

**CITY OF BELFAST CITY COUNCIL
PUBLIC HEARING - SECOND READING
TUESDAY, OCTOBER 9, 2018 6:00 PM
TROY HOWARD MIDDLE SCHOOL CAFETERIA**

**PROPOSED AMENDMENTS - SECOND READING
CITY CODE OF ORDINANCES
CHAPTER 66, GENERAL PROVISIONS (Definitions)**

Notes to Public

1) Background Information and Explanation of Proposed Amendments

City Code of Ordinances, Chapter 66, General Provisions, establishes specific definitions for many of the terms used in the land use regulation section (Subpart B) of City Ordinances. In reviewing existing terms, the City believes it is appropriate to better define and differentiate various forms of aquaculture operations, and is proposing three separate definitions of aquaculture operations. This proposal also identifies a specific definition for a significant groundwater well and a significant water intake or significant water outfall/discharge pipe, neither of which terms were previously defined, as well as revisions to the definition of an accessory retail use and the definition of structure height.

2) Explanation of City Council Action of April 17, 2018 and June 5, 2018

The City Council, at its meetings of April 17, 2018 and June 5, 2018, adopted the amendments to the City Code of Ordinances, Chapter 66, General Provisions that are identified in this proposal. The Council considered the Introduction of most of these proposed amendments at its meeting of March 6, 2018, conducted the First Reading and an accompanying public hearing at its meeting of March 20, 2018, and conducted the Second Reading and an accompanying public hearing at its meeting of April 17, 2018. The Council voted 5-0 at the Second Reading on April 17, 2018 to adopt the amendments as proposed. The Council, at a subsequent public hearing and Second Reading that occurred on June 5, 2018, adopted an amended definition of structure height.

3) Planning Board Recommendation on Amendments to Chapter 66, General Provisions

The Planning Board, consistent with City Code of Ordinances, Chapter 102, Zoning, Section 102-182, is responsible for the review of proposed amendments to the Zoning Ordinance and to offer a recommendation to the City Council. The Planning Board conducted a public hearing at its meeting of August 15, 2018 for the purpose of obtaining public comment on the amendments identified in this proposal. The Planning Board subsequently reviewed the proposed amendments at its meetings of August 22, September 5, and September 12, and at its meetings of September 5 and 12, voted to adopt its written recommendation on the amendments to the Council. The Planning Board's recommendations did not identify any

specific amendments to the Chapter 66, General Provisions adopted by the City Council on April 17, 2018.

4) City Council Public Hearings on September 25 and October 9, 2018

The City Council scheduled two new public hearings on the Ordinance amendments that it originally adopted on April 17, 2018 regarding the establishment of the Route One South Business Park District; reference 1) above for a description of the amendments to Chapter 66.

- a) September 25, 2018. First Reading and public hearing on the amendments. The City Council has conducted this hearing. At the conclusion of the hearing the Council identified the specific language that would be scheduled for consideration at the Second Reading on October 9. The Council (on Sept 25) did not identify any additional amendments for Chapter 66, thus, the amendments to Chapter 66 that will be considered at the October 9 Second Reading are identical to the amendments to Chapter 66 that the Council considered on September 25.
- b) October 9, 2018. Public hearing is scheduled for 6:00 pm in the cafeteria of the Troy Howard Middle School. This is the formal Second Reading of the proposed amendments. Amendments to Chapter 66 that will be considered on October 9 are the same as the amendments considered on September 25.
- c) October 16, 2018. The Council anticipates discussing and taking action on the Ordinance amendments subject to a public hearing and Second Reading on October 9 at its regular meeting of October 16 that will take place in the Council Chambers. The Council has the authority to adopt the amendments as presented, to reject any or all of the amendments, to make further amendments to the proposals, or to table action on the proposed amendments. If the Council chooses to make any significant amendments to the Ordinances considered at the October 9 public hearing, the Council will schedule an additional public hearing on the specific amendments that are proposed. The Council will not be conducting a public hearing at its meeting of October 16 meeting. All additional comment from the public on the Chapter 66 amendments should be offered at the October 9 public hearing.

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

The public may offer comment to the City Council that will be considered as part of the October 9 Second Reading public hearing in one of three ways:

- You can attend the October 9 public hearing and offer verbal comment to the City Council at the hearing.
- You can submit comment in writing to: Wayne Marshall, Code and Planning, City of Belfast, 131 Church St, Belfast, ME, 04915. All written comment to be considered at the October 9 hearing must be received by the date and time of the hearing.
- You can submit comment via email to: **public@cityofbelfast.org**. All email comment must be submitted by 3:30 pm on October 9 so that copies can be produced for the Council meeting on October 9.

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

The City Council has the complete record of all public comment that was submitted for the Council hearings in March and April of 2018, has been provided the complete record of public comment offered to the Planning Board at the Board hearing of August 15, 2018, and all comment offered to the Council at the September 25 hearing. Thus, in submitting comments to the City Council, the Council asks that you recognize that they are familiar with past comment.

Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Director, Code & Planning at 338-1417 x 125 or at wmarshall@cityofbelfast.org.

TEXT OF PROPOSED AMENDMENTS

Note to Public - Format of Amendments: All text shown in black font is the text that appeared in the City Code of Ordinances, Chapter 66, General Provisions, as such existed prior to the amendments to this Chapter that the City Council adopted on April 17, 2018. **All text shown in red font** identifies the amendments that the City Council adopted at its meetings of April 17, 2018 or June 5, 2018 (height amendment), and is the text of the Ordinance amendments that the Council will be considering at the October 9 Second Reading.

Chapter 66. General Provisions

Sec. 66-1. Definitions.

- (a) The purpose of this section is to provide a list of terms and their meanings so as to assist applicants and others in understanding the terms used in subpart B, Land Use Regulations. Unless incorporated by reference in another chapter or another city ordinance, the definitions in this section are not controlling.

Further, definitions that are unique to a specific chapter of subpart B, Land Use Regulations, can typically be found in that specific chapter rather than this chapter. For example, definitions unique to Chapter 78, Floods, and Chapter 82, Shoreland, can be found in said chapters. Applicants and others are encouraged to consult the other chapters of subpart B, Land Use Regulations, for a list of terms and their meanings that may apply to a specific chapter.

(b) In the interpretation and enforcement of subpart B, all words shall carry their customary dictionary meanings. For the purpose of subpart B, certain words and terms are defined as follows:

- (1) City means The City of Belfast.
- (2) Municipal officers means the City Council.
- (3) Tense and number. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.
- (4) Shall, may. The word "shall" is always mandatory; the word "may" is permissive.
- (5) Person. Includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual.
- (6) Lot. The word "lot" includes the words "plot", "**property**", and "parcel."
- (7) Building. The word "building" includes the word "structure."

(c) The following words, terms and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

ACCESSORY RETAIL SALES. The on-site retail sale of products that an industrial or manufacturing use produces on site and sells as an accessory use to the industrial or manufacturing use. The retail sales area is limited to the lesser of 20 percent of the floor space of the manufacturing or industrial use or an area that is no greater than 5,000 square feet in size.

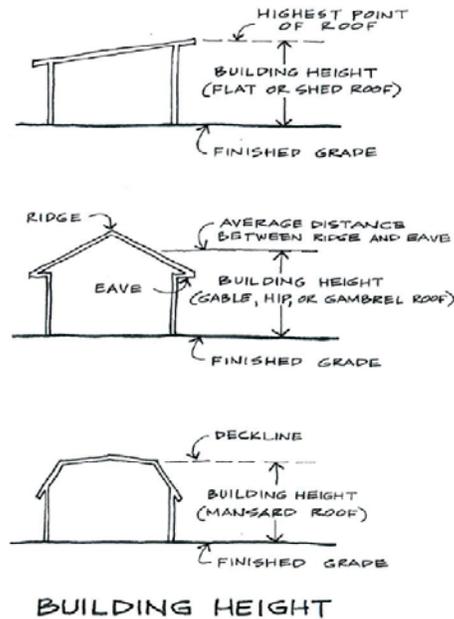
AQUACULTURE, LAND BASED. The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in an onshore land based facility. Said facility may involve the intake of marine waters or discharge of waters to marine waters and be considered a land based aquaculture operation.

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

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

Height of a Structure means the vertical measurements from the average finished grade of the ground to the highest roof beams on a flat or shed roof, to the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip and gambrel roofs. Said measurements of structure height shall exclude chimneys, antennas, **solar panels**, steeples or cupola like architectural enhancements that do not result in an increase in the usable amount of floor area of a structure, and similar appurtenances which have no usable floor area. Figure 1, below, is a diagram of how building height is measured.

Figure 1



SIGNIFICANT GROUNDWATER WELL. A well, wellhead, excavation, or other structure, device or method used by a private person to obtain groundwater that is:

- (1) **Withdrawing at least 75,000 gallons during any week or at least 50,000 gallons on any day and is located at a distance of 500 feet or less from a coastal or freshwater wetland, great pond, significant vernal pool habitat, water supply well not owned or controlled by the private person (applicant), or river, stream or brook; or**
- (2) **Withdrawing at least 216,000 gallons during any week or at least 144,000 gallons on any day and is located at a distance of more than 500 feet from a coastal or**

freshwater wetland, great pond, significant vernal pool habitat, water supply well now owned or controlled by the private person (applicant), or river, stream or brook.

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

SIGNIFICANT WATER INTAKE OR SIGNIFICANT WATER DISCHARGE/ OUTFALL PIPE. A water intake or water discharge/outfall pipe used by a private person to service at least 50,400 gallons during any week and 36,000 gallons on any day that originates onshore and crosses above or below ground in or through a waterbody or land area identified on the City Official Shoreland Zoning Map or Official Zoning Map and that is subject to Shoreland regulation.