

**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 66, GENERAL PROVISIONS**

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

**1) Background Information and Purpose of Amendments:**

Chapter 66, General Provisions, identifies definitions that apply to Subpart B, Land Use Regulations, in the City Code of Ordinances. The general purposes of the amendments include:

- To eliminate current definitions that are more appropriately included only in Chapter 82, Shoreland, and/or to achieve greater consistency between the definition of some terms that apply both to Chapter 82, Shoreland, and Chapter 102, Zoning; such as the amendments proposed for the definition of a 'Stream'.
- The revisions to the definitions for home occupations are associated with the proposed adoption of specific standards in Chapter 102, Zoning, Article VIII, Supplementary District Standards, Division 1.5, Home Occupations.
- The new or revised definitions for artisan gallery, lumberyard, home improvement store, and several others are intended to assist in the interpretation of Ordinance requirements, particularly Chapter 102, Zoning.
- Revisions to the terms regarding aquaculture operations so that the definitions reflect the areas of such waters that are subject to regulation pursuant to Chapter 82, Shoreland requirements.

Interested persons are encouraged to read the text of the proposed amendments to develop a greater understanding of the revisions.

**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 comments were received regarding this amendment. 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 in black font is current language in the Ordinance that is not proposed to be changed by this amendment. Language/text proposed to be added to the existing Ordinance is shown in **Red Font**. Language/text proposed to be deleted from the existing Ordinance is shown in ~~Blue Strike-through Font~~.

#### **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 AMENDMENTS

### ALLEY

~~A space of 20 feet or less between structures.~~

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

AQUACULTURE, FRESHWATER. The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species in a freshwater waterbody; such as a stream, river, or pond. Said facility may involve the intake of marine waters **or freshwater** or discharge of waters to marine waters **or freshwater** and be considered a freshwater aquaculture operation. **If the freshwater activity occurs in a stream or river that is subject to tidal inundation, only aquaculture operations that occur in intertidal waters and above the low tide mark, or that occur on or that are attached/connected to a structure that is connected to shore shall be subject to City regulation pursuant to requirements of Chapter 82, Shoreland.**

AQUACULTURE, MARINE. The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species entirely within a marine environment, such as Belfast Bay. **Only aquaculture operations that occur in intertidal waters and above the low tide mark, or that occur on or are attached/connected to a structure that is connected to shore shall be subject to City regulation pursuant to requirements of Chapter 82, Shoreland.**

### **ARTISAN GALLERY**

**A gallery operated in a dwelling unit by a resident in which the person displays and offers for sale products made on the site by the owner or others who work on the site. An artisan gallery is a home occupation.**

### CLUSTER DEVELOPMENT

~~See "Cluster housing."~~

### CLUSTER HOUSING

~~A subdivision lot layout design that concentrates homes in specific areas on the site to allow the remaining land to be used for recreation, open space and the preservation of environmentally sensitive areas.~~

### **FOUNDATION**

The supporting substructure of a building or other structure, including, but not limited to, basements, slabs, sills, posts, ~~or~~ frost walls, or other base **consisting of concrete, block, brick, rock, or similar material.**

### **FUNCTIONALLY WATER-DEPENDENT USES**

Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal **and or** inland water and **which that** cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat facilities, marinas, navigation aids, basins and channels, **shoreline structures necessary for erosion control purposes**, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water and **which that** cannot reasonably be located or operated at an inland site, and uses **which that** primarily provide general public access to marine or tidal waters. **Recreational boat storage buildings are not considered to be a functionally water dependent use.** (NOTE: Consult Chapter 78, Floods, for a definition of functional water dependent use as it applies to Chapter 78 issues and text.)

### **HOME IMPROVEMENT STORE**

**A place of business that offers a wide range of products for sale to its customers, including but not necessarily limited to building materials, tools, equipment, appliances, landscaping, and similar home improvement products. The business generally operates from one main structure that is not less than 60,000 square feet in size, however, the business may also display products in outside areas, typically near the main building, and may include outside areas for the sale of landscaping and similar yard products.**

### **HOME OCCUPATION**

An activity ~~occupation or profession which~~ **carried out for gain by a resident that** is customarily conducted on or in a residential structure or property and **which that** is **clearly** incidental to and compatible with the residential use of the property and surrounding residential uses ~~and employs no more than two persons other than family members residing in the home, without display or advertising other than one sign not to exceed two square feet in area and containing no more than the name and business of each proprietor.~~ **Reference Chapter 102, Zoning, Article VIII, Supplementary District Standards, Division 1.5, Home Occupations, for the standards that apply to the allowed classes of home occupations.**

### ~~HOME OCCUPATION (EXPANDED DEFINITION)~~

~~A home occupation shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit. A home occupation shall be permitted if it complies with all of the following requirements:~~

- ~~(1) Permitted home occupations shall be carried out without altering the residential character of the structure or the rural character of the area or neighborhood or changing the character of the lot from its principal use as a residence.~~
- ~~(2) The general performance standards in the zoning regulations (chapter 102), where applicable, shall be met. Objectionable conditions such as, but not limited to, noise, smoke, dust, odors, or glare shall not be generated.~~
- ~~(3) No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in the neighborhood/area/zone.~~

- ~~(4) The home occupation shall be carried on wholly within the principal or accessory residential structures.~~
- ~~(5) The home occupation shall be carried on exclusively by a resident or resident members of the dwelling unit. In addition to the residents of the dwelling unit, no more than three full-time employees or that number of part-time employees required to do the work of three full-time employees may be employed in the home occupation on the site at any one time.~~
- ~~(6) Exterior storage for small quantities of materials may be permitted, provided that it is not incompatible with the residential/rural character of surrounding properties, and is not in the setback.~~

### **LUMBERYARD AND BUILDING SUPPLY BUSINESS**

**A place of business that involves multiple structures (a minimum of 3 and often more) and an area, including open storage, that is used for the sale, storage, and distribution of finished or rough-cut lumber, and that typically offers building materials, tools, equipment, and similar items for sale, and that often offers the delivery of purchased materials and on-site equipment repair. The main retail sales and customer service area/building is typically less than 25,000 square feet in size and shall not exceed 30,000 square feet in size.**

### **NONCONFORMING**

**A building, structure, or use of land legally existing at the time of adoption of this Ordinance or at the time of adoption of the prior Zoning Ordinance on July 16, 1985, which building, structure, or use of land does not conform with the provisions established by the shoreland zoning ordinance or the prior ordinance adopted July 16, 1985. (Note - Reference Chapter 82, Shoreland, for the definitions and standards that apply to a nonconforming situations in the Shoreland Zone.)**

### **NONCONFORMING LOT UNDER PROVISIONS OF THE SHORELAND ZONING ORDINANCE**

**A single lot of record which, at the effective date of adoption or amendment of the shoreland zoning ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.**

### **NONCONFORMING STRUCTURE UNDER PROVISIONS OF THE SHORELAND ZONING ORDINANCE**

**A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, which is allowed solely because it was in lawful existence at the time the shoreland zoning ordinance or a subsequent amendment took effect.**

### **NONCONFORMING USE UNDER PROVISIONS OF THE SHORELAND ZONING ORDINANCE**

**Use of a building, structure, premises, land or part thereof which is not permitted in the district in which it is situated, but which is allowed to remain because it was in lawful**

~~existence at the time the shoreland zoning ordinance or a subsequent amendment took effect.~~

#### **NORMAL HIGH-WATER MARK (LINE) (NON-TIDAL WATERS)**

~~That~~ **The** line ~~which~~ **that** is apparent from visible markings or changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. ~~In the case of wetlands adjacent to~~ **Areas contiguous with** rivers and great ponds **the that support non-forested wetland vegetation and hydric soils, and that are at the same or lower elevation as the water level of the river or great pond during the period of** normal high-water ~~line is the upland edge of the wetland, and not the edge of the open water~~ **are considered part of the river or great pond.**

#### **PLANNED UNIT DEVELOPMENT**

Land under unified management, planned and developed as a whole according to comprehensive and detailed plans. Any use permitted in the district in which a planned unit development is located shall be allowed within the development, as well as a multi-dwelling unit structure. Such development can involve new construction or the conversion of existing structures.

#### **RETAIL USE, BUILDING SUPPLY**

A retail store in which the predominant amount of goods offered for sale include products such as but not limited to the following: durable equipment sales, contractors' sales, hardware supplies and lumber.

#### **RETAIL USE, GENERAL MERCHANDISE, CLOTHING AND/OR GROCERIES**

A retail store in which the predominant amount of goods offered for sale include products such as but not limited to the following: clothing, furniture, shoes, electronics, household durable goods, home furnishings, dry goods stores, pharmaceuticals, jewelry, sporting goods, antiques, books, and food/groceries.

#### **RIVER**

A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed ~~15~~ **25** square miles to its mouth.

#### **STREAM**

A free-flowing body of water from the outlet of a great pond or the point of confluence of ~~two~~ **2** perennial streams as depicted on the most recent edition, **highest resolution version of the national hydrography dataset available from the** United States Geological Survey ~~7.5-minute series topographic map, or, if not available, a 15-minute series topographic map, on the website of the United States Geological Survey or the nations map~~ to the point where the ~~body of water~~ **stream** becomes a river **or where the stream meets the shoreland zone or another water body or wetland.** ~~Intermittent streams run six months or less during any twelve-month period.~~ **When the stream meets the shoreland zone of a water body or wetland and a channel downstream of the waterbody or wetland as an outlet, that channel is also a stream. Also** ~~S~~ **see the definition for a** ~~T~~ **ributary** stream.

## **WATER CROSSING**

Any project extending from one bank to the opposite bank of a river, ~~or~~ stream, **tributary stream or wetland**, whether under, through, or over the ~~watercourse~~ **water or wetland**. Such projects include, but are not necessarily limited to: roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. **This definition includes timber harvesting equipment and related activities.**

## ~~WETLAND ASSOCIATED WITH GREAT PONDS AND RIVERS~~

~~Wetlands contiguous to or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with a great pond or river are considered to be part of that great pond or river.~~