

**CITY OF BELFAST PLANNING BOARD
PUBLIC HEARING - PROPOSED ORDINANCE AMENDMENT
THURSDAY, DECEMBER 13, 2018 6:00 PM
COUNCIL CHAMBERS, BELFAST CITY HALL**

**AMENDMENTS TO CHAPTER 102, ZONING
ARTICLE X, CONTRACT REZONING
DIVISION 3, RESIDENTIAL 1 & 2 ZONING DISTRICTS**

1) Background Information and Explanation of Proposed Amendments

The City amended the City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, in October 2014 to extend the contract rezoning option to a number of properties located in the Residential 1 or Residential 2 zoning districts (located in the Inside the Bypass area). Most of these properties were either houses that were greater than 4,5000 square feet in size, or former public buildings, such as the former Crosby School or former Sheriff's office on Congress Street.

The City Planning Board, at the request of the Code and Planning Department, is now presenting two amendments to the Contract Rezoning provisions adopted in October 2014. The amendments include:

- Eliminating the requirement that if a multi-family housing project is proposed/established in the former Peirce School located at 24 Church Street or the former White House B&B located at 19 Church Street pursuant to a contract rezoning agreement, that the multi-family housing project must be established as a condominium form of ownership. The proposal to eliminate this requirement would allow multi-family housing to be either rental or ownership housing. The 24 Church Street property is currently on the market and several buyers have expressed interest in developing the property as rental housing.
- Allowing certain uses to be considered through a contract rezoning agreement for the former Group Home Foundation property located at 80 High Street. Volunteers of America (VOA) is in the process of acquiring ownership of this property through the Maine State Housing Authority. They would like to develop the property as a group home for seniors, two market rate one bedroom apartments and ancillary office space. The present Residential 1 zoning district for this property does not allow all of the above uses. The City proposes to establish contract rezoning for this property so a greater range of uses can be considered.

The Planning Board and Code and Planning Department, in presenting this proposal for the public's consideration, notes that both the City Council and Planning Board have identified the development of additional rental housing as a high priority need in Belfast. Both have considered and adopted Ordinance amendments within the past 2+ years to help address this need. The Planning Board and Department believe that both of the above proposed amendments are consistent with the City's goal of encouraging the development of more rental housing.

2) **Planning Board Hearing of December 13, 2018 and Role of Planning Board**

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 shall conduct a public hearing at its meeting of December 13 for the purpose of obtaining public comment on the amendments identified in this proposal. The Board, following the public hearing, will vote on the recommendation that it will offer on this proposal to the City Council. The City Council will subsequently conduct a public hearing on the amendments following its receipt of a recommendation from the Planning Board. The City Council must vote to adopt the amendments for the proposed amendments to become part of City Ordinances.

3) **How to Offer Public Comment to the Planning Board on the Proposed Amendments.**

The public may offer comment on or by the date of the December 13, 2018 Planning Board public hearing in one of three ways:

- You can attend the December 13 public hearing and offer verbal comment to the Planning Board at the hearing.
- You can submit comment in writing to: Wayne Marshall, Code and Planning, City of Belfast, 131 Church St, Belfast, ME, 04915.
- You can submit comment via email to: **public@cityofbelfast.org**.

All comment that is provided in writing or via email will be provided to the Planning Board at or before the hearing. If you chose to submit comment in writing or via email, we ask that you do so by 2:00 pm on December 13 so that copies can be made for the Planning Board in advance of the 6:00 pm public hearing. The Planning Board gives equal consideration to all forms of comment that are offered.

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

4) **Text Shown in Amendments.**

The Ordinance amendments identify only the section of Article X, Contract Rezoning, Division 3, Residential 1 and Residential 2 zoning districts that is proposed to be amended.

A text of all of the current language for the above Division is shown as an accompanying document on the City of Belfast website, cityofbelfast.org. It is shown under Planning and Codes, Related Links, December 13, 2018 Hearings.

5) **Format of Amendments.**

All text shown in black font is current text in the adopted City Code of Ordinances, Chapter 102, Zoning. **All text shown in red font** is new language that is proposed to be added, and ~~all text shown in blue and strike-through font~~ is existing language that is proposed to be deleted.

TEXT OF PROPOSED AMENDMENTS

Chapter 102. ZONING

ARTICLE X. CONTRACT REZONING.

DIVISION 3. Residential 1 and Residential 2 Zoning Districts.

Sec. 102-1401. Properties located in the Residential 1 zoning district and applications for said properties which are subject to the contract rezoning process.

The following properties located in the Residential 1 zoning district shall comply with the contract rezoning process established in this division in submitting an application for the uses identified for said properties listed in clauses (a) - (d). All of the identified uses are uses that are prohibited in the Residential 1 zoning district, unless the application is submitted pursuant to the Division 3 contract rezoning process. Also, if an application includes a use or uses that are permitted in the Residential 1 zoning district, and also includes a use or uses that are permitted only through this Division, all proposed uses of the property identified in the application shall be subject to the contract rezoning process.

- (a) An application to establish any of the following uses elderly congregate residential housing facility on a property identified as Map 37 Lot 151, the former "Bradbury Manor Nursing Home": multi-family dwelling; owner occupied boarding or owner occupied lodging house with 4 or more boarders or lodgers; owner occupied group home or owner occupied hospice with a capacity of 9 or more residents; group home with a capacity of 9 or more residents; congregate care, residential retirement housing, assisted living facility or hospice with 7 or more residents; nursing home, nursing center, and nursing facility; inn, hotel or motel; bed and breakfast, class 3, that can conduct a greater number of special functions than permitted pursuant to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments; fitness center, exercise/dance studio; recreational facility, indoor; museum; personal services; professional offices; retail sales, but only if retail occupies less than 25 percent of the total floor area of a multiple use facility; and health care facilities/offices.
- (b) An application to establish any of the uses identified in this section for any of the following respective properties: Map 11, Lot 167, the former Crosby School located at 96 Church Street; Map 11, Lot 255, located at 17 Court Street; and Map 11, Lot 96, located at 213 High Street. Uses permitted through the contract rezoning process include: multi-family dwelling; owner occupied boarding or owner occupied lodging house with 4 or more boarders or lodgers; owner occupied group home or owner occupied hospice with a capacity of 9 or more residents; group home with a capacity of 9 or more residents; congregate care, residential retirement housing, assisted living facility or hospice with 7 or more residents; nursing home, nursing center, and nursing facility; inn, hotel or motel; bed and breakfast, class 3, owner or non-owner occupied, that can conduct a greater number of special functions than permitted pursuant to Chapter 102, Zoning,

Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments; fitness center; exercise/dance studio; recreational facility, indoor; museum; community center; social club; theater/performing arts center; restaurant with indoor seating; restaurant, outdoor; restaurant, take out; restaurant, ice cream stand; personal services; professional offices; retail store; research laboratory; health care facilities/offices; health services; and craft sales.

- (c) An application to establish any of the uses identified in this section for any of the following respective properties: Map 36, Lot 145, the former Peirce School located at 24 Church Street, and Map 36, Lot 178, the James P. White House, located at 19 Church Street. Uses permitted through the contract rezoning process include: multi-family dwelling, ~~however, the dwelling units must be subject to a condominium form of ownership~~; owner occupied boarding or owner occupied lodging house with 4 or more boarders or lodgers; owner occupied group home or owner occupied hospice with a capacity of 9 or more residents; group home with a capacity of 9 or more residents; congregate care, residential retirement housing, assisted living facility or hospice with 7 or more residents; nursing home, nursing center, and nursing facility; bed and breakfast, class 3, owner or non-owner occupied, that can conduct a greater number of special functions than permitted pursuant to Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 6, Bed and Breakfast Establishments; inn, hotel or motel; fitness center; exercise/dance studio; recreational facility, indoor; museum; community center; social club; theater/performing arts center; restaurant with indoor seating; restaurant, outdoor; personal services; professional offices; health care facilities/offices; health services; and craft sales.
- (d) An application to establish any of the following uses on the portion of the property identified as Unit 1 and Unit 2 on the Congress Street Hill, a Condominium plan approved by the City of Belfast Planning Board on November 14, 2012, said property being part of Map 10, Lot 36, that is located at 45 Congress Street **or on a property identified as Map 37/Lot 153, that is located at 80 High Street, that formerly was owned and operated by the Group Home Foundation**: multi-family dwelling; owner occupied boarding or owner occupied lodging house with 4 or more boarders or lodgers; owner occupied group home or owner occupied hospice with a capacity of 9 or more residents; group home with a capacity of 9 or more residents; congregate care, residential retirement housing, assisted living facility or hospice with 7 or more residents; nursing home, nursing center or nursing facility; museum; community center; personal services; and professional offices.