



CITY OF BELFAST, MAINE 04915

131 Church Street

CODE & PLANNING DEPARTMENT

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**NOTICE TO PROPERTY OWNER
SECOND READING & PUBLIC HEARING
AMENDMENTS TO CITY ZONING ORDINANCES
CITY COUNCIL MEETING - TUESDAY, JANUARY 15, 2019**

December 21, 2018

Dear Property Owner:

The Belfast City Council, at its meeting of Tuesday, January 15, 2019, beginning at 7:00 pm or as soon as practical thereafter, in the Council Chambers of Belfast City Hall that is located at 131 Church Street, shall conduct the Second Reading and an accompanying public hearing on two proposed amendments to City Code of Ordinances, Chapter 102, Zoning, Article X, Contract Rezoning, Division 3, Residential 1 and Residential 2 zoning districts. The proposed amendments would affect 3 properties in the Residential 1 zoning district: the former Peirce School located at 24 Church Street, the James B. White property located at 19 Church Street, and the former Group Home Foundation group home and property located at 80 High Street.

What Amendments Are Proposed?

The City, in October 2014, adopted amendments to the City Code of Ordinances that affected all properties and zoning districts located in the Inside the Bypass area. One provision in the amendments created an opportunity for about 15 properties to request review pursuant to a contract rezoning process. This process would potentially allow a property to be developed for a use that otherwise would be prohibited in the Residential 1 zone. The properties identified in the 2014 Ordinance amendments for contract rezoning typically were former public buildings (such as the former Crosby School or Sheriff's Office) or houses that had habitable floor space in excess of 4,500 square feet.

The City is now considering amendments to the contract rezoning provisions adopted in 2014 that would affect the previously mentioned 3 properties. Following is a description of the proposed amendments that will be considered at the January 15 Second Reading and public hearing. Public comment will be accepted on either or both of the following proposals.

Proposed amendments that apply to the former Peirce School property located at 24 Church Street and the James B. White property located at 19 Church Street.

The City now allows the owner of these properties to request a contract rezoning agreement to allow certain uses that otherwise are not allowed in the Residential 1 zoning district. One of

these uses is multi-family housing. The 2014 amendments, however, required that any multi-family housing be subject to a condominium form of ownership. The proposed 2018 amendments eliminate this latter requirement, meaning that either property could be developed for any type of multi-family housing, including rentals. Following is the specific language for the Ordinance amendment that is proposed. The language identified in bold strike-through font is the current Ordinance language that would be amended (eliminated).

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.

- (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.

Proposed amendments that would apply to the former Group Home Foundation property located at 80 High Street.

The 2014 Ordinance amendments did not include the former Group Home Foundation property as a property that could request redevelopment pursuant to a contract rezoning agreement. Group Home Foundation had successfully operated a group home for persons with disabilities on this property for nearly 40 years, and the City, at that time, did not consider the possibility that they would no longer be able to operate a group home. That changed in 2016 when Group Home Foundation ceased operations. The U.S. Dept of Housing and Urban Development and Maine State Housing Authority (current owner) are in the process of conveying ownership of the property to Volunteers of America (VOA). VOA continues to explore redevelopment options for the property, most of which involve some form of multi-family housing or a group home. The City is now proposing to extend the option of a contract rezoning agreement for this property to enhance opportunities for reuse of the property. Following is the specific language for the Ordinance amendment that is proposed. Language identified in bold and italics font is

language that is proposed to be added to current Ordinances.

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.

- (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.

How Can I Offer Comment On These Ordinance Amendments to the City Council?

The Belfast Planning Board conducted a public hearing on the proposed Ordinance amendments at its meeting of December 13 2018. The Board voted 4-1-1 to support the amendments regarding the Peirce School and James B. White properties, and voted 5-0-1 to support the amendments regarding the former Group Home Foundation property.

The City Council considered the First Reading of the proposed amendments recommended by the Planning Board at its meeting of December 18, 2018, and also conducted a public hearing at this same meeting. The Council voted to schedule the proposed amendments for Second Reading and public hearing at the Council meeting of January 15, 2019. The Council will conduct a public hearing in conjunction with the Second Reading. You may offer comment to the Council for this public hearing in any one of three ways:

- You can attend the public hearing and offer verbal/oral comment to the City Council at the hearing.
- You can submit comment in writing to: Wayne Marshall, Director, 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 City Council at or before the hearing. If you chose to submit comment in writing or via email, we ask that you do so by 3:00 pm on January 15 so that copies can be made for the Council in advance of the scheduled public hearing. The City Council gives equal consideration to all forms of comment that are offered. Also, written/email comment should be provided directly to the Code and Planning Department so it is part of the formal hearing record.

What Actions Can The City Council Take On January 15, 2019?

The City Council is the legislative body for the City of Belfast. The January 15 meeting is considered the formal Second Reading of the amendments. The Council, at its meeting of January 15, after conducting a duly noticed public hearing, has the authority to take any one of the following actions on the proposed amendments:

- Adopt the amendments as presented;
- Reject the amendments as presented;
- Table action on the amendments and schedule action for a future Council meeting; or
- Amend the language in the proposed amendments. If the Council makes a substantive amendment to the Ordinance proposals, it must conduct a follow-up duly noticed public hearing on the amended language.

Where Can I Find Additional Information Regarding The Proposed Amendments?

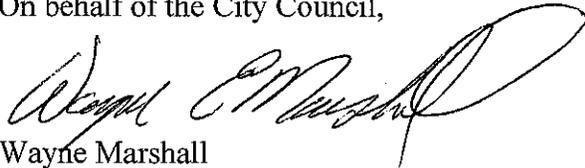
The Ordinance amendments and initial application submitted by Reservoir Ventures, LLC for redevelopment of the Peirce School, have now been publicly discussed at three meetings. The videos of all of the following meetings can be viewed on the City website, cityofbelfast.org; reference the watch meetings link and find the meeting you want to watch. The meeting videos include:

- December 12, 2018 Planning Board meeting. Planning Board conducted an initial review of the application for a contract rezoning agreement that was submitted by Reservoir Ventures, LLC. It is noted that the Planning Board will not be conducting any further review of this application until the Council decides to adopt or reject the proposed Ordinance amendments.
- December 13, 2018 Planning Board meeting. The Planning Board conducted a public hearing on the proposed Ordinance amendments that are now before the Council.
- December 18, 2018 City Council meeting. The City Council conducted the First Reading of the proposed amendments and an accompanying public hearing.

Additional information can be found on the city website, cityofbelfast.org, under the Planning and Codes link. Reference the heading, January 15, 2019 Hearing - Contract Rezone Amends.

Lastly, questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Director, Code & Planning at 338-1417 x 125 or at either wmarshall@cityofbelfast.org or public@cityofbelfast.org.

On behalf of the City Council,



Wayne Marshall
Director, Code & Planning