

**CITY OF BELFAST CITY COUNCIL
SECOND READING & PUBLIC HEARING
PROPOSED ORDINANCE AMENDMENT
TUESDAY, JANUARY 15, 2019 7:00 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, considered two amendments to the Contract Rezoning Ordinance provisions adopted in October 2014. The Board discussed the specific amendments at a November 14, 2018 workshop, and subsequently conducted a December 13 public hearing on the two proposals. The Board, following the December 13 public hearing, voted to recommend both of the following amendments to the Council:

- a. Eliminating the requirement that if a multi-family housing project is proposed/established pursuant to a contract rezoning agreement in the former Peirce School located at 24 Church Street or the James B. White property located at 19 Church Street, 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 have any form of ownership, including rentals. Reservoir Ventures, LLC, has a purchase and sale agreement to buy the 24 Church Street (Peirce School) property and recently submitted an application to the Planning Board to redevelop the property as rental housing. The Board voted 4 - 1 - 1 to recommend this proposed Ordinance amendment to the Council. Board members Ryan, Bond, Beal and Townsend voted in favor, Corey opposed and O'Connor recused himself from the discussion and vote.
- b. 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 (MSHA). They are now working with the Dept of Health and Human Services (DHHS) and MSHA to determine how best to redevelop the property to meet local housing needs. The present Residential 1 zoning district for this property does not allow many of the housing options that are being explored. The

proposal is to establish contract rezoning for this property so a greater range of uses can be considered. The Board voted 5 - 0 - 1 to recommend this proposal to the Council. Board members Ryan, Bond, Corey, Beal and Townsend voted in favor and O'Connor recused himself from the discussion and vote.

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/or adopted Ordinance amendments within the past 2+ years to help address this need. The Planning Board also conducted a public hearing on September 19, 2018, regarding the City's interest and proposals to encourage more rental housing, and sent written notice of this hearing to all property owners located in the Residential 1, 2 or 3 zoning districts. 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) City Council Public Hearing Process

The City Council conducted the First Reading of the Ordinance amendments recommended by the Planning Board at its meeting of Tuesday, December 18, 2018, and conducted a public hearing at this same meeting. Several persons spoke at the hearing or chose to submit written comment, with all comments directed to the proposed amendments for the Peirce School and James B. White properties. The purpose of the First Reading was to make the public aware of the proposal and to provide the Council an opportunity to offer its direction on the Ordinance proposal. The Council, at the First Reading, chose to accept the language as presented and scheduled the Ordinance proposal for Second Reading and public hearing at the Council meeting of Tuesday, January 15, 2019.

The Council, at the January 15 Second Reading and following the public hearing, has the authority to take any of the following actions on the Ordinance amendments: to adopt the amendments as presented, to reject the amendments as presented, to table action on the amendments, or to make changes to the proposed amendments. If the Council votes to adopt the amendments, the amendments will become part of the City Code of Ordinances. If there are any substantive amendments to the proposal, the Council will conduct a follow-up duly noticed public hearing.

3) How to Offer Public Comment to the Council on the Proposed Amendments.

The public may offer comment on or by the date of the January 15, 2019 public hearing in one of three ways:

- You can attend the public hearing and offer verbal comment to the City Council 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 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 date of the hearing 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 this office so it is part of the formal hearing record.

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, January 15, 2019 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.