordic Aquafarms will submit state and federal permit applications. The City will work with all state and federal agencies who must issue permits to ensure that the public is aware of when a permit application is submitted and how public comment can be submitted on such. The City also anticipates having a copy of the respective state and federal permit applications available for public inspection at the Code and Planning Department offices.

Questions regarding the proposed amendments or the project schedule can be directed to Wayne Marshall, Director, Code and Planning, at 207-338-1417 x 125, or at [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org).

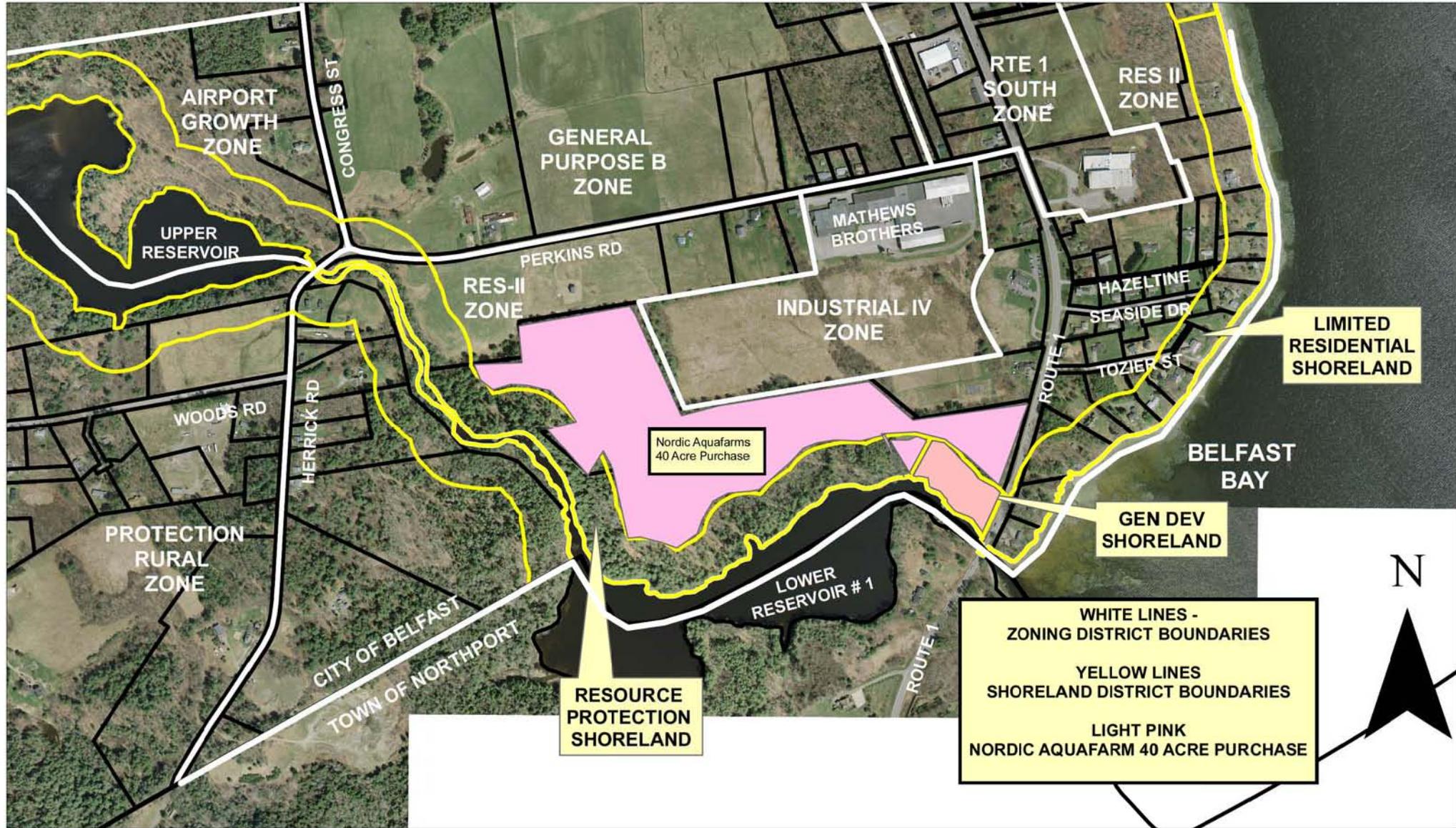
## OUTLINE OF CHAPTER 102 ZONING AMENDMENTS

City Zoning Ordinances identify the range of uses permitted in a specific zoning district and the main dimensional standards that apply to the respective zoning district that a project must satisfy. The main Zoning Ordinance amendments associated with this proposal include:

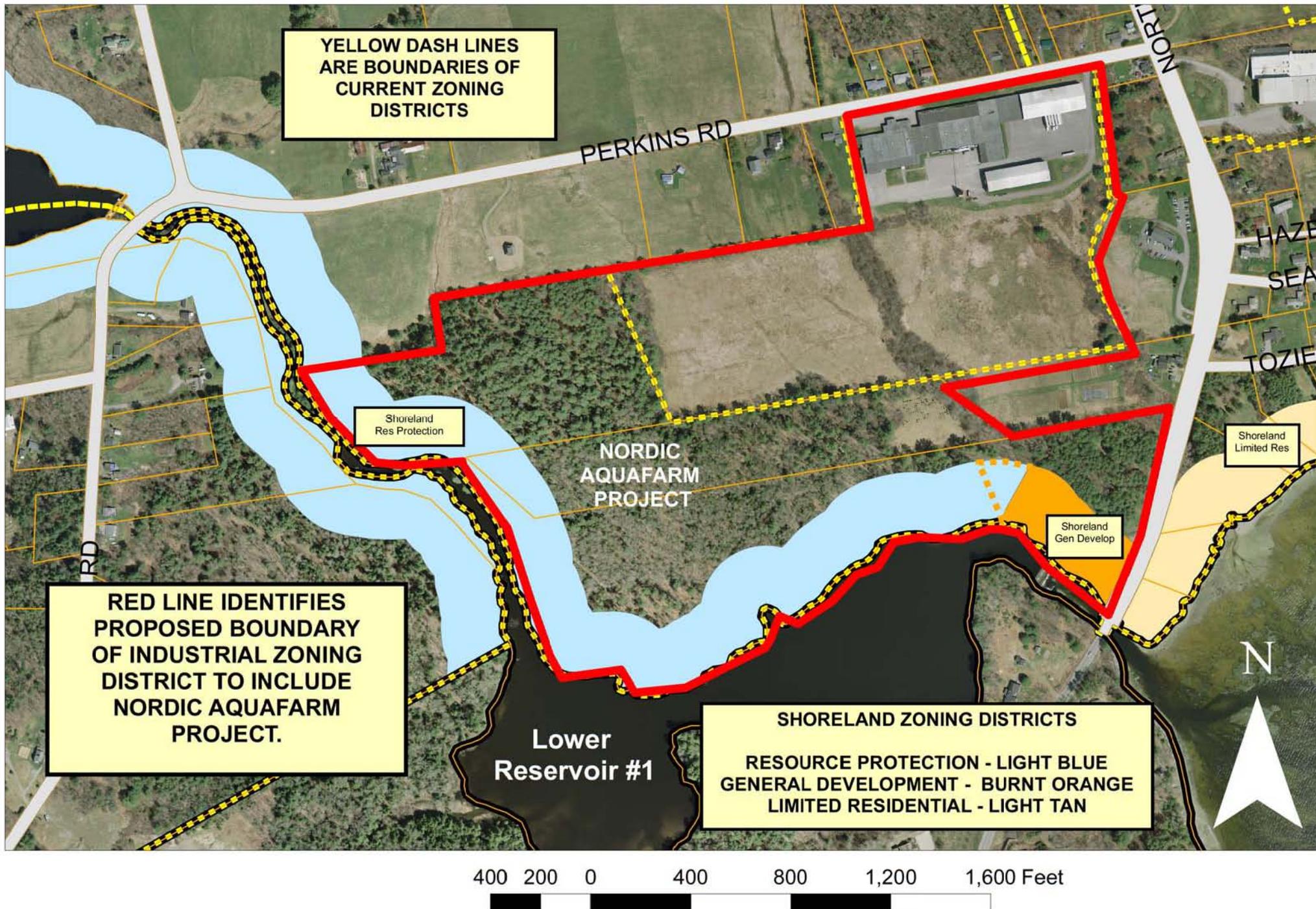
- Changing the zoning district designation for this area associated with the Nordic Aquafarms project from the Residential II district to the Industrial IV Perkins Road district. I have attached four maps that identify current zoning district designations and how the boundaries of the Industrial IV Perkins Road district are proposed to be changed to include the property associated with the proposed aquaculture farm.
- Changing the range of uses allowed in the Industrial IV Perkins Road district to specifically include a land based aquaculture farm and accompanying activities, including but not limited to offices, fish processing operations, water treatment, a visitors center and such. The intent is to create a zoning district that will support the proposed project.
- Establishing a specific height limit for buildings. The proposed height limit is 50 feet; a standard which is used in several other districts that allow larger scale uses. At present, there is no height limit in the Industrial IV (Mathews Brothers) zoning district. I also note that this proposed height limit is partly associated with the company's desire to locate solar panels on the roof of the buildings in which the aquaculture tanks will be located.
- Establishing a lot coverage standard based on an impervious surface ratio of 70%. The current Industrial IV zoning district lot coverage standard of 65% is based solely on building coverage. Building coverage includes only the footprint of any building, while impervious surface ratio includes building footprints, parking lots, and all areas that are not 'green' or vegetated.
- Identifying structure setback requirements for this facility that may differ from some of the current setback requirements that apply to the Mathew Brothers project.

In addition to the existing and proposed zoning maps, I have attached language in the current Ordinance for the two main zoning districts affected by this proposal, Industrial IV Perkins Road and Residential II, as well as other districts in the area: Route 1 South Commercial, General Purpose B, Protection Rural and Airport Growth. I also note that while the Residential II zoning district allows a fairly narrow range of uses, none of which are industrial uses, the uses permitted in this district also include large scale health care facilities, such as a Hospital, and professional offices and that there is no predetermined size limit on an office. Continuing, many of the adjacent zoning districts, particularly the Industrial IV Perkins Road district (Mathews Brothers), the General Purpose B zoning district (northerly side of Perkins Road) and the Route One South district which is located along Route 1 beginning where the former Moss building is located, all allow a wide range of uses, including many larger uses.

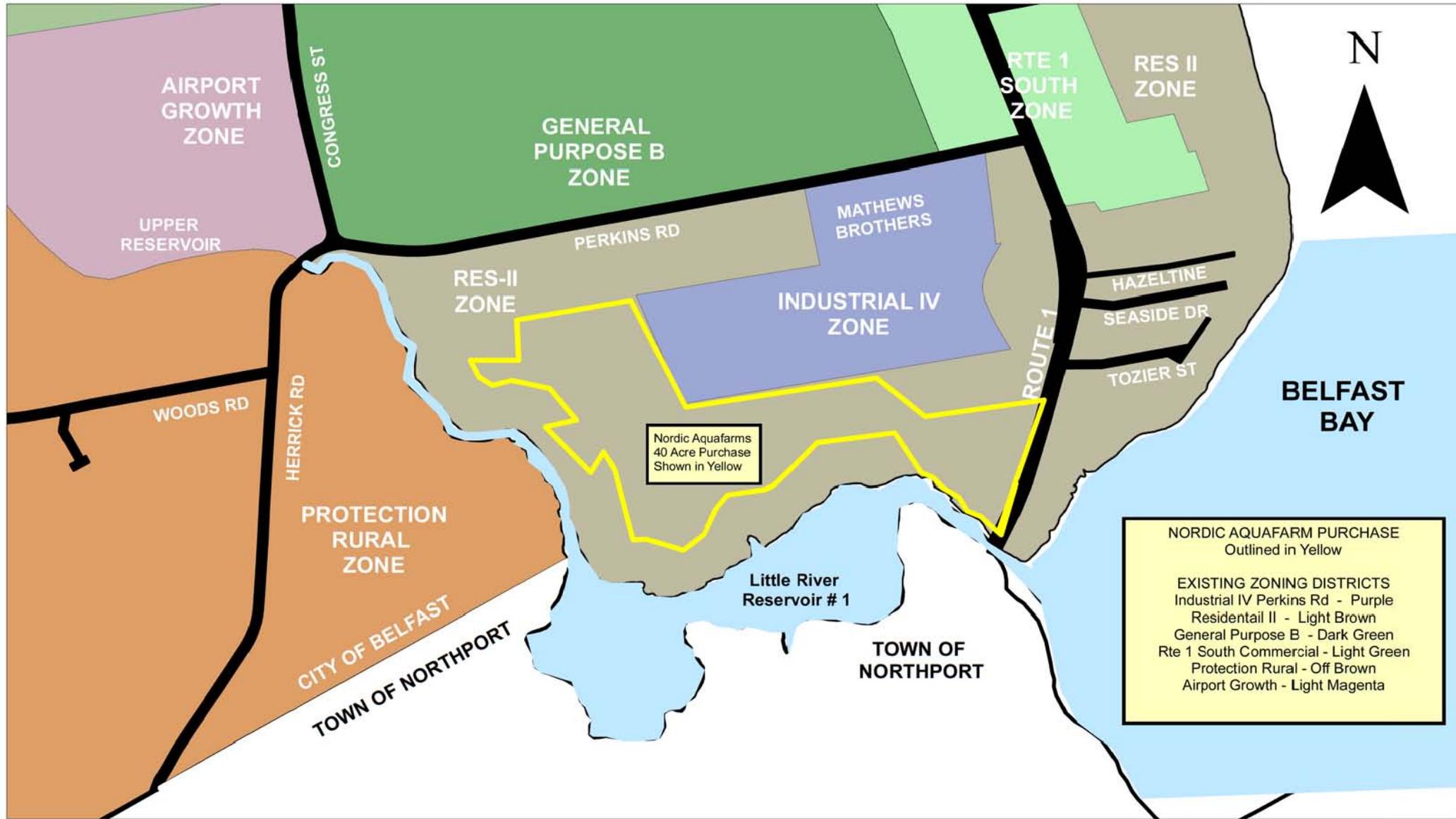
# NORDIC AQUAFARMS PROJECT - CITY ZONING & SHORELAND ZONING



# PROPOSED ZONING CHANGE - NORDIC AQUAFARMS



# NORDIC AQUAFARMS PROJECT - CURRENT CITY ZONING



Nordic Aquafarms  
40 Acre Purchase  
Shown in Yellow

**NORDIC AQUAFARM PURCHASE**  
Outlined in Yellow

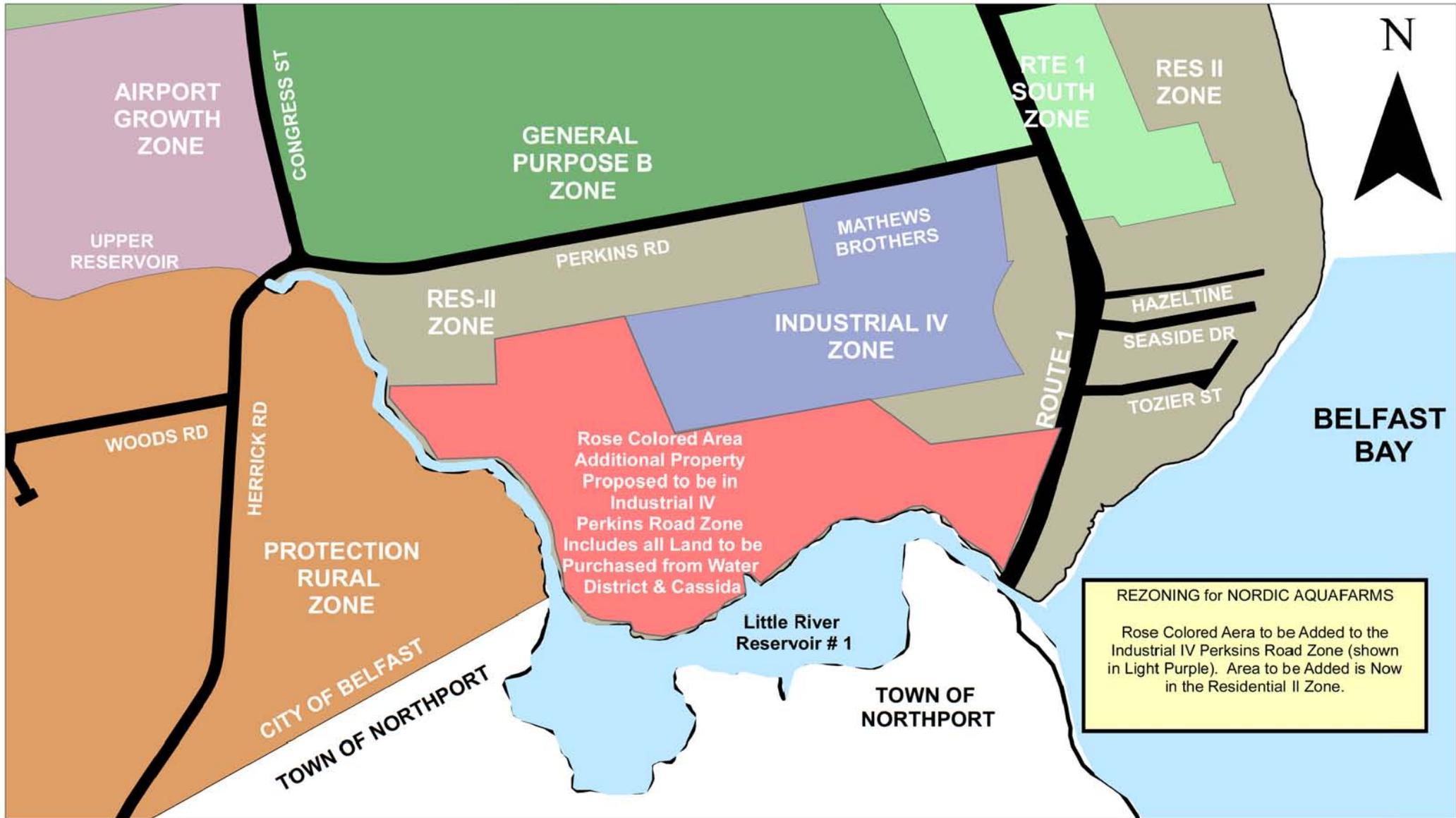
**EXISTING ZONING DISTRICTS**  
 Industrial IV Perkins Rd - Purple  
 Residential II - Light Brown  
 General Purpose B - Dark Green  
 Rte 1 South Commercial - Light Green  
 Protection Rural - Off Brown  
 Airport Growth - Light Magenta

Zoning Information from 2016  
Adopted City Zoning Map

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



# NORDIC AQUAFARMS PROJECT - PROPOSED REZONING (3-6-18 Council Meeting)



Zoning Informatin from 2016  
Adopted City Zoning Map

500 250 0 500 1,000 1,500 2,000 Feet



City of Belfast, ME  
Thursday, March 1, 2018

## Chapter 102. Zoning

### ARTICLE V. District Regulations

#### DIVISION 18. Industrial IV Perkins Road District

##### Sec. 102-661. Permitted uses.

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

The City code enforcement officer shall review and make decisions regarding applications for a use permit for the following uses in the Industrial IV Perkins Road District:

- (1) Essential services.
- (2) Accessory uses and accessory structures.

##### Sec. 102-662. Permitted uses requiring Planning Board review.

[Ord. No. 28-1997, § 617.2, 3-4-1997; Ord. No. 39, 5-3-2005; Ord. No. 21-2006, 2-7-2006]

The City Planning Board shall review and make decisions regarding an application for the following types of uses in the Industrial IV Perkins Road District:

- (1) Light industrial, manufacturing, processing and other industrial activities.
- (2) Retail sales as an accessory use to a manufacturing or industrial use, provided that the accessory use occupies no more than 20% of the total floor area, and at least a portion of the products sold at the site are manufactured at the site.
- (3) Stealth telecommunications facilities.

##### Sec. 102-663. Standards.

[Ord. No. 28-1997, § 617.3, 3-4-1997; Ord. No. 39, 5-3-2005]

- (a) The general standards of performance in article VIII and IX of this chapter shall be observed in the Industrial IV Perkins Road District.
- (b) The following standards shall also apply:
  - (1) Minimum lot size is 40,000 square feet.
  - (2)

Maximum structure coverage of 65%. Structure coverage is defined as the amount of footprint of all structures, buildings only, and does not include roads, driveways or parking areas on a property.

- (3) The minimum side and rear yard setback is 50 feet.
- (4) The minimum setback from the right-of-way line is 50 feet.

## Sec. 102-664. Prohibited uses.

[Ord. No. 28-1997, § 617.4, 3-4-1997; Ord. No. 39, 5-3-2005]

Only those uses specifically listed as permitted uses or permitted uses requiring Planning Board review are allowed within the Industrial IV Perkins Road District. All other uses are excluded.

City of Belfast, ME  
Thursday, March 1, 2018

## Chapter 102. Zoning

### ARTICLE V. District Regulations

#### DIVISION 7. Residential II District

##### Sec. 102-421. Permitted uses.

[Ord. No. 28-1997, § 606.1, 3-4-1997; Ord. of 8-3-2010(2)]

Permitted uses in the Residential II District are as follows:

- (1) Residential uses (single-family and two-family), excluding manufactured housing units.
- (2) Public parks.
- (3) Accessory uses, including yard sales on no more than 10 days in any calendar year.
- (4) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- (5) Domesticated chickens, subject to requirements of Chapter 10, Animals.

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

[Ord. No. 28-1997, § 606.2, 3-4-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 21-2006, 2-7-2006]

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

- (1) Bed and breakfast, including class 1, class 2 and class 3.
- (2) Health service offices and professional offices.
- (3) Essential services.
- (4) Funeral homes.
- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) Nonmunicipal public and quasipublic uses.
- (7) Residential planned unit development and cluster housing development.
- (8) Congregate retirement residential housing.
- (9) Health care facilities.

- (10) Home occupations.
- (11) Stealth telecommunications facilities.

## Sec. 102-424. Standards.

[Ord. No. 28-1997, § 606.4, 3-4-1997; Ord. No. 24-1998, 10-20-1998]

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

City of Belfast, ME  
Thursday, March 1, 2018

## Chapter 102. Zoning

### ARTICLE V. District Regulations

#### DIVISION 3. General Purpose "B" District

##### Sec. 102-341. Permitted uses.

[Ord. No. 28-1997, § 602.1, 3-4-1997]

Permitted uses in the General Purpose "B" District are as follows:

- (1) Residential uses, including manufactured housing units.
- (2) Home occupations (expanded definition).
- (3) Agricultural, including the keeping of farm animals and pleasure animals, forestry and horticultural uses.
- (4) Recreational or community activities except those operated for profit.
- (5) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- (6) Essential services.
- (7) Accessory structures and uses and yard sales on no more than 10 days in any calendar year.

##### Sec. 102-342. Permitted uses requiring Planning Board review.

[Ord. No. 28-1997, § 602.2, 3-4-1997; Ord. No. 42-1997, 4-15-1997; Ord. No. 49-1997, 5-20-1997; Ord. No. 1-1999, 7-6-1999; Ord. No. 21-2006, 2-7-2006]

Permitted uses requiring Planning Board review in the General Purpose "B" District are as follows:

- (1) Fill, loam, sand and gravel extraction operations (subject to site review under the provisions of chapter 90, no matter what the size of the nonvegetated area), 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.
- (2) Cemeteries.
- (3) Recreational activities operated for profit.
- (4)

Junkyards, including auto graveyards (subject to site review under the provisions of chapter 90, no matter what the size of the nonvegetated area), commercial piggeries, and commercial poultry raising.

- (5) School, day nursery, or institution of an educational, religious, philanthropic, fraternal, political or social nature.
- (6) Planned unit development and cluster housing development.
- (7) Congregate residential retirement housing.
- (8) Health services offices and professional offices.
- (9) Health care facilities.
- (10) Nonmunicipal public and quasipublic uses.
- (11) Veterinarians and veterinary clinics and hospitals.
- (12) Kennels for boarding of pets.
- (13) Mobile home parks, which may be located only within a Manufactured Housing Overlay District.
- (14) Boat storage for profit.
- (15) Commercial structures and uses, including but not limited to funeral homes, small scale retail and wholesale business establishments, multifamily housing, small scale retail stores and services, manufacturing, hotels, motels, restaurants, motor vehicle sales and services, mobile home and equipment sales and services, retail motor fuel and service establishments, shopping centers, drive-in theaters, warehouses, storage facilities, light industrial uses, marine-related activities, boat storage, office complexes, and crafts production.
- (16) Storage tanks for petroleum products, including propane (subject to site plan review under the provisions of chapter 90, no matter what the size of the nonvegetated area).
- (17) Bed and breakfast, including class 1, class 2 and class 3.
- (18) Stealth telecommunications facilities.

City of Belfast, ME  
Thursday, March 1, 2018

## Chapter 102. Zoning

### ARTICLE V. District Regulations

#### DIVISION 20. Protection Rural District

##### Sec. 102-701. Permitted uses requiring CEO review.

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

Permitted uses in the Protection Rural District are as follows:

- (1) Residential uses (single-family and two-family), including manufactured housing units.
- (2) Essential services.
- (3) Municipal uses deemed necessary by the City Council, but, prior to taking action thereon, the council shall hold a public hearing for which 10 days' public notice shall be given.
- (4) Agricultural uses, agricultural processing including the keeping of farm animals and pleasure animals, forest management activities and timber harvesting (see the erosion control measures in Article IX of this chapter), and horticultural uses, except commercial piggeries or the raising of poultry for commercial uses and slaughterhouses and factories.
- (5) Farm stands.
- (6) Accessory use to residential use, and yard sales on no more than 10 days in any calendar year.
- (7) Animal breeding/care.
- (8) Forestry: Woodlot management and on-site firewood processing.

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

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

Permitted uses requiring Planning Board review in the Protection Rural District are as follows:

- (1) Residential planned unit development and cluster housing development project, including the following types of such development:
  - a) Planned unit development and cluster housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 1; or
  - b) Rural affordable housing development project proposed pursuant to Chapter 102, Zoning, Article VI, Division 2.

- (2) Bed and breakfast, including class 1, class 2 and class 3.
- (3) Veterinary hospital.
- (4) Kennel or stable.
- (5) Telecommunications facilities and stealth telecommunications facilities.
- (6) Churches.
- (7) Community centers/clubs.
- (8) Day care facilities.
- (9) Cemeteries.
- (10) Fill, loam, sand, and gravel extraction, excluding bedrock, with restrictions on the extent of area to be extracted at one time and the establishment of a continuing reclamation and reforestation program (subject to the provisions of Chapter 90, no matter what the size of the nonvegetated area).
- (11) Parks and recreation facilities.
- (12) Raising of poultry for commercial uses.
- (13) Home occupation (expanded definition).
- (14) Essential services.
- (15) Fire/police stations.
- (16) Accessory uses for commercial, educational, institutional or public activities and outdoor resource-based uses/activities.
- (17) Storage and spreading of septage provided such storage and spreading is found to be in compliance with Chapter 90, the site is approved by the City Council and storage and spreading of septage is in compliance with all state, federal, and City laws, rules, regulations and codes.

City of Belfast, ME  
Thursday, March 1, 2018

## Chapter 102. Zoning

### ARTICLE V. District Regulations

#### DIVISION 28. Route One South Commercial District

##### Sec. 102-792. Permitted uses requiring CEO review.

[Ord. No. 81-2001, 6-7-2001]

The City code enforcement officer shall review and make decisions regarding applications for a use permit for the following types of uses in the Route One South Commercial District:

- (1) Residential, single-family and two-family dwelling structures. Manufactured housing units are prohibited.
- (2) Yard sales are permitted as an accessory use to a residential use on no more than 10 days in any calendar year.
- (3) Home occupations (expanded definition).
- (4) Bed and breakfast, including class 1, class 2 and class 3.
- (5) Craft fairs on no more than 10 days in any calendar year.
- (6) Essential services.
- (7) Municipal uses deemed necessary by the City Council, subject to the council conducting a duly noticed public hearing (minimum 10 days) prior to taking action to permit the use.
- (8) Public parks.
- (9) Agriculture and farm animals, excluding a commercial piggery, raising poultry for commercial uses, and slaughterhouses.
- (10) Accessory structures and accessory uses for principal uses and principal structures for which the CEO can issue a permit.

##### Sec. 102-793. Permitted uses requiring Planning Board review.

[Ord. No. 81-2001, 6-7-2001; Ord. No. 21-2006, 2-7-2006]

The City Planning Board shall review and make decisions regarding applications for the following types of uses in the Route One South Commercial District:

- (1)

Retail stores, provided that no single retail store (use) and no structure in which a retail store (use) or stores (uses) are located is greater than 20,000 square feet. Reference section 102-796(g) regarding the expansion of existing retail stores that are 20,000 square feet or more in size.

- (2) Service businesses.
- (3) Movie theaters and performing arts centers.
- (4) Shopping centers, including mixed use development (service, retail, restaurant, and/or office in same complex), provided that no single shopping center structure is greater than 20,000 square feet.
- (5) Hotels and motels.
- (6) Restaurants, excluding fast food restaurants and restaurants with drive-through windows.
- (7) Ice cream stands.
- (8) Professional offices and offices.
- (9) Office complexes.
- (10) Funeral homes.
- (11) Health care facilities.
- (12) Veterinarians and veterinary clinics and hospitals.
- (13) Kennels for boarding and/or training of pets.
- (14) Warehouses and storage facilities.
- (15) Motor vehicle, recreational vehicle, mobile home and equipment sales, repairs and services.
- (16) Motor vehicle fuel and service establishments.
- (17) Light industrial uses.
- (18) Planned unit development (residential and nonresidential).
- (19) Non-municipal public and quasi-public uses.
- (20) School, day nursery, institution of an educational, religious, philanthropic, fraternal, political or social nature; including as an accessory use to a permitted activity.
- (21) Multifamily housing, if on public sewer.
- (22) Congregate retirement housing.
- (23) Laundromats.
- (24) Retail and wholesale distribution establishments.
- (25) Indoor recreational activities and facilities.
- (26) Nurseries, green houses, landscaping businesses, tree farms and similar operations involved with the growing and selling of plant material. This use shall include the sale of machinery, materials, plants or similar items commonly associated with landscaping activities.
- (27)

Accessory structures and accessory uses for uses for which the Planning Board can issue a permit for the principal use or principal structure.

- (28) Stealth telecommunications facilities.

City of Belfast, ME  
Thursday, March 1, 2018

## Chapter 102. Zoning

### ARTICLE V. District Regulations

#### DIVISION 21. Airport Growth District

##### Sec. 102-721. Permitted uses.

[Ord. No. 28-1997, § 619.1, 3-4-1997; Ord. No. 42-1997, 4-15-1997; Ord. No. 57-1997, 6-17-1997; Ord. of 3-20-2007; Ord. of 8-3-2010(2)]

Permitted uses in the Airport Growth District are as follows:

- (1) Aviation and uses accessory to aviation.
- (2) Business parks.
- (3) Essential services.
- (4) Manufacturing, processing or industrial activities which add value to goods produced elsewhere.
- (5) Parks and open space.
- (6) Recreational and community activities except those operated for profit.
- (7) Accessory uses, including yard sales on no more than 10 days in any calendar year, for residential properties created prior to March 10, 1997.
- (8) The existing structure on property identified as Map 5, Lot 6B, as such is shown on the City 2006 Tax Assessor maps, may be used as a single-family residence in addition to other uses permitted in this zone. Any potential expansion of this structure shall be governed by terms of Section 102-218, Type 5, Nonconformity.
- (9) Domesticated chickens, subject to requirements of Chapter 10, Animals.

##### Sec. 102-722. Permitted uses requiring Planning Board review.

[Ord. No. 28-1997, § 619.2, 3-4-1997; Ord. No. 57-1997, 6-17-1997; Ord. No. 49-2003, 5-20-2003; Ord. No. 21-2006, 2-7-2006]

Permitted uses requiring Planning Board review in the Airport Growth District are as follows:

- (1) Light industrial uses.
- (2) Nonresidential planned unit development.

- (3) Home occupation (expanded definition) for residential properties created prior to March 10,1997.
- (4) Non-municipal public and quasi-public uses, provided such uses are located a minimum of 1,200 feet from Route 52 (Lincolnville Avenue) and that access for the use does not occur via Route 52 (Lincolnville Avenue).
- (5) Stealth telecommunications facilities.

## **OUTLINE of AMENDMENTS to CHAPTER 82, SHORELAND**

The area located within 250 feet of the Little River and Reservoir # 1 is in the City Shoreland Zone. Similar to City Zoning, the Shoreland Zone is divided into districts that identify the type of uses allowed in that district and the standards that apply to a project, such as the minimum amount of structure setback from the high annual tide (HAT) associated with the regulated waterbody (such as the Little River). A Shoreland Zone is an overlay zone, meaning that the more restrictive of the Zoning Ordinance or Shoreland Ordinance standards apply to a project. Also, unlike the City Zoning Ordinance, which is based almost entirely on local preferences regarding land use, the underlying basis for the City Shoreland Ordinance must comply with State guidelines that are identified by the Department of Environmental Protection (DEP). The DEP oversees and manages the State Shoreland Program and all municipalities in Maine are required to adopt a Shoreland Ordinance that is approved by the DEP.

Main amendments to the Shoreland Ordinance associated with this proposal are as follows:

- Proposal to expand the amount of area located in the General Development District to include about .5 acre of land area that is now in the Resource Protection District. This area is located near the existing Water District offices next to Reservoir #1 and there is an existing storage building located on this property that the Water District has constructed. I have included a map that identifies the area subject to Shoreland Zoning and the small area that would be affected by the proposed amendment.
- Proposal to amend the range of uses allowed in both the Resource Protection Shoreland district and the General Development Shoreland district to specifically allow land based aquaculture and to allow an activity such as an outfall pipe for water discharge and an intake pipe for water from Belfast Bay to serve this facility. The recommended State Shoreland Guidelines allow aquaculture as an allowed activity in all Shoreland Districts. However, when the City adopted its Shoreland Ordinance it chose to prohibit aquaculture activities located in Belfast Bay, and to allow such in other waterbodies. The proposed amendments are intended to clarify current City Shoreland requirements. The proposed amendments would do the following: specifically allow land based aquaculture in the area proposed by Nordic Aquafarms (I believe current Shoreland zoning allows the Nordic Aquafarm project onshore near the Little River Reservoir), allow water intake and discharge pipes to serve a land based aquaculture project when said pipes discharge to Belfast Bay (this activity may not be allowed by current Shoreland Ordinances because of the discharge to the Bay), and continue the current prohibition on locating aquaculture activities such as pen raised fish in Belfast Bay. I have included the Table of Uses from Chapter 82, Shoreland, that identifies the range of uses now permitted in each Shoreland District.
- Clarify current Shoreland Ordinance standards to allow deep groundwater wells to be located within the Shoreland Zone when said wells are to intended to support an industrial operation.

I also note that I am still in the process of conferring with State DEP officials regarding how the State would interpret some of the Shoreland issues associated with this project. I hope to have additional direction from the State prior to preparing the specific language for the proposed Shoreland amendments.



Property Information

Property ID 004-009  
 Location 67 PERKINS ROAD  
 Owner KIGER, DONALD H. & MARTHA J.



MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT

City of Belfast, ME makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated January 2016  
 Properties updated April 1, 2016

1" = 990 ft

[Terms of Use](#)

## Map Theme Legends

### Shoreland Zoning

- 250' GENERAL DEVELOPMENT
- 250' LIMITED RESIDENTIAL
- 250' RESOURCE PROTECTION
- 250' URBAN RESIDENTIAL
- 75' STREAM DEVELOPMENT
- 75' STREAM PROTECTION
- WATERFRONT SUBDISTRICT
- MOBILE HOME COMMUNITY
- CITY-REGULATED WETLAND

City of Belfast

# Chapter 82, Shoreland

## SHORELAND ZONING

82 Attachment 1

City of Belfast

Table 1. Land Uses in The Shoreland Zone

**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
(4) Timber harvesting	CEO	CEO	CEO	CEO	No	CEO	No	No

BELFAST CODE

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

**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.

**OUTLINE OF PROPOSED AMENDMENTS**  
**CHAPTER 66, GENERAL PROVISIONS AND CHAPTER 82, SHORELAND**

The City may need to clarify some of the existing definitions identified in both Chapter 66, General Provisions, and Chapter 82, Shoreland, to ensure that the definitions support how the City desires to regulate the proposed Nordic Aquafarms project and a land based aquaculture project. To date, I have not identified all definitions that may need clarification. That said, I envision making changes to the current definition of aquaculture, and may include a specific definition for a groundwater well so it can be more readily regulated as a specific activity.

I will provide more specific information regarding the definitions that I propose to amend at the First Reading of all Ordinance amendments.

## **OUTLINE OF FUTURE LAND USE PLAN AMENDMENTS**

The City's adopted Future Land Use Plan, which is part of the City's Comprehensive Plan, dates to October 2009. A Future Land Use Plan identifies City policy and serves as the underpinning for City land use regulation reflected in City Zoning. To date, the City has not implemented needed amendments (adopted Zoning Ordinances) to reflect all policy direction identified in the 2009 adopted Future Land Use Plan. Many areas in the City still reflect the land use recommendations identified in the adopted 1997 Comprehensive Plan.

The area that Nordic Aquafarms proposes to develop as a land based aquaculture farm is identified in the adopted Future Land Use Plan as an area that would mostly remain rural in character. Most of this area is included in the proposed designation of Outside Rural, Rural Road Class II area. I have attached information from the Future Land Use Plan that identifies proposed standards for the Outside Rural area and a map that compares current zoning for the area to the proposed Outside Rural designation recommended in the Future Land Use Plan.

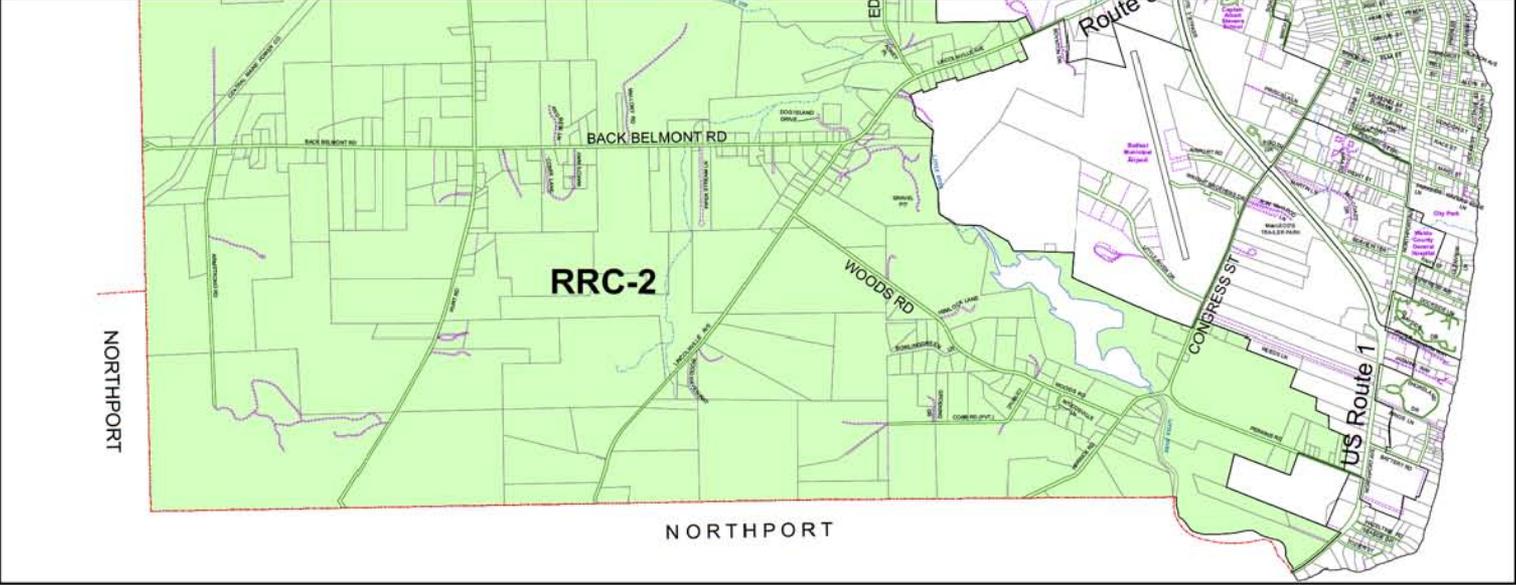
I also have enclosed a map for the Business Park - Perkins Road (Mathews Brothers property) industrial areas recommended in the Future Land Use Plan, as well as the accompanying description for these areas.

The proposed amendments to the Future Land Use Plan that I will be presenting at the First Reading will recommend that the Perkins Road/Little River area should be designated as a 'Jobs Zone'. This area will encompass the property owned by Mathews Brothers and the properties now owned by the Belfast Water District and Sam Cassida that either Nordic Aquafarms or the City will purchase as part of the Nordic Aquafarms proposal. The two maps that are included in the information on proposed zoning district boundaries identify the area that would be included in the proposed Perkins Road/Little River area 'Jobs Zone'. This land use area will allow most industrial activities and will specifically allow land based aquaculture and accompanying activities. The land use recommendations also will speak to the need to preserve significant natural features such as the shore of the Little River Reservoir # 1 and the accompanying Little River Trail.

The intent of making the proposed amendments to the Future Land Use Plan is to establish consistency between potential City Zoning Ordinances that may be adopted in support of the proposed Nordic Aquafarms project and the policy recommendations identified in the Future Land Use Plan.

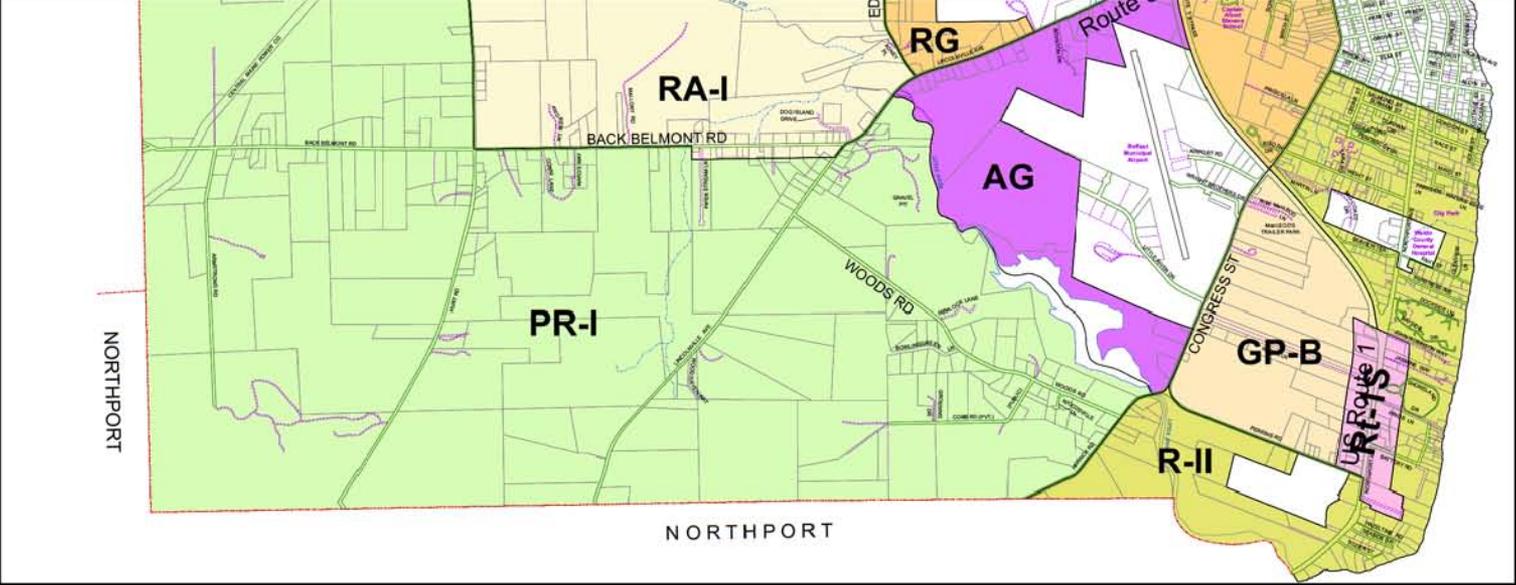
# Back Belmont Area Rural Road Class

## PROPOSED LAND USE AREA



Zone  
RRC-2 Rural Road Class 2

## EXISTING ZONING



Zone  
 AG Airport Growth District  
 GP-B General Purpose "B" District  
 PR-I Protection Rural District  
 R-II Residential II District  
 RA-I Residential/Agricultural I District  
 RG Residential Growth District

# **RURAL ROAD CLASSIFICATION AREAS**

## **“RURAL HOUSING & LAND USE”**

### **Goal**

To create a land use regulatory system that promotes traditional resource industries, such as timber harvesting and agriculture, and the preservation of land, while recognizing that the most common type of development that now occurs is single family housing and that housing is the likely development for which that many land owners will chose to use their property.

### **Overview of Past, Current and Future Use:**

This is by far the largest proposed land use area in Belfast. The size of this area equals or exceeds the combined amount of land included in all other proposed land use areas described in this Plan. On the west side of the River, this area includes all land located northeasterly of Marsh Road along Routes 7 and 137, westerly of the Crocker Road and Edgecomb Road along Routes 3 and 52, and northwesterly of the Perkins Road area. On the east side, this area includes all land along and northerly of the Back Searsport Road, except for a small strip of land along Swan Lake Avenue.

One main contrast between this area and most of the rest of Belfast is the large amount of undeveloped land. Much of the area is former farm land that remains fields or that has been overtaken by woods. Most of the houses in the area are located immediately adjacent to the main roads, and there are few roads with a significant amount of housing on them that lead off the main road. Further, the developed lots that were created prior to the mid-80's often are quite small, ½ acre (100 ft by 200 ft), but others are in excess of 100 acres in size with only a single house on the lot. None of this area has public sewer, but some does have public water; mostly because the area is located along a road which leads to the deep water wells which the Water District uses to supply public water. Despite the vast amount of land in this area, the total number of residences in the area comprises less than 1/3<sup>rd</sup> of the total number of houses in Belfast.

There is a limited amount of nonresidential development in the area, and most of it is relatively small and quite scattered. There is only 1 operating convenience store (Belfast 52 Variety), 1 restaurant (the Road House on Rt 137), several small retailers (such as the Fabric Shop on Route 3), several professional offices (such as Robertson's Chiropractic Clinic and Atlantic Chiropractic, both on Route 3), several small auto repair shops (such as Gibb's on Back Belmont Road and Hanscom's Auto Body on Lincolnton Avenue), several construction or boat storage yards (Faulkingham on the Woods Road and Alex Turner's on Route 137), several licensed junkyards, and similar small scale businesses.

In addition, there are quite a few gravel pits, including major operations such as Lane Construction and State Sand & Gravel, several small farms, and even a remaining chicken house or two. Most of the area off of the main roads, however, has seen little or no development.

The current zoning for much of this area changed dramatically in 1997 following adoption of a new Comprehensive Plan (adopted in 1995 and readopted as amended in 1997). Prior to 1997, most of the area was in the General Purpose zone which allowed most uses and required a minimum lot size of 1 acre with 100 feet of road frontage. In 1997, much of the area was removed from the General Purpose zone and included in either the Protection Rural (PR-1) or Residential Agricultural I (RA-1) zone. The Protection Rural zone generally limits uses to single-family and two-family houses and agriculture and requires a minimum lot size of 2 acres with 200 feet of road frontage. The Residential Agricultural (RA-1) zone also requires a minimum lot size of 2 acres (1 acre for an exempt division lot), but only 100 feet of road frontage is needed. The RA-1 zone allows housing and agriculture, and a limited number of nonresidential uses; such as but not limited to small convenience stores, small professional offices and restaurants. The stated goals in establishing the new zoning districts were to protect 'rural character' by limiting the types of development that could occur, and increasing the size of most new lots.

The City has examined the zoning adopted in 1997 and current development patterns. One problem with several areas is that the main roads often are used as the dividing line between zoning districts. Several examples include along Route 3, Back Belmont Road, and Back Searsport Road. This, unfortunately, has resulted in persons who live on one side of the road being able to use their land for activities that persons who may live on the other side cannot do.

In addition, current zoning rarely distinguishes between the different types of roads in Belfast; both the purpose of the road and the existing pattern of development along the road. For example, few would argue that Route 3 and the Rollerson Road are similar, but sections of both are now included in the same zoning district. Most of the state roads in Belfast, Routes 3, 7, 52, 137 and 141, experience high volumes of traffic, including persons who are traveling from one region of the state or country to another. Another class of roads in Belfast, such as Oak Hill/City Point, the Back Belmont Road and the Back Searsport Road, experience a significant amount of commuter traffic. While on others, such as the Hunt Road, Rollerson Road, and Baker Road, you likely could lay down in the middle of the road for five minutes or so and stand a good chance that you wouldn't get run over.

The approach recommended in this Plan for regulating land use in the Rural Area is based on the different types of road. Two classes of roads are suggested, Class 1 and Class 2. While the minimum lot size and the minimum amount of road frontage required for both classes of roads is similar, there are some significant differences in the type of uses allowed. Both Classes would allow single family housing and natural resource uses such as agriculture, forestry and gravel pits, but only the Class 1 roads would allow uses

such as small scale auto sales and repair facilities and small scale offices (less than 4,000 square feet), and then only if the properties met specific criteria such as the amount of sight distance at the driveway entrance, amount of road frontage, and the ability to screen the use from neighbors. In addition, the proposal would allow somewhat smaller house lots with a lesser amount of road frontage if the lot does not front on the main road. The intent is to encourage back lot (no road frontage required) development.

## **Overview of Recommended Regulatory Approach**

**The main reasons for adopting this regulatory approach include the following:**

- 1) Areas that are or appear rural in character should remain rural in character.
- 2) The type of road often is a good indicator of the type of current that has occurred and the type of future development that should be permitted.
- 3) The approach will ensure that the regulations that apply to persons who live on one side of the road are the same as the zoning that applies to persons who live on the other side of the road.
- 4) This system has flexibility. If the character of a road changes over time, for example it begins to experience a much larger amount of commuter traffic, it is possible to change the zoning designation (Class of Road) of this road/area without affecting the zoning for the remaining area.
- 5) It is very important to manage the number and location of curb-cuts and driveways onto most roads in Belfast. The location and number of driveways is a significant public safety issue, and affects the speed of traffic on a road and the number of accidents.

**The regulatory guidelines that accompany this approach include the following:**

- 1) The depth of the zone for Class 1 roads is recommended to be 750 – 1,000 feet from the edge of the road right of way. All areas located more than this amount of distance from the edge of a right of way would be considered part of the Class 2 road system.
- 2) Notwithstanding # 1 above, it is recognized that 750 – 1,000 feet is an arbitrary distance and that it is not related to property ownership. Thus, a person whose property is in both a Class 1 zone and Class 2 zone that proposes a type of development that is only permitted in a Class 1 zone, can request a ‘Special Exception’ from the Belfast Zoning Board of Appeals to include more of their property in the Class 1 zone.
- 3) At the point at which Road Classes intersect, such as near an Intersection, the higher Road Class (Class 1) prevails.

- 4) Any existing use that may be rendered nonconforming by the adoption of this Code will be permitted to expand up to a maximum of 100% of the current floor area for any structure or 100% of the developed area on the site. Also, may allow an increase in size of lot on which nonconforming activity occurs.
- 5) City specifically endorses the long-term continuing use of all existing commercial properties in the Class 1 and Class 2 areas whose existing use would otherwise be rendered nonconforming by the implementation of these recommendations. Specific examples of such existing uses include the restaurant, convenience store and laundromat located at the intersection of Rte 137 and 7, and Belfast 52 Variety located at the intersection of Lincolnville Avenue and Back Belmont Road. Further, it is recognized that the above examples are just that, examples, and that this provision likely applies to other uses and properties in the Class 1 and Class 2 areas. The City shall examine alternatives to implement this policy and shall choose an approach that achieves the goal outlined in this policy.

**Other planning concerns for this Area:**

- 1) The City should discourage the extension of public services to most of this area. This is a rural area. The extension of public sewer would be a tremendous public expense and would eventually cause the character of the area to change.
- 2) The City should strongly encourage the creation of 'back lots', including lots which have no frontage on the main road and which use a common driveway for access to the main road.
- 3) The City should allow the use of minor roads, roads which are about 16' in width and which can remain a gravel surface, for developments which serve up to 7 house lots. These roads must remain in private ownership and would require a right-of-way width of 50', and could use a hammerhead as a turn-around rather than a cul-de-sac at the end of the road. Why? Road construction is expensive, and roads which will generate little traffic do not need to meet the same construction standards as major travel roads.
- 4) The City, in an effort to encourage the construction of affordable ownership (non-rental) housing, should consider allowing small housing clusters on properties in which the lots created would be smaller than the minimum lot size required for the zone. The housing clusters typically would involve the provisions such as the following: no more than 7 single family housing units; construction of a single road to access all lots, usually a minor road; the retention of common open space area; offering homes which moderate income persons could afford to purchase; and provisions which cap that amount of appreciation in housing price for a reasonable period of time. This approach likely is more suitable for non-state roads, particularly Class 2 roads, and could apply to most Rural Road Class properties. While this provision could lead to residential growth occurring outside the established growth area, it also could result in one or more of the builders in the area undertaking a

project which involves less risk in terms of land and infrastructure costs; two of the factors which often cause housing to be non-affordable.

- 5) The City should allow a wide range of uses which would be classified as home occupations to occur on a property, provided the use was operated by the owner/occupant of the property, and the use could satisfy applicable standards. Reference pages 14 & 15 of this Plan for greater detail regarding home occupations.

The Rural Road Class 1 and Rural Road Class 2 areas are both considered ‘Rural’ areas. While housing and some nonresidential uses are allowed, the City is not attempting to direct significant amounts of growth to these areas. For example, the City does not intend to expend significant capital project monies on constructing infrastructure improvements, such as public sewer (which is a recommended action in the growth areas), and proposed land uses are generally of lesser intensity and scale in this area.

# **CLASS 1 ROADS**

## **“MAJOR RURAL TRAVEL ROADS”**

### **Goal**

To carefully manage the intensity and scale of development so it does not conflict with use of the road, and to encourage development that is compatible with the general rural character of the area.

### **List of Proposed Class 1 Roads**

- 1) Route 3 (Belmont Ave), from Edgecomb Road to the Belfast – Belmont line. This area also includes a 40+ acre property now owned by Bank of America (formerly owned by the Gould/Perry families) that is located easterly of Edgecomb Road.
- 2) Route 137, (Waterville Road) from Marsh Road to the Belfast – Waldo line.
- 3) Back Searsport Road

### **Permitted Uses (Examples of Main Uses)**

- 1) Single Family and Two Family residential
- 2) Home Occupations, larger scale, including bed & breakfast and day care home (reference pages 14 & 15)
- 3) Professional Offices less than 4,000 square feet in size; limit of 1 structure per minimum lot size
- 4) Self storage buildings
- 5) Agricultural, including sale of material and equipment associated with such use, for example, a livery.
- 6) Greenhouse/Nursery
- 7) Forestry operations, including wood processing
- 8) Gravel Extraction (if not in watershed area)

### **Permitted Uses Subject to Obtaining a Special Exception from Zoning Board of Appeals**

- 1) Warehouse (limited truck traffic)
- 2) Boat storage and repair
- 3) Recreational facilities, indoor & outdoor (e.g. golf courses & campgrounds)
- 4) Schools, Churches & Child Care Centers (more than 13 students)
- 5) Kennels

- 6) Auto repair and services, with limited auto sales
- 7) Small scale industry & manufacturing
- 8) Consider allowing contractor service yards, such as John Faulkingham yard on Woods Road
- 9) Septage disposal, treatment and spreading operations

It is recommended that uses that often are more intense or have greater impacts be permitted only if the project complies with more stringent standards. The Zoning Board of Appeals would consider such applications as a 'Special Exception' and would apply criteria such as but not necessarily limited to the following:

- 1) A use would need a larger lot size lot than the minimum 2 acre threshold otherwise required for a nonresidential use.
- 2) A greater amount of road frontage than 200 feet; likely 400+ feet.
- 3) Greater setbacks from the road, with the goal of establishing good quality screening for the project to create a buffer between the road and the use.
- 4) Greater setbacks from all side lot lines, likely 100+ feet, with the setback area to be a natural buffer area. Goal is to lessen conflict with abutting property owners.
- 5) Consider the amount and type of traffic generated by the use, and ensuring that there is good quality sight distance and adequate separation between the entrance to this site and adjacent driveways.

### **Minimum Lot Size & Density (Number of Housing Units per Acre)**

- 1) Single Family Residence on 1.5 acres & 200 feet frontage, if fronts on a Class 1 road.
- 2) Two Family Residence (duplex) on 2 acres & 200 feet frontage if frontage on a Class 1 road
- 3) Single Family or Two Family residence on 1.5 acre & 150 feet frontage if no frontage on a class 1 road. Also, back lots may not require any frontage on a road.
- 4) Multifamily residential should generally be a prohibited use because of the lack of sewer.
- 5) A permitted nonresidential use must have at least 2 acres with 200 feet frontage, and the amount could be greater subject to 'special exception' from Zoning Board of Appeals.

### **Setbacks (Distance Structure must be Located from a Lot Line)**

- 1) Front structure setback of 30 feet for a residential use
- 2) Side and rear setback requirements of 15 feet for a residential use.
- 3) Front structure setback of 75 feet for a structure that is used for a nonresidential use. Also, the amount of front setback for a nonresidential use could be greater subject to 'special exception' from Zoning Board of Appeals.
- 4) Side setback requirement of 30 feet for a nonresidential use, and the amount of this setback could be greater subject to 'special exception' from Zoning Board of Appeals.

- 5) Rear setback requirement of 50 feet for a nonresidential use, and the amount of this setback could be greater subject to 'special exception' from Zoning Board of Appeals.

## **Major Changes Compared to Current Requirements**

The amount and type of change is based on the zoning district in which the area currently is located. Five zoning districts now apply to the areas that are proposed to become Class 1 Roads; General Purpose-A, Residential Agricultural-1, Protection Rural-1, Airport Growth and Residential Growth. The land use maps provided in this document illustrate both current zoning and the proposed area that would be included in the Class 1 Road land use designation.

Areas that currently are in General Purpose-A zone would be affected as follows. This mostly includes areas along the southeasterly side of the Back Searsport Road.

- 1) The minimum lot size would increase from 1 acre to at least 1.5 acres for most residential uses.
- 2) The amount of road frontage would increase from 100 feet to 200 feet.
- 3) The range of uses permitted would decrease. For example, retail stores and convenience stores would be prohibited.
- 4) The amount of side and rear setbacks could increase for some nonresidential uses.

Areas that currently are in Residential Agricultural-1 zone would be affected as follows. This includes some areas along the northerly side of the outer section of Route 3 and along Route 137.

- 1) The minimum lot size would decrease from 2 acres to 1.5 acres for most residential uses, but the current 1 acre exemption for exempt subdivision lots would no longer apply.
- 2) The minimum amount of road frontage would usually increase from 100 feet to 200 feet.
- 3) The range of uses that will be permitted would be very similar to the current range of uses permitted.
- 4) The amount of side and rear setbacks could increase for some nonresidential uses.

Areas that currently are in Protection Rural 1 zone would be affected as follows. These areas include the southerly side of the outer section of Route 3 and the northerly side of the Back Searsport Road.

- 1) The minimum lot size and minimum amount of road frontage often would decrease from 2 acres to 1.5 acres for a residential use.
- 2) The range of uses that would be permitted would be expanded to include a greater number of nonresidential uses; for example professional offices and auto repair.
- 3) The amount of side and rear setbacks could increase for some nonresidential uses.

Areas in Airport Growth zone. This includes only a few properties along the airport (southeasterly) side of Route 52/Lincolnville Avenue.

- 1) Single family housing could be permitted in an area that now prohibits single family housing.
- 2) The minimum lot size would increase from 1 acre to at least 1.5 acres.
- 3) The minimum amount of road frontage would now be added to the Code. Strangely, there is no current minimum amount of road frontage identified for the Airport Growth zone.
- 4) The range of uses that would be permitted would be expanded to include a number of nonresidential uses, for example professional offices and auto repair, and the zone would allow single family houses.
- 5) The amount of side and rear setbacks could increase for some nonresidential uses.

Areas in Residential Growth. This includes only a few properties located on the northwesterly side of Lincolnville Avenue that are located between Troy Howard Middle School and Edgecomb Road.

- 1) The minimum lot size would increase from 1/2 acre to at least 1.5 acres.
- 2) The minimum amount of road frontage would increase from 60 feet to at least 200 feet in most cases.
- 3) The range of uses that would be permitted would be expanded to include a number of nonresidential uses; for example, professional offices and auto repair.
- 4) The amount of side and rear setbacks could increase for some nonresidential uses.

### **Other Issues & Ideas To Consider**

- 1) If all properties were to be fully developed as either a residential use or some types of nonresidential uses, many of these areas would no longer be considered 'Rural'. One reason many of the areas proposed as Class 1 roads appear 'Rural' today is because there has not been extensive development as of yet, and to date, there has been minimal pressure to develop the area. This, however, could change over time which means the City should monitor future development in this area.
- 2) Most of the roads identified as Class 1 Roads are subject to MDOT access management requirements. The minimum amount of lot frontage identified in the proposed standards often will be inadequate to meet MDOT driveway separation requirements, particularly along Route 3 and for uses that generate more than 50 vehicle trips per day.
- 3) The City should consider implementing a view protection corridor for the section of Route 3 near Hayford Hill. This area allows persons driving easterly along Route 3 their first view of Belfast Bay, and it is an important resource to the area's tourism economy. Regulatory options could include requiring greater setbacks from Route 3 for all houses and nonresidential uses, and imposing stricter height limits. Such standards would only apply to structures that would adversely impact the view corridor.

## **CLASS 2 ROADS**

### **‘LOCAL COMMUTER ROADS & QUIET ROADS’**

#### **Goal**

To allow only low intensity development and to preserve, to the greatest extent practical, the rural character and amount of open space in the area.

#### **Examples of Class 2 Roads**

This district includes all roads and areas (area more than 750 - 1,000 feet from a Class 1 Road) that are not Class 1 Roads and which generally are located westerly of the Edgecomb Road, Crocker Road and Marsh Road on the westerly side of the River, and northerly of the Back Searsport Road on the east side of the River. Examples of these roads are listed below. This is not a complete list of all Class 2 Roads.

- Back Belmont Road
- Lincolnville Avenue (Rt 52), area located westerly of Troy Howard Middle School
- Route 7 (West Waldo Road)
- Doak Road
- Oak Hill Road
- Edgecomb Road
- Woods Road
- Jesse Robbins Road
- Pitcher Road
- Poors Mill Road
- Kaler Road
- Smart Road

#### **Permitted Uses (Examples of Main Uses)**

- 1) Single Family and Two Family Residential
- 2) Home Occupations, larger scale, including Bed & Breakfast and day care home (reference pages 14 & 15)
- 3) Agricultural, including accessory sales of products from the farm
- 4) Nurseries/greenhouses
- 5) Gravel Extraction (if not in watershed area)
- 6) Forestry operations, including wood processing

#### **Permitted Uses Subject to Obtaining a Special Exception from the Zoning Board of Appeals**

- 1) Boat building, storage & repair
- 2) Self storage buildings
- 3) Recreational facilities, indoor & outdoor (golf courses & campgrounds)
- 4) Schools/churches & Child Care Centers (more than 13 students)
- 5) Kennels
- 6) Consider allowing contractor service yards, such as John Faulkingham yard on Woods Road
- 7) Septage disposal, treatment and spreading operations

The above types of uses often generate more impacts, and as such, warrant review by the Zoning Board of Appeals as a ‘Special Exception’ to ensure the proposed use does not adversely affect neighboring properties. Suggested criteria which the Board of Appeals would consider could include:

- 1) A use must have a larger lot size lot than the minimum 2 acre threshold otherwise required for a nonresidential use.
- 2) A greater amount of road frontage than 200 feet; likely 400+ feet.
- 3) Greater setbacks from the road, with the goal of establishing good quality screening for the project to create a buffer between the road and the use.
- 4) Greater setbacks from all side lot lines, likely 100+ feet, with the setback area to be a natural buffer area. Goal is to lessen conflict with abutting property owners.
- 5) Consider the amount and type of traffic generated by the use, and ensuring that there is good quality sight distance and adequate separation between the entrance to this site and adjacent driveways.

### **Minimum Lot Size & Density (Number of Housing Units per Acre)**

- 1) Single Family or Two-Family on 2 acres & 200 feet frontage if frontage on a Class 2 road.
- 2) Single Family or Two-Family on 1.5 acre & 150 feet frontage if no frontage on a Class 2 road. Also, a back lot may not require any road frontage.
- 3) Multifamily residential is a prohibited use.
- 4) A nonresidential use must have at least 2 acres & 200 feet of road frontage, but the amount could be greater if it is subject to obtaining a special exception from the Zoning Board of Appeals.

### **Setbacks (Distance Structure must be Located from a Lot Line)**

- 1) Front structure setback of 30 feet for a residential use
- 2) Side and rear setback requirements of 15 feet for a residential use.
- 3) Front structure setback of 75 feet for a structure that is used for a nonresidential use. Also, the amount of front setback for a nonresidential use could be greater subject to a ‘special exception’ from Zoning Board of Appeals.
- 4) Side setback requirement of 30 feet for a nonresidential use, and the amount of this setback could be greater subject to ‘special exception’ from Zoning Board of Appeals.

- 5) Rear setback requirement of 50 feet for a nonresidential use, and the amount of this setback could be greater subject to 'special exception' from Zoning Board of Appeals.

## **Major Changes Compared to Current Requirements**

The amount and type of change is based on the zoning district in which the area currently is located. Four main zoning districts now apply to the areas that are proposed to become Class 2 Roads; Residential Agricultural-1, Protection Rural-1, Residential Growth, and Residential II. The land use maps provided in this document illustrate both current zoning and the proposed land use designation.

Areas that currently are in Residential Agricultural-1 zone would be affected as follows. This mostly includes all areas along Route 7 (West Waldo Road), the southwest side of the Doak Road, the westerly side of the Edgecomb Road, the area near the intersection of Lincolnville Avenue and the Back Belmont Road, the easterly side of the Jesse Robbins Road, and all of the Pitcher Road and Poors Mill Road area.

- 1) The minimum lot size would remain the same for most residential uses, but the current 1 acre exemption for exempt subdivision lots would no longer apply.
- 2) The minimum amount of road frontage would usually increase from 100 feet to 200 feet.
- 3) There will be a decrease in the range of nonresidential uses that would be permitted compared to the current zone. For example, restaurants, professional offices and convenience stores would no longer be permitted. The proposed amendment would result in Belfast 52 Variety on Lincolnville Avenue being considered a nonconforming use.
- 4) The amount of side and rear setbacks could increase for some nonresidential uses.

Areas that currently are in Protection Rural 1 zone would be affected as follows. These areas mostly include Smart Road, northeasterly side of Doak Road, Oak Hill Road, the westerly side of Jesse Robbins Road, and the Woods Road.

- 1) The minimum lot size and minimum amount of road frontage would remain the same for most purposes.
- 2) The range of uses that would be permitted would be expanded to include a few nonresidential uses that currently are prohibited; boat repair, recreational uses, and self storage buildings for example.
- 3) The amount of side and rear setbacks could increase for some nonresidential uses.

Areas in Residential Growth zone would be affected as follows. This includes only the area along the easterly side of Edgecomb Road.

- 1) The minimum lot size would increase from 1/2 acre to 2 acres.
- 2) The minimum amount of road frontage would increase from 60 feet to 200 feet in most cases.
- 3) The range of uses that would be permitted would be expanded to include some nonresidential uses; such as boat repair, storage facilities and recreation facilities.

- 4) Also, some uses that are now permitted would be prohibited, such as professional offices.
- 5) The amount of side and rear setbacks could increase for some nonresidential uses.

Residential II zone includes only the area along the Herrick Road and Perkins Road, and would be affected as follows.

- 1) Lot size increases from ½ acre to 2 acres.
- 2) Road frontage increases from 60 feet to at least 200 feet.
- 3) Allows a few nonresidential uses that are now prohibited, such as kennels, but also prohibits a use that is now permitted, professional offices.
- 4) Amount of structure setbacks would increase.

### **Other Issues & Ideas To Consider**

- 1) Many of these roads experience commuter traffic. The speed of this traffic often conflicts with how residents view their area as being located on a ‘Rural’ road, and an area in which they expect both the amount and speed of traffic to be reasonable. This conflict likely will be exacerbated as more of the rural land in Belfast and surrounding towns is developed.
- 2) Most existing development, particularly housing development, is often located fairly close to the road. The proximity of existing houses to the road can lead to conflicts between the amount of activity on the road and residents’ expectation that they live in a quiet rural area.
- 3) It is critical that the City manage the location and number of curb-cuts along these commuter roads.
- 4) Much of the land in this area is undeveloped, including many large tracts of land (50+ acres). This land, however, rarely is being used for a natural resource purpose, such as forestry or agriculture, and one of the main reasons it remains undeveloped is the current lack of development pressure. This current lack of development pressure could be transitory, and as the desire for more development occurs, land that is now considered rural could be developed in a manner that eliminates the general rural character of the area. For example, a person who owns a single family house on a 5 acre lot on the Woods Road may be concerned if a 25 unit subdivision is proposed on an abutting 50 acre parcel; a feeling of too much development. The City should consider implementing regulatory provisions that attempt to retain the rural character of the area, such as requiring open space subdivisions and/or requiring the preservation of natural buffer areas.
- 5) The City, in an effort to encourage the construction of affordable ownership (non-rental) housing, should consider allowing small housing clusters on properties in which the lots created would be smaller than the proposed minimum lot size required for the zone. The housing clusters typically could involve provisions such as the following: no more than 7 single family housing units; construction of a

single road to access all lots, usually a minor road; the retention of common open space area; offering homes which moderate income persons could afford to purchase; and provisions which cap that amount of appreciation in housing price for a reasonable period of time.

- 6) The City should encourage private efforts that result in the long-term protection of important open space resources, such as conservation easements.
- 7) City should consider locations in which a salvage yard or junkyard can be operated. Any such operation would need to conform to all State standards and be adequately screened and separated from neighboring properties. Further, the use should not result in any likelihood of adverse impacts on individual drinking water supplies or the area's natural resources. Currently, there are several salvage and junk yard operations in the area which is proposed to be Rural Road Class 2.

## **OUTLINE OF APPROACH TO REGULATE HOME OCCUPATIONS**

The approach outlined in this section identifies examples of the types of uses that could qualify as allowed home occupations, larger scale operations, and some of the issues that will be important to consider in the regulation of such uses. The overall approach would allow a fairly wide range of home based businesses to occur in the Outside Rural area, both the Class 1 and Class 2 areas, provided such businesses are small in scale and do not adversely impact other property owners in the area. It is noted that this list of guidelines is quite explicit, mostly so users of this Plan have a good start point for considering how home occupations should be regulated. It is also noted that these guidelines appear in the Outside Rural Area of the Plan, however, many of these would be applicable to other proposed land use areas identified in this Plan in which larger scale home occupations would be allowed.

- The owner/operator of the business must live on the property. It must be a home based business. It is noted that the standard specifically references 'live' on the property rather than 'own' the property, which means that someone who rents/leases the property could operate the business. The Belfast Planning Board has issued home occupation permits to a number of persons who rent a property, provided the owner of the property consents to the use.
- Home based businesses would allow the production of goods on site. Such businesses that produce goods on site or engage in trades that add real value to goods produced elsewhere would have the opportunity to sell such goods on the property, provided the size (square feet) of the retail sales area is quite small, usually no greater than 800 square feet. In addition, such sales also could include a limited number of goods not produced on the site, provided such goods are similar or related to the goods produced on the site (for example, candle holders for a person that produces candles in their business), and that the production and accompanying sale of goods produced on the site is the prime activity. Examples of such uses include but are not

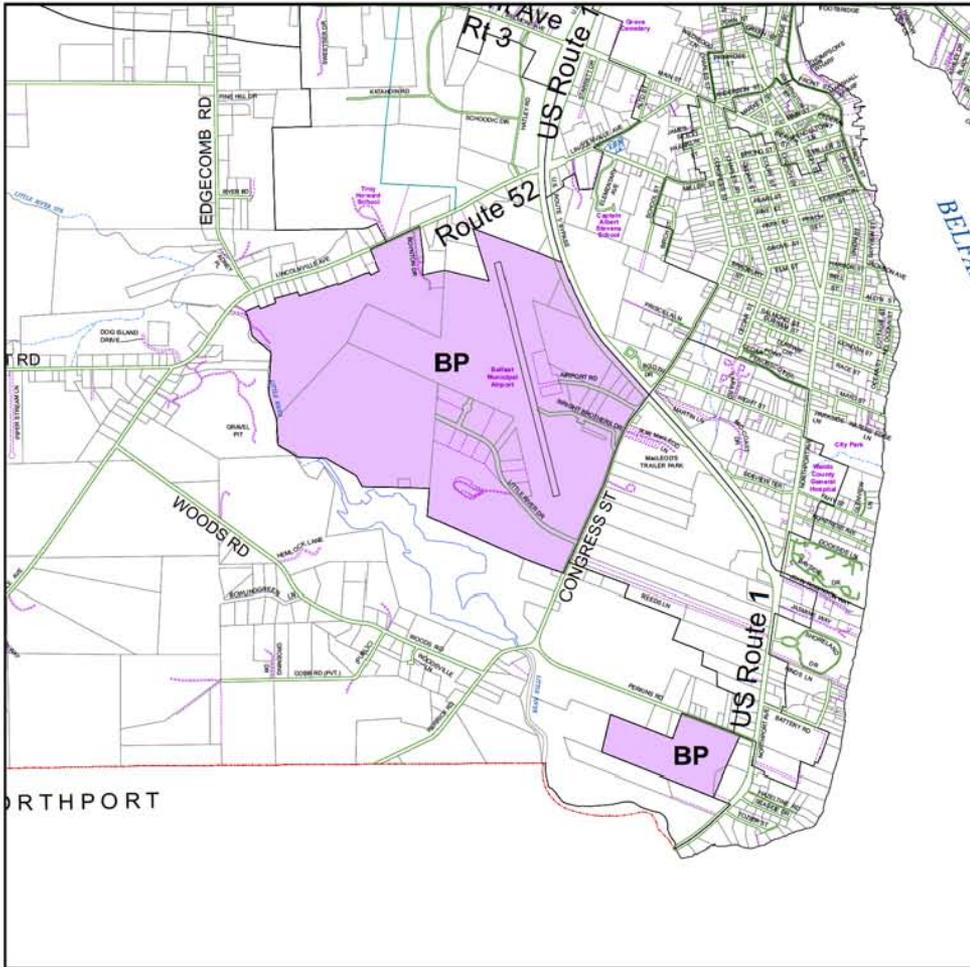
limited to: a business that makes furniture on-site and sells such goods on site, a business that makes candles on site and sells such goods on site, a business that makes clothing on the site and sells such goods on site, and a business that produces art on site and sells such goods on site.

- Home based businesses that engage in the sale of second hand products would be permitted as special exception, provided the size of the structure in which sales occur is no greater than 1,200 square feet, and there is no outside display of goods for sale. Examples of such uses would be Joan's Tree House on Tufts Road and Mary's Oak Hill Barn in Swanville. (It is noted that this 'category' of use likely is the most difficult to regulate and could result in a proliferation of uses such as antique shops and similar retail stores along a road.)
- Home based businesses would allow the delivery of services on the site, provided the size of the area in which services are provided is quite small, usually no greater than 800 square feet. Examples of such service businesses include but are not limited to: a small engine repair shop, a shoe repair shop, a hair salon, and a seamstress.
- Home based businesses would allow the delivery of professional services, services usually provided in an office, provided the office use is quite small, usually no greater than 800 square feet, and does not involve more than 2 employees not related to the business owner.
- Home based businesses could include the operation of a small scale restaurant and places that sell food prepared on site. Small scale means a building that has no more than 20 seats.
- Home based businesses could include operations that are accessory to an on-site agricultural use. Examples of such may include a farm stand, a livery, a corn maze, petting farms, and such. It is noted that the 'face' of agriculture is changing, and that farms are now engaged in an increasing array of accessory operations to sustain the farm. For example, the Good Karma Farm on Perkins Road raises llamas and alpacas and sells fiber goods and soaps, and the Keene Farm on Shepard Road sells compost.
- Home based businesses specifically would include a home based day care business which the State currently defines as less than 13 students. Any facility with more than 13 students would need to be considered as a day care center.
- The City should consider the adoption of standards to regulate such uses to lessen any potential adverse impacts on neighbors. These standards could include but are not necessarily limited to: limitations on the hours of operation; prohibitions on the storage of outside goods; no noxious impacts on neighbors; and the amount of traffic should be low scale and all parking must occur on the site. It is expressly understood that these guidelines are suggestions, and that the City may consider more specific standards in preparing the Zoning Ordinance language that would be adopted to implement this policy direction.

- City should monitor the number of small home based businesses and other types of businesses that occur in various sectors of the Outside Rural area and will consider if City regulations are effective in ensuring that this is a 'Rural' area and that one person's use of their property is not adversely affecting neighboring properties.

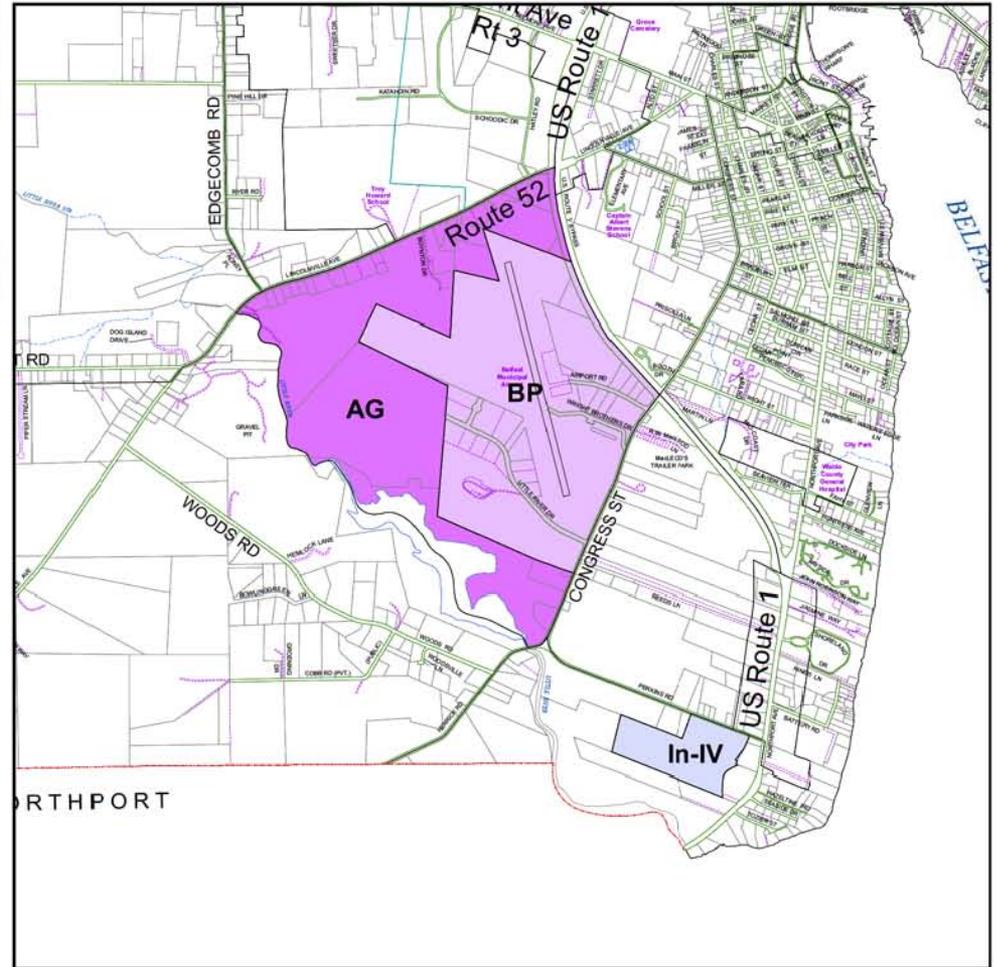
# Business Park

## PROPOSED LAND USE AREAS



Zone  
BP Business Park

## EXISTING ZONING



Zone  
AG Airport Growth District  
BP Business Park-Airport District  
In-IV Industrial IV Perkins Road District

# **BUSINESS PARK**

## **“JOBS ZONE”**

### **Goal**

To establish an area that encourages business development within the City developed Business Park and on surrounding lands and which allows and supports airport operations and the expansion of such.

### **Overview of Past, Present & Future Use**

The City established the Belfast Business Park, formerly the Belfast Industrial Park, in the mid-1980's. Current development in the Park, such as Ducktrap Seafoods and Belfast Industries, employs over 300 persons. The City owned 6 unsold lots in the Park in 2009, the combined size of which is about 12 acres. The Business Park surrounds the Belfast Airport, a municipally owned airport that is experiencing increasing private use and which underwent significant improvement in 2005 – 2006. At present, however, there are no commercial carriers which provide regular/scheduled passenger or freight services at the airport.

The proposed district includes all lands in the Business Park and the Municipal Airport, and also includes the 100 acre parcel the County purchased in 2004 from Charles Boynton as a potential site for a new County jail, and other lands owned by the Boynton's. The main purpose of this area is to encourage business growth that creates jobs, particularly industry, warehousing and offices. The City Council, in 2004, amended terms of the former Industrial I zone to establish the Business Park zone. Current regulatory standards appear to be appropriate for this area. This approach recognizes that the City covenants that regulate the use of properties in the Park often provide more definitive standards to manage uses in the Business Park and at the Airport than via the use of zoning regulations.

In addition, Matthews Brothers' current operations on Perkins Road are now located in a zoning district that applies only to their property; the Industrial IV zoning district. It is recommended that this property be included in the Business Park area. This change would not adversely affect Matthews Brothers operations and would result in the elimination of a single property zoning district.

## **Recommendations**

### **Permitted Uses (Examples of Main Uses)**

- 1) Manufacturing, including accessory retail
- 2) Warehousing
- 3) Offices & some service businesses
- 4) Municipal & County uses
- 5) Single family (limited to 1 unit per parcel or 1 unit per every 5 acres for parcels greater than 5 acres. Also, no residential uses in the City Business Park or at the Airport per existing covenants).

### **Minimum Lot Size**

1 acre (sewer or septic) for any use  
Minimum 150 ft of street frontage

### **Density (Number of Housing Units per Acre)**

A maximum of 1 single family residence per lot, or if a parcel is greater than 5 acres in size, 1 housing unit per 5 acres. This density requirement reflects concern with the potential conflict between residential uses and use of Belfast Airport. It is also noted that residential uses are prohibited in the Business Park.

### **Setbacks (Distance Structure must be Located from a Lot Line)**

- 1) Setback requirements for the Business Park are now established by Business Park regulations, and this approach should continue.
- 2) Setbacks for other areas should be no less than 25 feet from all lot lines, with the current front setback provision for the Matthews Brothers property (Industrial IV zone) remaining in effect.

### **Major Changes Compared to Current Requirements**

- 1) One change is to extend the boundaries of this area to properties now owned by the Boynton family and Waldo County that currently are in the Airport Growth zone.
- 2) Second change is to allow a maximum of 1 single family house for every 5 acres of land. Housing is now prohibited. It also is noted that housing is expressly prohibited at the Business Park and the Airport.
- 3) Proposal also should apply to the Mathews Brothers property on Perkins Road, and should replace the current Industrial IV zone, which is a single property district.

## **Other Issues & Ideas To Consider**

- 1) It is important to better manage potential land use conflicts regarding current and future use of the airport by establishing an Airport Protection Overlay zone. The intent is to establish an overlay district that accurately reflects areas in which conflicts could occur, and regulations that effectively address these conflicts. The City Airport Committee should be consulted in establishing the boundaries and regulations that would apply to the overlay district. This proposed overlay district would replace the current Airport Growth zone area.
- 2) The City likely will need to upgrade the public sewer in the Business Park if a high volume water user locates at the Park. The current sewer can support low level users, but a high level user could require upgrades to the pump stations. City also may want to explore joint efforts with the County to extend sewer from this site to the Route 52 pump station near Troy Howard Middle School, rather than relying upon the current sewer line which pumps sewage to the Wight Street area.
- 3) City should consider acquiring land adjacent to the Airport and Business Park to enhance operations of such.
- 4) Consistent with 3 above, City should consider the long-term need to expand the size of the current Business Park. The few remaining lots in the Park likely cannot serve a larger scale use.
- 5) All land adjacent to the Little River should be protected by a 250 foot deep Resource Protection Shoreland zone.