

**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 30, MARINE ACTIVITIES**

Notes & Information to the Public on the Proposed Amendments.

1) Background Information and Purpose of Amendments:

Chapter 30, Marine Activities, identifies the Ordinance requirements associated with operations in Belfast Harbor and the roles of the Belfast Harbor Committee and Belfast Harbormaster. Several provisions in the Ordinance identify the Committee's role in the review of permit applications involving marine uses that are subject to Shoreland Zoning or Contract Rezoning requirements, as well as the designation of 'wharf lines' that mostly apply to the development of piers, docks, floats, and similar structures that are attached to shore.

The Planning Board is recommending a series of 'clean-up' amendments to the provisions in Chapter 30 that are associated with Shoreland Zoning and Contract Rezoning requirements. The intent of the proposed amendments is to ensure consistency in these standards that are also identified in Chapter 82, Shoreland, and Chapter 102, Zoning, both Article V, District Regulations, and Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts and the Waterfront Development Shoreland District.

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 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. 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, 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 existing language in the Ordinance that is not proposed to be changed through this amendment. Language/text proposed to be 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 that is **highlighted in Yellow** identifies a date that needs to be added to final Ordinance if the Council adopts 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, 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.

TEXT OF PROPOSED AMENDMENTS

Chapter 30. Marine Activities

ARTICLE II. Harbors

DIVISION 4. Belfast Harbor

Sec. 30-92. Harbor limits. (See Appendix B to Ord. No. 55-2003.)

[Ord. No. 55-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004]

For the purpose of this ~~a~~Article, the harbor limits shall be defined as follows:

- (1) Coastal Harbor. The Coastal Harbor of Belfast shall be defined as an area bounded on the south by a line extending from the Northport/Belfast town line (44° 25.573N, 68° 59.994W) to the Searsport/Belfast town line (44° 25.744N, 68° 59.526W) and on the north by a line from point "A" at Steamboat Landing (44° 25.726N, 69° 00.211W) to point "B" near Goose River (44° 25.882N, 68° 59.968W).
- (2) Outer Harbor. The Outer Harbor of Belfast shall be defined as an area bounded on the south by a line from point "A" at Steamboat Landing to point "B" at Goose River, and on the north by a line on the north side and parallel to the outer section of the breakwater, point "C", (44° 25.880N, 69° 00.582W) to point "D" (44° 25.975N, 69° 00.408W) on the eastern shore of the harbor.
- (3) Inner Harbor. The Inner Harbor of Belfast shall be defined as an area bounded on the south by a line on the north side of and parallel to the outer section of the breakwater, point "C", to the eastern shore of the harbor, point "D", and on the north by the **Armistice Bridge (foot bridge)**, (44° 26.987N, 69° 02.105W).
- (3.5) Bridge Harbor. The Bridge Harbor of Belfast shall be defined as an area bounded on the south by the northerly face of the **Armistice Bridge (foot bridge)**, and on the north by the northerly face of the Veteran's Memorial Bridge.
- (4) River Area. The River of Belfast shall be defined as an area bounded on the south by the northerly face of the Veteran's Memorial Bridge, and on the north at the head of tide.

Sec. 30-95. Wharf lines.

[Ord. No. 55-2003, 6-17-2003; Ord. No. 3-2005, 7-20-2004]

A wharf line is established in Belfast Harbor beyond which there shall be no marine construction of piers, wharves, docks, floats, or similar structures connected to the land. No construction within these boundaries shall infringe on or encroach upon any channel located in Belfast

Harbor. Wharf lines are further described as follows **and are generally depicted on the Official Wharf Line Map:**

- (1) Coastal Harbor wharf line. Any point or location not to exceed 300 feet from the normal high water mark.
- (2) Outer Harbor wharf line. Any point or location not to exceed 200 feet from the normal high water mark. **Notwithstanding this provision, the City Council shall have the authority to adopt a contract rezoning agreement for a specific property that has shore frontage in the Outer Harbor and that is located in the Waterfront Development Shoreland Zone regarding the specific designation of the wharf line for that property; reference Chapter 102, Zoning, Article X, Contract Rezoning, Division 4, Waterfront Mixed Use-1 and Waterfront Mixed Use-2 Zoning Districts and Waterfront Development Shoreland District.**
- (3) Inner Harbor wharf line.
 - a. West side of harbor. Any point or location not to exceed ~~100 feet from the normal high water mark. Notwithstanding this provision, if a property is located in both the waterfront mixed use zoning district and the waterfront development shoreland district, the wharf line, through the contract rezoning process for the above named districts that is established in chapter 82, shoreland and chapter 102, zoning, may allow a structure to exceed the limit of 100 feet, provided the limit is no less than~~ 25 feet from the designated channel for Belfast Harbor.
 - b. East side of harbor. Any point or location not to exceed 100 feet from the normal high water mark.
- (3.5) Bridge harbor wharf line.
 - a. West side of harbor. Any point or location that is a minimum of 25 feet from the designated channel of Belfast Harbor.
 - b. East side of harbor. Any point or location that is a minimum of 100 feet from the normal high water mark if the structure is connected to the shore. If the structure is connected to the **Armistice Bridge** (foot bridge), any point or location that is a minimum of 25 feet from the designated channel of Belfast Harbor.
- (4) River area wharf line. Any point or location not to exceed 100 feet from the normal high water mark.

DIVISION 5. Harbor Rules and Regulations

Sec. 30-132. Harbor ~~a~~Advisory ~~e~~Committee review of shoreland permit applications.
[Ord. No. 3-2005, 7-20-2004]

The Belfast Harbor Advisory Committee shall participate in the administrative process regarding the following shoreland permit applications:

- (1) A pier, dock, wharf, bridge, or other structure and use extending over or below the normal high water line of a river or salt-water body or the upland edge of a coastal wetland;
- (2) A marina; and
- (3) Aquaculture **operations located in Belfast Harbor that are subject to regulation pursuant to Chapter 82, Shoreland.**

The ~~h~~Harbor ~~a~~Advisory ~~e~~Committee's review of such permits shall occur in accordance with City ~~e~~Code of ~~o~~Ordinances, ~~e~~Chapter 82, ~~s~~Shoreland, ~~s~~Section 82-54, procedure for permits issued by ~~p~~Planning ~~b~~Board. The ~~e~~Committee shall make a recommendation to the ~~p~~Planning ~~b~~Board regarding a project's compliance with standards identified in ~~e~~Chapter 82, ~~s~~Shoreland, ~~a~~Article V, ~~l~~Land ~~u~~Use ~~s~~Standards, ~~d~~Division 3, ~~s~~Section 82-204. **Certain aquaculture operations in Belfast Harbor are also subject to standards identified in Chapter 82, Shoreland, Article V, Land Use Standards, Division 21, Marine Aquaculture Operations.**

The ~~h~~Harbor ~~a~~Advisory ~~e~~Committee, per the procedures and requirements established in ~~e~~Chapter 82, ~~s~~Shoreland, and ~~e~~Chapter 102, ~~z~~Zoning, ~~a~~Article X, ~~e~~Contract ~~r~~Rezoning, ~~d~~Division 4, ~~w~~Waterfront ~~m~~Mixed ~~u~~Use-1 **and Waterfront Mixed Use-2** zoning districts and ~~w~~Waterfront ~~d~~Development ~~s~~Shoreland ~~d~~District, shall participate in the review of an application to use contract rezoning.