

**CITY OF BELFAST PLANNING BOARD
PUBLIC HEARING - WEDNESDAY, DECEMBER 4, 2019
6:00 PM UNIVERSITY OF MAINE HUTCHINSON CENTER
PROPOSED AMENDMENTS TO BELFAST CODE OF ORDINANCES
CHAPTER 66, GENERAL PROVISIONS
AMENDMENTS REGARDING SOLAR ENERGY SYSTEMS**

INTRODUCTION

The City of Belfast Planning Board is proposing amendments to the following Chapters in the City Code of Ordinances to establish standards to regulate the design, installation, operation, maintenance and abandonment of solar energy systems in the City:

- Chapter 66, General Provisions - Proposed establishment of new definitions regarding solar energy systems. It is specifically noted that only the core definitions regarding solar energy systems are proposed to be included in Chapter 66, General Provisions, and that the full range of definitions that would apply to solar energy systems are proposed to be included in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 8, Solar Energy Systems.
- Chapter 82, Shoreland - Amendments identify Shoreland Districts in which a solar energy system would be permitted and the Shoreland standards that would apply to said systems.
- Chapter 102, Zoning - Amendments identify Zoning Districts in which a solar energy system would be permitted and the standards that would apply to said systems.

The proposed standards would apply to all sizes of solar energy systems in Belfast; ranging from a system installed by a homeowner on the roof of their house to a commercial system that is 20 acres or greater in size. The standards identified in Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 8, Solar Energy Systems, are the primary standards that apply to any solar energy system. The standards identified in Chapter 82, Shoreland, apply only to a solar energy system that is located in the Shoreland Zone; reference Official Shoreland Map for City of Belfast. The definitions in Chapter 66, General Provisions, apply to all Chapters of Part B, Land Use Regulation, of the City Code of Ordinances.

CITY PROCESS TO REVIEW ORDINANCE AMENDMENTS

The Planning Board is conducting a public hearing on the proposed Ordinance amendments associated with Solar Energy Systems at its meeting of Wednesday, December 4, 2019 beginning at 6:00 pm at the University of Maine Hutchinson Center. The purpose of the hearing is to obtain comment from persons who may be affected by the proposed amendments. The Planning Board will be accepting comment in any of the following three ways:

- 1) Oral comment presented to the Board at the December 4 public hearing. Oral comment should be limited to 4 minutes.
- 2) Written comment. Written comment should be sent to City of Belfast, Code and Planning Department, 131 Church St, Belfast, Maine, 04915. Written comment should be submitted to the Department no later than 2:00 pm on December 4.

- 3) Email comment. Email comment should be submitted to wmarshall@cityofbelfast.org, and should be submitted no later than 2:00 pm on December 4.

The Planning Board, at the conclusion of the hearing, will review the Ordinance amendments and will decide how to proceed. The role of the Board is to offer a recommendation on the proposed amendments to the City Council. The Board does not have the authority to adopt the amendments and have such become part of City Ordinances.

If the Planning Board supports the proposed amendments, the City's current approach is to submit the amendments to the City Council at their meeting of Tuesday, December 17 for First Reading and public hearing. The Council is tentatively scheduled to conduct the Second Reading and public hearing of the amendments at its meeting of January 7, 2019. At the conclusion of the Second Reading and public hearing the Council has the authority to adopt, reject or revise the proposed amendments.

FORMAT OF ORDINANCE AMENDMENTS

All language proposed to be added to the Ordinance is shown in black underlined font. All language shown simply in black font is existing language in the Ordinance. This Ordinance amendment only identifies language in Chapter 66, General Provisions, that is proposed to be amended.

TEXT OF PROPOSED AMENDMENTS CHAPTER 66, GENERAL PROVISIONS

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 or rather than this Chapter. Definitions are included in each of the following Chapters:

- 1) Chapter 74, Building and Building Regulations;
- 2) Chapter 78, Floods;
- 3) Chapter 82, Shoreland;
- 4) Chapter 86, Signs;
- 5) Chapter 90, Site Plan;
- 6) Chapter 94, Subdivisions;
- 7) Chapter 98, Technical Standards; and

- 8) Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Divisions 5, 7 and 8, and Chapter 102, Zoning, Article X, Contract Rezoning. (For example, Division 8 includes terms related to the regulation of medical marijuana, and Division 9 includes terms related to the regulation of solar energy systems.)

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

Solar Energy System. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

Solar Energy System, Active. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Ground-Mounted. An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small, medium, or large-scale).

Solar Energy System, Large-Scale. An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 4 acres (174,240 square feet), and that generates a nameplate capacity of 1 mgw or greater.

Solar Energy System, Medium-Scale. An Active Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 20,000 square feet but less than 4 acres (174,240 square feet), and that generates a nameplate capacity of about 125 kw to 1 mgw.

Solar Energy System, Roof-Mounted. An Active Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small, medium, or large-scale).

Solar Energy System, Small-Scale. An Active Solar Energy System whose physical size based on total airspace projected over the ground is less than 20,000 square feet and that generates a nameplate capacity of about 125 kw or less. A small-scale system typically is an accessory use to a principal use on the property.