

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

**SECOND READING - PROPOSED AMENDMENTS  
CITY CODE OF ORDINANCES  
CHAPTER 102, ZONING  
ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS  
DIVISION 9. SOLAR ENERGY SYSTEMS**

**Notes and Information to the Public on the Proposed Amendments.**

**1) Purpose of Amendment:**

The City adopted standards for all Solar Energy Systems on January 7, 2020. This proposal does not affect any of the language of the standards that were adopted. The sole purpose of this amendment is to change the identifying Section numbers for two Sections in the originally adopted amendments so that the Section numbers are consistent with the overall lay-out and format of the City Code of Ordinances. In short, this is a minor clean-up amendment that has no impact on the City's Solar Energy standards or policy.

**2) Recommendation of Belfast Planning Board.**

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

**3) Council Process for Consideration of Proposed Amendments.**

The proposed amendments were considered at a formal First Reading at the Tuesday, January 17, 2023 regular City Council meeting. The Council also conducted a public hearing at the First Reading, however, no public comment was received regarding this proposal.

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

#### 4) How to Offer Public Comment:

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

- a) Comment can be submitted in writing via email to [public@cityofbelfast.org](mailto:public@cityofbelfast.org). All email comment must be received by 2:00 pm on February 7, 2023. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- b) Comment can be submitted in writing via letter. The letter must be received by 2:00 pm on February 7, 2023, so it can be photocopied and presented to the Council. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- c) Comment can be orally presented to the Council at the February 7, 2023 public hearing. Oral comment should be limited to 3 minutes. The Council meeting that begins at 7:00 P.M. in the Council Chambers of Belfast City Hall, and the hearing will start as soon as practical after 7:00 pm. All oral comment must be delivered at the Council meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Council.

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

- 5) **Format of Amendment:** Language/text proposed to added to the existing Ordinance is shown in **Red Font**. Language/text proposed to be deleted/repealed from the existing Ordinance is shown in **Blue Strike-through Font**. Language/text in black font is existing language in the Ordinance that is not proposed to be changed through this amendment. The amendment also includes language in **Green Font** that identifies a Note regarding the proposed amendments.

#### 6) Questions and Information on the Proposed Amendments.

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

# TEXT OF PROPOSED AMENDMENT

## CITY OF BELFAST CODE OF ORDINANCES

### CHAPTER 102, ZONING

#### ARTICLE VIII. SUPPLEMENTARY DISTRICT REGULATIONS

##### Division 9. Solar Energy Systems.

**Sec 102-1090. Purpose and Applicability.** (Note - No Proposed Amendments to Sec 102-1090, thus, the text of this Section is not shown.)

**Sec 102-1091. Definitions.** (Note - No Proposed Amendments to Sec 102-1091, thus, the text of this Section is not shown.)

**Sec. 102-1092. Applicability.** (Note - No Proposed Amendments to Sec 102-1092, thus, the text of this Section is not shown.)

**Sec 102-1093. Permitting.** (Note - No Proposed Amendments to Sec 102-1093, thus, the text of this Section is not shown.)

**Sec. 102-1094. Application And Notification Requirements, All Permits.** (Note - No Proposed Amendments to Sec 102-1094, thus, the text of this Section is not shown.)

**Sec. 102-1095. Permit Application Requirements for Large-Scale Solar Energy System.** (Note - No Proposed Amendments to Sec 102-1095, thus, the text of this Section is not shown.)

**Sec. 102-1096. Permitted Use.** (Note - No Proposed Amendments to Sec 102-1096, thus, the text of this Section is not shown.)

**Sec. 102-1097. Dimensional Standards.** (Note - No Proposed Amendments to Sec 102-1097, thus, the text of this Section is not shown.)

**Sec. 102-1098. Standards for All Roof-Mounted and Small-Scale Ground Mounted Solar Energy Systems.** (Note - No Proposed Amendments to Sec 102-1098, thus, the text of this Section is not shown.)

**Sec. 102-1099. Additional Standards for Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems.** (Note - No Proposed Amendments to Sec 102-1099, thus, the text of this Section is not shown.)

**Sec. 102-~~1100~~1099.5. Additional Standards for Large-Scale Ground-Mounted Solar Energy Systems. (Note - Only change is to the Section number, change from 102-1100 to 1099.5. The complete text of this Section is identified below).**

In addition to the standards identified in Sec. 102-1097 and 102-1099, all large-scale solar energy systems shall comply with the following standards:

- (a) Visual Impact and Buffering. An applicant shall make reasonable efforts, as determined by the Planning Board, to minimize visual impacts associated with the installation of a large-scale solar energy system. The Board shall consider the size, location and topography of the site and the characteristics of the surrounding property and the amount and type of development on said properties in determining the amount and type of screening and buffering that it deems appropriate. Screening measures are required and may include but are not necessarily limited to the following: preserving natural vegetation, particularly in the setback area for the solar energy system; planting new vegetation, particularly in the setback area for the solar energy system; installing a raised berm and appropriate plantings, particularly in the setback area; and installing a fence.
- (b) Glare. Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar panel placement should be prioritized to minimize or negate any solar glare onto nearby properties or roadways to the maximum extent practical. Further, in the case of a solar energy system that could have an adverse impact on the safety of operations associated with the Belfast Airport, the Planning Board requires assurances that the installation and operation of the solar energy system would not have an unreasonable adverse impact on public safety. As such, the Belfast Planning Board has the authority to require any Applicant that proposes to install a large-scale ground-mounted solar energy system in an area that could affect the safety of airport operations to conduct a solar glare gauge analysis study as an element of the application submitted to the Planning Board. The Planning Board shall consider the results of the glare analysis in rendering a decision to approve or deny an application and any conditions of approval that its establishes on a permit application.
- (c) Operations and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the large scale solar energy system. The plan shall include measures for maintaining safe access to the installation as well as other general procedures for operational maintenance of the installation.
- (d) Emergency Management and Services. The owner of a large-scale solar energy system or operator shall prepare and provide a project summary, electric schematic, and site plan to the Code Enforcement Officer, the Fire Chief and the Chief of Police. Upon a request of the Fire Chief, the owner or operator shall cooperate with the Fire Department and other interested parties in preparing an emergency response plan. All City and County emergency management personnel shall be provided the name and contact information of the party responsible for the operation of the system.
- (e) Installation Conditions. The owner or operator of the large-scale solar energy system shall maintain the facility in good condition on an ongoing basis during the time period that the solar energy system is in operation. Maintenance shall include but is not limited to the following: painting, structural repairs, ground maintenance around the array, maintaining buffering measures

required by the Planning Board, maintaining the access road to the solar array, maintaining any stormwater management features required by the State or the City, and maintaining the integrity of security measures.

- (f) **Vegetation Management.** The owner or operator of a large-scale ground-mounted solar energy system shall prepare a vegetation management plan associated with the operation of the system. A large-scale ground-mounted solar energy system, by its nature, may occupy a large land area. An application for a large-scale ground-mounted system shall identify measures it will use to effectively manage vegetation. Methods may include but are not limited to vegetating the solar array area in a pollinator-friendly manner and allowing the area for the grazing of farm animals.
- (g) **Signage.** The owner or operator shall install a sign that identifies the name of the owner, the name of the operator, and a 24 hour emergency contact phone number for the operator. The sign shall be no greater than 36 inches by 60 inches in size and shall be no more than 8 feet in height from the adjacent ground grade. The sign shall not be internally illuminated, however, if necessary, it can be illuminated by minimal lighting that complies with the following standards: LED lighting that has a rating of no greater than 3,000 on the kelvin scale, the lighting is down-directed and shielded, and the lighting does not create any unreasonable glare on any adjacent road or neighboring property. The sign shall not display any advertising except for reasonable identification of the manufacturer or operator of the solar energy system.
- (h) **Removal of Solar Energy System.** A large-scale ground-mounted solar energy system that has reached the end of its useful life or that has been abandoned and not produced power for a period of twelve (12) consecutive months, shall be removed. The owner or operator shall provide notification to the Code Enforcement Officer by certified letter of the proposed date of discontinued operations, and shall prepare and submit a plan to the Code Enforcement Officer that identifies how all components of the solar energy system, including but not necessarily limited to the solar collectors, the mounting equipment, the transmission lines, and any security barriers shall be removed from the site. The Code Enforcement Officer must review and approve the removal plan, and the owner or operator, no more than 150 days after the date of discontinued operations, must complete the removal of the solar energy system in accordance with the approved plan. Further, the owner or operator shall dispose of all solid and hazardous waste in accordance with all applicable local, state and federal waste disposal regulations. Post removal of the solar energy system, the owner or operator shall stabilize and re-vegetate the site as necessary to minimize soil erosion. The owner or operator shall contact the Code Enforcement Officer for a final inspection of the removal of the system and to obtain a receipt of approval that the removal was performed successfully.
- (i) **Community Donation Option.** The operator of a ground-mounted solar energy system that has chosen to discontinue use of the system, may submit a plan for the review and approval of the Belfast Planning Board that identifies how the system can be donated to an appropriate community organization. Said plan shall identify the projected useful remaining life of the system, how the transfer shall occur, the responsibilities of the party that will

receive the donation regarding the operation and maintenance of the system, the financial and technical ability of the party that the system is donated to successfully operate the system, and how the receiving party will fulfill the responsibility to decommission the system upon the end of its useful life. The Board shall have the authority to approve or deny the requested donation option. If the Board denies the donation option, the owner operator shall proceed to remove the system.

- (j) Request to reactivate a discontinued large-scale solar energy system. An owner or operator may submit a written request to the Belfast Planning Board to reactivate a large-scale solar energy system that has been discontinued or abandoned due to extenuating circumstances. The Belfast Planning Board shall be responsible for the review and approval or denial of any written request to reactivate a solar energy system, subject to applicable review criteria for a new permit to operate the system. Unless the Board approves a request to reactivate the system, the solar energy system shall be considered abandoned.
- (k) Decommissioning of large-scale solar energy system and abandonment guarantee.
  - (1) Absent notice from the owner or operator of a date of decommissioning or written notice of extenuating circumstances and a request to reactivate the solar energy system, a large-scale solar energy system shall be considered to be abandoned when it fails to operate for a period of twelve or more consecutive months.
  - (2) At the time of Planning Board review of a Site Plan application and permit, the applicant for a new large-scale solar energy system shall identify how it shall provide a performance guarantee payable to the benefit of the City of Belfast, a municipal corporation, for all costs associated with the removal of an approved solar energy system that has been abandoned. The performance guarantee shall be equal to one hundred fifty (150) percent of the estimated cost of removal for the initial 10 year period of operation of the system. The applicant (owner), for each successive 10 year period that the solar energy system is in operation, shall be required to submit updated information to the Planning Board regarding all costs associated with the removal of an approved system, and the Board shall have the authority to identify the updated cost for the removal of the system. The applicant (owner), within 90 days of said determination by the Planning Board, shall provide the City a new performance guarantee in the amount identified by the Planning Board.

A performance guarantee can be in the form of a performance bond, surety bond, letter of credit, parent holding company guarantee, escrow account established with the City, or other form of financial assistance as may be acceptable to the City as determined by the Planning Board and legal counsel for the City of Belfast. The financial guarantee shall include a provision granting and guaranteeing the City the authority to access the funds and property and perform the decommissioning if the facility is abandoned and the owner or operator fails to meet their obligations to remove the solar energy system; reference Sec 102-1100(h). The applicant shall provide the City the identified performance guarantee prior to the issuance of a building permit by the Code Enforcement Officer for the solar energy system. The owner or operator shall also be

responsible for notifying the City in writing if the performance guarantee is revoked, and in such cases, shall provide the City a replacement guarantee that is found acceptable by legal counsel for the City within ninety (90) days, or the owner's or operator's permit to operate the system shall be revoked.

- (3) If the owner or operator of the solar energy system fails to remove the installation in accordance with requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the City retains the right to use the performance guarantee and all other available means to cause an abandoned, hazardous or decommissioned large-scale solar energy system to be removed.
- (4) If an owner or operator successfully removes a large scale solar energy system in accordance with requirements of this Section, and the City Code Enforcement finds that the removal was successfully completed, the owner or operator may apply to the Belfast Planning Board for the release of the performance guarantee identified in this Section. The City shall not unreasonably withhold the release of a performance guarantee post a determination by the Code Enforcement Officer that an owner or operator has successfully removed a solar energy system.

**Sec. 102-~~1101~~1099.75. Effective Date of Ordinance Amendment. (Note - Only change is to the Section number.)**

The City of Belfast City Council adopted this Ordinance at its meeting of January 7, 2020, and established that the effective date of these amendments shall be retroactive to January 1, 2020.