

**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 102, ZONING
ARTICLE X, CONTRACT REZONING,
DIVISION 2, OFFICE PARK, ROUTE 3 COMMERCIAL, AND SEARSPORT
AVENUE COMMERCIAL ZONING DISTRICTS**

Notes & Information to the Public on the Proposed Amendments.

1) Background Information and Purpose of Amendments:

Contract rezoning is now required for certain retail uses in the Searsport Avenue Commercial, Route 3 Commercial, and Office Park zoning districts. Current requirements and how the current requirements would be affected by the proposed amendments are outlined below, and are more specifically described in the text of the proposed amendments.

Searsport Avenue Commercial Zone. Contract rezoning has been required for retail uses that are greater than 40,000 square feet, but less than 75,000 square feet, in the Searsport Avenue Commercial zoning district since 2001, as has the floating zone. The Planning Board is recommending repealing the requirement to use the contract rezoning process for retail uses of this size, and in lieu of such, relying on the Chapter 90, Site Plan, process to review such projects. In addition, the Board is recommending the repeal of the floating zone provision. The floating zone provision required the City Council to reduce the amount of area within the Searsport Avenue Commercial zone that could be used for a larger retail use once (if) a larger retail use occurred. The Board supported the recommendation of Planning and Codes Department staff to repeal the above requirements and to use the Site Plan review process that is in place in other zoning districts that allow retail uses of this size.

Route 3 Commercial Zone. In the Route 3 Commercial zoning district, the Board, as recommended by Planning and Codes Department staff, is proposing to revise some of the current requirements that now apply to the review of a retail use greater than 75,000 square feet in size that offers general merchandise, groceries, and/or clothing for sale, and current requirements that apply to Map 5/Lot 23 regarding the preparation of a master plan for this property, and a Comprehensive Economic and Community Impact Analysis for a project that involves a retail use greater than 75,000 square feet in size. The above requirements were adopted in 2007. The main proposed changes to the contract rezoning process include:

- The requirement to prepare a master plan for Map 5/Lot 23 (78 acre property adjacent to Tractor Supply store) that was purchased by WaldoCAP in 2021 is proposed to be repealed. The master plan requirement and the review process of the same did not add value to the City's review of the Tractor Supply project, and is difficult to implement for a project that does not involve the development of the entire property.

- The requirement for an applicant that proposes a retail use greater than 75,000 square feet to provide funds to the City so the City can prepare a Comprehensive Economic and Social Impact Study regarding project impacts would remain.
- A retail use that is greater than 75,000 sq ft in size that offers clothing, groceries and general merchandise for sale would be permitted on any property in the Route 3 Commercial zoning district that is located on the northwesterly side of Route 3 between the Route 1 Bypass and Crocker Road, and any such use would be subject to the contract rezoning process. This revision clarifies current provisions for the Route 3 Commercial zoning district.

Office Park Zone. In the Office Park zoning district, the contract rezoning requirements would be made consistent with Ordinance amendments adopted for this zone in 2019. The only property that would be subject to the contract rezoning process is Map 5, Lot 7, a 31 acre property located at 145 Lincolnville Avenue. Contract rezoning would apply to a retail use or uses that exceed the established size limit for this area: a maximum of 4,000 square feet/retail use and no more than 3 such uses in a single structure. The maximum size of all retail uses on the property permitted pursuant to the contract rezoning process would be 75,000 square feet.

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 proposed to 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/text in black font is existing language in the Ordinance that is not proposed to be changed through this amendment. 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
ARTICLE X, CONTRACT REZONING, DIVISION 2, OFFICE PARK, ROUTE 3 COMMERCIAL,
AND SEARSPORT AVENUE COMMERCIAL

CHAPTER 102, ZONING

ARTICLE X, CONTRACT REZONING.

DIVISION 2. Office Park District, and Route 3 Commercial District, ~~and Searsport Avenue Commercial District.~~

Sec. 102-1381 Authority and purpose of contract rezoning for the Office Park and Route 3 Commercial ~~specific districts and floating zone for Searsport Avenue Commercial Districts.~~

[Ord. of 1-29-2008(3)]

This ~~d~~Division is adopted pursuant to the authority delegated to municipalities under 30-AM.R.S.A. § 4352(8), and the ~~adopted~~ City ~~e~~Comprehensive ~~p~~Plan. This section of ~~s~~State ~~s~~Statutes describes when and how a City can use contract rezoning. The ~~council also adopted revisions to the~~ ~~adopted~~ ~~e~~Comprehensive ~~p~~Plan ~~to~~ specifically ~~identifies allow~~ the use of contract rezoning to regulate certain large-scale retail uses in specific zoning districts, and ~~to~~ grants the ~~e~~Council discretion in determining what projects should be subject to contract rezoning.

Sec. 102-1382 Searsport Avenue Commercial District floating zone to regulate certain retail uses and structures that are more than 40,000 square feet in size, but less than 75,000 square feet.

[Ord. of 1-29-2008(3)]

Section 102-1382 was repealed on --- identify date of Council action --- by the City Council.

~~(a) Description of area subject to floating zone. The City hereby establishes a floating zone to identify the area located within the Searsport Avenue Commercial District in which a retail use or structure that is a minimum of 40,000 square feet in size, but less than 75,000 square feet in size can be located. This floating zone within the Searsport Avenue Commercial District also shall apply to any shopping center that is a minimum of 40,000 square feet in size, but less than 75,000 square feet in size that includes one or more retail uses. This floating zone shall apply only to the area within the Searsport Avenue Commercial District, and does not apply to any property within the Searsport Avenue Special Commercial District.~~

~~(b) Minimum development standards. A candidate site in the Searsport Avenue Commercial District shall satisfy all of the following minimum development standards to allow its consideration as a potential location for a retail use or structure that is a minimum of 40,000 square feet in size, but less than 75,000 square feet in size. These same requirements also shall apply to any shopping center that is a minimum of 40,000 square feet in size, but less than 75,000 square feet in size, that includes one or more retail uses. These minimum development standards shall apply only to the area within the Searsport Avenue Commercial District, and do not apply to any property within the Searsport Avenue Special Commercial District.~~

~~(1) Unitary site development plan. The applicant shall prepare a site plan that identifies how all land on the property shall be used, and a projected schedule for development of the property.~~

~~(2) Minimum land area. The property (site) proposed to be developed for a retail use or structure or a shopping center shall be a minimum of 10 acres in size. The applicant shall be required to demonstrate right, title and interest in the ten-acre or greater site that is proposed to be developed.~~

~~(3) Public services. The project shall be served by public water and by public sewer.~~

~~(c) Standards to reduce the area within the floating zone established for the Searsport Avenue Commercial District. The City Council, upon the approval of the first project that requires review and approval pursuant to the contract rezoning process specified in this division shall redefine the area within the floating zone for the Searsport Avenue Commercial District in which a large retail use or structure or a shopping center, can be located. The council shall reduce the amount of area in which either of the above uses could locate to include no more than 1/2 50% of the area originally included in the Searsport Avenue Commercial District. The council shall redefine the amount of area within the Searsport Avenue Commercial District by adopting an amendment to this chapter. The area within the Searsport Avenue Special Commercial District shall be considered in calculating the maximum amount of area to include within the redefined area in which large retail can be located.~~

Sec. 102-1383 Applications subject to contract rezoning.

[Ord. of 1-29-2008(3)]

The following applications are subject to the contract rezoning process established in this ~~section~~ **Division**:

- (a) ~~An application to establish any retail use or structure pursuant to subsection 102-799(2), or any shopping center pursuant to subsection 102-799(6) of the Searsport Avenue Commercial District.~~ **Repealed on --- identify date of Council action --- by the City Council.**
- (b) **Office Park zoning district.** An application to establish any retail use or structure, ~~pursuant to subsection 102-799(a) of the Office Park District or any shopping center that includes a retail use,~~ on a property identified as Map 5, Lot 7, (as depicted on City Tax Assessor maps in effect on July 1, 2022) that exceeds the size standards identified in Division 16, Northwesterly of Bypass and Outside Rural Districts, Office Park zoning district, Sec 102-604, Use Table, Uses 70) and 71), shall require review pursuant to the contract rezoning process identified in this Division. In accordance with applicable Section 102-604 standards, the maximum size of any single retail use, the total amount of retail use, or any structure, structures, or shopping center in which said retail uses are located on Map 5, Lot 7, shall be 75,000 square feet.
- (c) **Route 3 Commercial zoning district.** Pursuant to the standards identified in Division 16, Northwesterly of Bypass and Outside Rural Districts, Sec 102-604, Use Table, Uses 70) and 71), in Area 2 of the Route 3 Commercial District (reference Article IV, District Descriptions, for a depiction and description of Area 2 in the Route 3 Commercial District), ~~A~~an application to establish a retail use that offers general merchandise, clothing and/or groceries for sale that is greater than 75,000 square feet in size, or any structure or any shopping center ~~pursuant to Section 102-768-A, subsection a. of the Route 3 Commercial District~~ in which there is a maximum of one such retail use that is greater than 75,000 square feet in size, shall require review pursuant to the contract rezoning process identified in this Division.
- (d) ~~An application for a use permit, site plan permit, subdivision permit or similar permit for any use~~

~~or structure located on a parcel identified as Map 5, Lot 23, as such parcel is depicted on the City Tax Assessor maps in effect on April 1, 2013, shall require review pursuant to the contract rezoning process. An application for any such permit or permits shall include a master plan (a planned unit development) prepared by the applicant that identifies how development of this entire parcel and tract of land is proposed to occur. A City decision on said master plan shall, at a minimum, identify the total amount of development permitted, the location of said development on the property, and how services and infrastructure will be constructed to serve the proposed development. Unless the application is for a use identified in Sections 102-768(1) or 102-768(4), the application shall be exempt from the requirements to conduct the comprehensive economic and community impact study identified in Division 2. [Amended 8-20-2013] Repealed on --- identify date of Council action --- by the City Council.~~

- (e) ~~An application for a use permit, site plan permit, subdivision permit or similar permit for any use or structure located on property identified as, Map 5, Lot 33, as such was depicted on the City Tax Assessor maps in effect on October 2, 2007, shall require review pursuant to the contract rezoning process. Repealed on --- identify date of Council action --- by the City Council.~~

Sec. 102-1384 Contract rezoning process.
[Ord. of 1-29-2008(3); amended 8-20-2013]

- (a) **Contract Rezoning, Route 3 Commercial District.** An application identified in § Sec. 102-1383(c) shall be subject to the contract rezoning process identified in Sections 102-1385 through 102-1388, **including preparation of a Comprehensive Economic and Community Impact Study.** ~~and a~~ An adopted contract rezoning agreement shall identify conditions ~~which that~~ an applicant must satisfy, reference Sections 102-1389 and 1390. ~~The City Council, however, may vote to exempt an application to develop a retail use or structure that is less than 75,000 square feet in size from the requirement to conduct a comprehensive economic and community impact study. Further, unless an application is for a use identified in Section 102-768(1) or (4), an application subject to contract rezoning pursuant to Section 102-768-A, Subsection (b), (c) or (d), is exempt from requirements to conduct a comprehensive economic and community impact study.~~
- (b) **Contract Rezoning, Office Park District.** An application identified in Sec. 102-1383(b) shall be subject to the contract rezoning process identified in Sections 102-1386 through 102-1388. The Sketch Plan process identified in Section 102-1385 shall not apply, nor is a Comprehensive Economic and Community Impact Study required. An adopted contract rezoning agreement shall identify conditions that an applicant must satisfy, reference Sections 102-1389 and 1390.

Sec. 102-1385 Sketch (concept) pPlan review.
[Ord. of 1-29-2008(3); amended 8-20-2013]

- (a) Applicant submission. The applicant shall submit a ~~s~~**S**Sketch (concept) ~~p~~**P**Plan of its ~~s~~**S**Site ~~p~~**P**Plan application **that describes the proposed project and identifies its proposed layout, and if required, a master plan application,** to the ~~City Code and~~ Planning ~~and Codes~~ Department ~~that identifies the proposed layout of the project and that describes the proposed project.~~ The **main** purposes of ~~this submission is a Sketch Plan application and City review of this application are as follows:~~
 - (1) to provide the City Council, Planning Board, ~~In-Town Design Review Committee to provide the~~ **property owners,** and public, an initial opportunity to understand the applicant proposal;
 - (2) for the Council, ~~and with involvement from the Planning Board and In-Town Design Review Committee to provide direction to the applicant regarding the proposal, to identify how to proceed with City preparation of a Comprehensive Economic and Community Impact Study;~~

- (3) to conduct a public hearing and solicit comment on the applicant's Sketch Plan submission and the Comprehensive Economic and Community Impact Study prepared for the City;
- (4) to provide an opportunity for ~~allow~~ the City Council to analyze economic and municipal revenue/service impacts ~~identified in the (eComprehensive eEconomic and eCommunity iImpact sStudy,)~~ **associated with the proposal, if such an impact including information from the traffic study prepared by the applicant; and is required, and to allow the City to consider including information from the traffic impacts.**
- (5) to facilitate the Council in rendering a decision on the Comprehensive Economic and Community Impact Study, and to decide if the project should proceed to Preliminary Plan review, reference Section 102-1386.
~~The In-Town Design Review Committee, however, shall only participate in the review of an application for the Route 3 Commercial District submitted pursuant to Section 102-768-A.~~

The ~~applicant's sSketch pPlan submission~~, at a minimum, shall ~~identify include~~ the following information:

- (1) The boundaries of the proposed site;
- (2) Significant natural resource features and constraints **on the existing site**, including wetlands, water courses, floodplains, contours at two-foot intervals, medium intensity soil types (soil conservation service), significant fish and wildlife habitat, and general vegetation types;
- (3) Existing infrastructure, including but not limited to roads, right-of-ways, sewer, water, electric, and major stormwater facilities;
- (4) Existing types of surrounding developments, including residential and nonresidential uses **and undeveloped/vacant lands**;
- (5) Proposed means of access to the proposed site and general means of circulation within the site;
- (6) Conceptual layout of the structure(s), parking areas, loading areas, and other significant developments;
- (7) A description of all proposed uses on the site, including the proposed size of all proposed structures and uses, and a description of why any retail structure and use that is greater than 75,000 square feet in size is proposed to be the size identified by the applicant;
- (8) Company name of any retail store **that offers general merchandise, clothing, and/or groceries for sale** that is greater than 75,000 square feet in size;
- (9) The proposed amount of vegetated bufferyard for all sides (boundaries) of the property, with **general** information regarding the amount, type and quality of existing vegetation in these bufferyards;
- (10) **Information required from the applicant to allow assist** the City **in preparation of to prepare** the ~~eComprehensive eEconomic and eCommunity iImpact sStudy~~ identified in Section 102-1385(d);
- (11) A study prepared by a traffic engineering firm that assesses traffic impacts associated with the project, particularly the **potential** need for and **initial cost estimates** of off-site improvements **that may be needed** to mitigate traffic impacts. This study must be submitted within 45 days of the date that a Sketch Plan application is filed; **and**
- (12) Evidence of applicant right, title and interest in the property.

- (b) Meeting schedule and public notice. The ~~Code and Planning and Codes~~ Department shall review the ~~sSketch pPlan~~ application and determine if sufficient information has been submitted to schedule the application for a **joint** meeting with the City Council, **and** Planning Board ~~and In-Town Design Review Committee~~. ~~The In-Town Design Review Committee, however, shall only participate in the review of an application for the Route 3 Commercial District submitted pursuant to Section 102-768-A.~~ The Department shall determine if an application is complete within 30 days of receipt of the application. If the Department deems an application is complete, it shall take the following actions:

- (1) In conjunction with the City Clerk, set a date(s) for a joint meeting and public hearing among the City Council, **and** Planning Board ~~and In-Town Design Review Committee~~. It is recognized that the meeting and hearing may occur on separate dates.
 - (2) Provide public notice to all property owners located within 1,000 feet of the property proposed to be developed. Notice shall be sent via first-class mail a minimum of 14 calendar days prior to a meeting or hearing.
 - (3) Post public notice in City Hall and on the City website a minimum of 14 calendar days prior to a meeting or public hearing.
 - (4) Publish notice of any public hearing on two occasions in a newspaper of local circulation. The first notice shall occur a minimum of 14 days prior to the hearing, and the second notice is to occur within seven days of the hearing.
- (c) Joint City Council, **and** Planning Board ~~and In-Town Design Review Committee~~ meeting and hearing. The City Council, **and** Planning Board ~~and In-Town Design Review Committee~~ shall meet in a joint session(s), which the Mayor shall chair. ~~The In-Town Design Review Committee, however, shall only participate in the review of an application for the Route 3 Commercial District submitted pursuant to Section 102-768-A.~~ The joint bodies **shall conduct a public hearing**, review the **s**Sketch (concept) **p**Plan application, and ~~shall~~ provide direction to the applicant regarding major issues associated with project development, including the preparation of a **e**Comprehensive **e**Economic and **e**Community **i**mpact **s**tudy **if required**; reference Section 102-1385(d). The intent is to achieve a mutual understanding among the Council, Planning Board, ~~In-Town Design Review Committee~~ and applicant regarding **how the** project development ~~should occur~~. The joint bodies, at the conclusion of the Sketch Plan review process, shall issue a written finding that describes direction provided to the applicant, **and** information **the applicant must** ~~which should be~~ submitted for subsequent project reviews, **and that This finding may** reference public comment offered at the public hearing. **The finding also shall incorporate the Council's decision on the** ~~If preparation of a e~~Comprehensive **e**Economic and **e**Community **i**mpact **s**tudy **is required, the written finding shall be incorporated as a component of the Council decision regarding the impact statement.**

~~The joint bodies shall conduct a public hearing on the Sketch Plan application. The hearing is intended to provide the public an opportunity to comment on the application, including preparation of the comprehensive economic and community impact study.~~

- (d) Comprehensive **e**Economic and **e**Community **i**mpact **s**tudy.
- (1) Requirement to prepare study. An applicant that proposes to develop any retail business establishment having a gross floor area of 75,000 square feet or more in one or more buildings on the same site, and any expansion or renovation of an existing building or buildings that results in a retail business establishment having a gross floor area of 75,000 square feet or more in one or more buildings, except when the expansion of an existing retail business establishment is less than 20,000 square feet, shall provide funds to the City to prepare a **e**Comprehensive **e**Economic and **e**Community **i**mpact **s**tudy. In applying this threshold standard, other retail business establishments on the same site as the large-scale retail business establishment are not included unless they share a common check stand, management, controlling ownership or storage areas.

~~An applicant that proposes a retail store or shopping center pursuant to Sections 102-799(2), 102-799(6) or 102-775(a) that is less than 75,000 square feet in size may be required to provide funds to the City to prepare a comprehensive economic and community impact study. The City Council, following the joint meeting and public hearing referenced in Section 102-~~

~~1384(e), shall decide if preparation of this study is required.~~

- (2) Issues to examine in study. The following issues, at a minimum, shall be addressed in the **eC**omprehensive **eE**conomic and **eC**ommunity **iI**mpact **sS**tudy.
- a. Analysis of impact on local economy. Using existing studies and data and through the collection and analysis of new data, the analysis shall identify the following: 1) the **projected** economic effects of the proposed development on existing retail operations; 2) **how the establishment of the larger retail use may affect** the supply and demand for retail space **in Belfast**; 3) **the** number and location of existing retail establishments **in Belfast and** where there is an overlap of goods and services offered; 4) employment, including projected net job creation and loss; 5) retail wages and benefits **associated with the new retail establishment**; 6) **projected** captured share of existing retail sales; and 7) **projected** sales revenue retained and reinvested in the local area.
 - b. Analysis of municipal revenues and expenditures. Using existing studies and data and through the collection and analysis of new data, the analysis shall identify the following: 1) **estimated** municipal revenues generated **directly by the new development, and a general estimate of revenues generated by indirect development associated with the new store**; 2) municipal capital, service, and maintenance costs caused by the development's construction and operation, including costs of roads, traffic control, and pedestrian and bicycle amenities; 3) municipal capital, service, and maintenance costs caused by the development's construction and operation, including costs of police, fire, rescue and sewer services; 4) the amount of public subsidies, including **but not limited to an applicant request for** tax increment financing; and 5) **the capacity of** public water, utility, sewage disposal, **stormwater**, and solid waste disposal **services eapacity** and the costs of providing such services.
- (3) Selection of preparer of study. The City shall solicit and select a firm it deems qualified to prepare the **eC**omprehensive **eE**conomic and **eC**ommunity **iI**mpact **sS**tudy.

The Council shall select a firm to prepare the **eC**omprehensive **eE**conomic and **eC**ommunity **iI**mpact **sS**tudy and shall approve terms of this contract.

- (4) Review of study. Review of the **eC**omprehensive **eE**conomic and **eC**ommunity **iI**mpact **sS**tudy shall occur as follows:
- a. Schedule to prepare study. The firm selected to prepare the study, to the greatest extent practical, shall complete preparation of the study within ~~75~~ **90** days of award of a contract.
 - b. Review of study and public hearing.
 - 1. Meeting and public hearing. The City Council shall convene a public meeting to review the study, and shall conduct a duly advertised public hearing regarding the study. The Planning Board shall attend this meeting and hearing, and may offer comment to the Council. The intent of the meeting and hearing is to provide the Council an opportunity to evaluate the impacts of the proposed development based on the **eC**omprehensive **eE**conomic and **eC**ommunity **iI**mpact **sS**tudy, other materials submitted to the City by any person, including but not limited to the applicant, state agencies, nonprofit organizations, and members of the public, and testimony offered at the public hearing. It is expressly understood that the applicant may present comment and alternative conclusions to the information identified in

the **eC**omprehensive **eE**conomic and **eC**ommunity **iI**mpact **sS**tudy. Notice of the aforesaid public hearing shall occur pursuant to requirements of Section 102-1385(b).

2. City Council decision. Subsequent to the public hearing, the Council shall review information presented at the public hearing and information provided in the ~~eC~~omprehensive **eE**conomic and **eC**ommunity **iI**mpact **sS**tudy, and shall determine if the project is likely to have an undue adverse impact (reference Section 102-1393 Definitions) regarding the totality of the impact on the 12 factors described in Section 102-1385(d)(2)a and b. If the Council does not find that the project is likely to have an undue adverse impact, the applicant may proceed to Preliminary Plan review, reference Section 102-1386; provided, however, the Council may revisit this finding at any time prior to final approval. If the Council does find that the project is likely to have an undue adverse impact, the application is thereby denied.

Notwithstanding the above provision, the Council shall have the authority to defer making its decision regarding if the project is either likely to have an undue adverse impact or likely to have no undue adverse impact to the Council review process identified in Section 102-1388. If the Council chooses to defer making its decision regarding undue adverse impact to the Council review identified in Section 102-1388, **the applicant may proceed to the Preliminary Plan review stage, Section 102-1386, and** the appeal process identified in Section 102-1385(d)(4)b3 shall not apply.

3. Applicant appeal. If the Council makes a finding that the project is denied (reference 1. above), an applicant may appeal this decision to a court of competent jurisdiction. If a court of competent jurisdiction reverses or remands the denial, the applicant shall proceed to Preliminary Plan review, reference Section 102-1386. A Council decision to deny an application is not subject to appeal to the Belfast Zoning Board of Appeals.

Sec. 102-1386 Preliminary plan review.

[Ord. of 1-29-2008(3)]

- (a) Preliminary plan review process.

- (1) ~~The An~~ applicant for a project in the Route 3 Commercial zone shall submit a ~~p~~Preliminary ~~p~~Plan to the Planning and Codes Department within six months of a ~~e~~Council decision pursuant to Section 102-1386(4)b.2. The applicant shall provide all information required ~~in~~ for a ~~p~~Preliminary ~~p~~Plan in accordance with ~~City Code of Ordinances~~, Chapter 90, Site Plan, the requirements of this ~~d~~Division, and additional information identified by the City Council, ~~and~~ Planning Board ~~and~~ ~~Intown Design Review Committee~~ in their review of the ~~s~~Sketch ~~p~~Plan application.**

- (2) An applicant for a project in the Office Park zone shall submit a Preliminary Plan to the Planning and Codes Department. The applicant shall provide all information required for a Preliminary Plan in accordance with Chapter 90, Site Plan, and the requirements of this Division.**

- (b) Planning Board review of application. The Planning Board shall conduct a review of the ~~p~~Preliminary ~~p~~Plan application within 30 days of its receipt of a complete application, and shall conduct a public hearing to accept public comment. The Board shall provide notice of the hearing to the public and to project abutters pursuant to procedures identified in Section 102-1385(b). The purpose of the ~~p~~Preliminary ~~p~~Plan review is to determine if and how best the applicant and the proposed project can address concerns regarding development of the site. The Board, in conducting its review, shall consider

environmental impacts associated with **the** project development standards identified in Chapter 90, Site Plan, and the goal statements identified in Section 102-1391. The Board must vote to accept or reject the ~~p~~Preliminary ~~p~~Plan and shall act within 60 days of receipt of a complete ~~p~~Preliminary ~~p~~Plan, unless both parties agree in writing to an extension of time. The Board shall prepare a written finding that describes its decision. [Amended 8-20-2013]

Notwithstanding the notification requirements identified in Section 102-1385(b), the Chair of the Planning Board shall have the authority to recess a public hearing and to reconvene said hearing at a subsequent meeting. No specific notification requirements shall apply to a hearing that is recessed by the Chair and reconvened, however, the Department, to the greatest extent practical, shall provide advance notice of the hearing on the City website and by posting notice in City Hall.

(c) In-Town Design Review Committee review of application.

(1) Concurrent with Planning Board review of a ~~p~~Preliminary ~~p~~Plan application, the In-Town Design Review Committee shall meet in separate session to review the design of any proposed building ~~identified in the master plan~~ that is greater than 20,000 square feet in size, specifically the building facade and signage. ~~The In-Town Design Review Committee, however, shall only participate in the review of an application for the Route 3 Commercial District submitted pursuant to Section 102-768-A.~~ Committee review may involve consideration of proposed building materials, surface treatments, and entries, canopies, windows and other penetrations. Committee review will not consider factors such as, but not limited to, ~~shape, size and height of buildings,~~ landscaping, lighting, parking lot configuration and other components of a project that are subject to Planning Board review. The Committee shall offer its written recommendations to the Planning Board, and the Planning Board shall ~~incorporate such~~ **consider said** recommendations in its written finding on the ~~p~~Preliminary ~~p~~Plan. The Committee will complete its review within the same time frames ~~which that~~ apply to Planning Board review of an application. ~~The In-Town Design Review Committee will provide an opportunity for public comment at the first meeting at which it reviews the application, but it is not required to conduct a public hearing.~~ The ~~City Planner~~ **Director of Code and Planning** or ~~his~~ **the Director's** designee will serve as a non-voting facilitator at each In-Town Design Review Committee meeting. [Amended 8-20-2013]

(2) **The In-Town Design Review Committee, within 30 days of receipt of an application, shall schedule a public meeting regarding the application. The Committee shall accept public comment at the first meeting at which it reviews an application. The Planning and Codes Department shall provide notification of the first public meeting at which an application is reviewed as described below. Public notice of any additional meetings must only comply with b. and d. below.**

- a. **In writing by first class mail a minimum of 10 calendar days prior to the first meeting of the Committee to all owners of property that directly abut or that are located within 1,000 feet of any property line of the property for which a contract rezoning application is submitted. The Department shall keep a record of all persons to whom notice is sent.**
- b. **By posting notice of each meeting in Belfast City Hall a minimum of 10 calendar days prior to the meeting.**
- c. **By publishing notice of the initial public meeting in a local newspaper a minimum of 10 calendar days prior to the hearing.**
- d. **By posting notice of each meeting on the City of Belfast website a minimum of 10 days prior to the meeting.**

Notwithstanding the above notification requirements, the Committee Facilitator for the Intown Design Review Committee shall have the authority to recess a public meeting and to reconvene said meeting at a subsequent date. No specific notification requirements shall apply to a meeting that is recessed by the Facilitator and subsequently reconvened, however, the Department, to the greatest extent practical, shall provide advance notice of the reconvened meeting on the City website and by posting notice in City Hall.

- (d) Decision on Preliminary Plan. The Planning Board shall vote to approve or deny the Preliminary Plan. [Amended 8-20-2013]
- (1) A Planning Board vote to approve the Preliminary Plan, subject to terms and conditions and requests for additional information identified by the Planning Board, means the project may proceed to ~~f~~Final ~~p~~Plan review, reference ~~§~~ Section 102-1387.
 - (2) If the Planning Board votes to deny the Preliminary Plan, this vote shall be a recommendation which is forwarded to the City Council for consideration. The Council shall vote to sustain the Board's recommendation, or shall vote to reject or modify the decision.
 - a. If the Council votes to reject or modify the Planning Board recommendation, the project shall proceed to Final Plan review; reference ~~§~~ Section 102-1387.
 - b. If the Council votes to sustain the Planning Board recommendation to deny the Preliminary Plan, this shall be considered a final decision. An applicant may appeal a final decision to a court of competent jurisdiction. If a court of competent jurisdiction reverses or remands the denial, the applicant shall proceed to Final Plan review; reference Section 102-1387. The Council decision is not subject to appeal to the Belfast Zoning Board of Appeals.

Sec. 102-1387 Final plan review.
[Ord. of 1-29-2008(3)]

- (a) Final plan review process. The applicant shall submit a ~~f~~Final ~~p~~Plan within six months of approval of a ~~p~~Preliminary ~~p~~Plan. The applicant shall provide all information required ~~in~~ for a ~~f~~Final ~~p~~Plan in accordance with ~~City Code of Ordinances~~, Chapter 90, Site Plan, the requirements of this ~~d~~Division, and additional information requested by the Planning Board or City Council in its review of the ~~p~~Preliminary ~~p~~Plan.
- (b) Planning Board review of application. The Planning Board shall conduct a review of the ~~f~~Final ~~p~~Plan application within 30 days of its receipt of a complete application, and shall conduct a public hearing to accept public comment. The Planning Board shall provide notice of the hearing to the public and to project abutters pursuant to procedures identified in Section 102-1385(b). The Planning Board shall determine if the applicant proposal satisfies all requirements specified in this ~~d~~Division and the unique characteristics of the site, the area, and the community, in deciding to recommend to the City Council to approve, to approve with conditions, or to reject a ~~f~~Final ~~p~~Plan or a contract rezoning proposal. The Planning Board shall consider environmental impacts associated with project development in conducting its review, and in making its findings with respect to the estimated overall effects of the project, the Planning Board shall incorporate the findings of the City Council on the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study, **if said Study was required**. The Planning Board shall make its decision within 60 days of receipt of a complete ~~f~~Final ~~p~~Plan, unless both parties agree to an extension of time. [Amended 8-20-2013]

Notwithstanding the notification requirements identified in Section 102-1385(b), the Chair of the Planning Board shall have the authority to recess a public hearing and to reconvene said hearing at a subsequent meeting. No specific notification requirements shall apply to a hearing that is recessed by

the Chair and reconvened, however, the Department, to the greatest extent practical, shall provide advance notice of the hearing on the City website and by posting notice in City Hall.

- (c) Planning Board recommendation on ~~f~~Final ~~p~~Plan. The Planning Board shall submit its recommendation to the City Council regarding the contract rezoning proposal. If the ~~b~~Board recommendation is to approve a contract or approve a contract with conditions, the ~~b~~Board shall prepare and submit a proposed rezoning contract to the City Council for their review and consideration as an amendment to Chapter 102, Zoning. If the ~~b~~Board recommendation is to deny the project, the ~~b~~Board shall prepare a recommendation in writing that describes why the ~~b~~Board found that the project should be denied. The Planning Board shall prepare written findings of fact that describe its recommendation. The findings of fact shall address the issues identified in Section 90-42, the goals identified in Section 102-1390, and its assessment of the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study. The findings of fact shall identify why this project is or is not appropriate for a contract rezoning proposal. [Amended 8-20-2013]

Sec. 102-1388 Council review.

[Ord. of 1-29-2008(3)]

- (a) City Council review process. The Planning Board decision regarding a contract rezoning application shall be submitted to the City Council within 30 days of the Planning Board action. The City Council shall schedule the proposed contract rezoning application for public consideration in accordance with the ~~f~~First ~~r~~Reading and ~~s~~Second ~~r~~Reading process for adoption of an amendment to this ~~e~~Chapter. The ~~e~~Council shall provide public notice of the proposal as is customary for an amendment to this ~~e~~Chapter, and shall provide notice of any public hearings pursuant to procedures identified in ~~sub~~Section 102-1385(b).

Notwithstanding the notification requirements identified in Section 102-1385(b), the Mayor shall have the authority to recess a public hearing and to reconvene said hearing at a subsequent meeting. No specific notification requirements shall apply to a hearing that is recessed by the Mayor and reconvened, however, the Department, to the greatest extent practical, shall provide advance notice of the hearing on the City website and by posting notice in City Hall.

- (b) Council decision on contract rezoning application. If the ~~e~~Council votes to approve the contract rezoning agreement, subject to any amendments or conditions negotiated by the ~~e~~Council, the contract agreement is adopted as an amendment to Chapter 102, Zoning. If the ~~e~~Council votes to deny a proposed contract rezoning agreement, this decision shall be considered the final decision of the City regarding this application. The City Council reserves the right to approve, modify or reject any application under contract rezoning in its sole discretion.

The Council, in making its decision, shall vote to adopt, modify or reject the Planning Board's findings of fact, and shall prepare its own findings of fact that describe its decision. The Council's findings shall address factors identified in the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study, **if said Study was required**, and may include the Council making a final decision with respect to this ~~s~~Study if it chooses to defer the decision required of the Council identified in Section 102-1385(d)(4)b2.

An adopted contract rezoning agreement runs with the land and specific property and any heirs, successors or assigns. The applicant for which a contract rezoning agreement is approved, has two years to initiate development of the site, and five years to initiate retail sales activity. Failure to accomplish either will result in the voiding of the contract rezoning agreement and amendment to this ~~e~~Chapter. The Council, however, shall have the right to extend the approval for additional periods not to exceed a total of more than one year at any one time. [Amended 8-20-2013]

- (c) Recording of contract rezoning amendment (agreement). The applicant shall record an approved contract rezoning amendment (agreement) to ~~the City zoning ordinance~~ **Chapter 102, Zoning** in the Waldo County Registry of Deeds within 60 days of its approval by the City Council. Failure to so record may be remedied by an affirmative vote of ratification by the City Council.

Sec. 102-1389 Amendment to ~~eContract~~ **rRezoning aAgreement.**

[Ord. of 1-29-2008(3)]

- ~~a.~~ An applicant who has entered into a contract rezoning agreement with the City may request to amend terms of the adopted agreement. The City Council and Planning Board shall meet jointly to review the request and to determine the applicable stage of the process described in sections 102-1385 through 102-1388 to review the amendment. The City shall consider the proposed amendment subject to the applicable steps of this process. If an amendment involves only a proposal to assign rights to a property for which a contract rezoning agreement is in effect, the City Council shall review such assignment, to determine (in its discretion) if the party to whom such rights are assigned has the financial and technical ability to satisfy requirements of the adopted contract rezoning agreement. Any amendment adopted to a contract rezoning agreement shall be recorded in the Waldo County Registry of Deeds within 60 days.

~~b. An application to implement development identified on a master plan application which has been approved by the City through the contract rezoning process shall be considered an amendment to a contract rezoning agreement. Said application shall not involve submission of a sketch plan application, reference section 102-1385, or a preliminary plan application, reference section 102-1386. The application shall be submitted as a final plan, reference section 102-1387, with the exception that the Intown Design Review Committee shall participate in the review in accordance with procedures identified in subsection 102-1386(e).~~

Sec. 102-1390 Conditions of contract rezoning.

[Ord. of 1-29-2008(3)]

- (a) Mandatory conditions. All contract rezoning proposals shall:
- (1) Be consistent with the City ~~eComprehensive~~ **pPlan** and any other supporting documents pertinent to the **pPlan**.
 - (2) Include only conditions or restrictions that relate to the physical development or operation of the property. With respect to an application submitted pursuant to ~~Section 102-768-A~~ **Chapter 102, Zoning, Route 3 Commercial District, that are identified in Division 16, Northwesterly of Bypass and Outside Rural Districts, reference Table of Uses, Section 102-604, clauses 70) and 71)**, it is expressly understood that such request involves a City determination regarding the maximum size of any retail structure(s) or use(s) that can be developed in excess of 75,000 square feet.
- (b) Discretionary conditions. The Planning Board may recommend and City Council may adopt discretionary conditions that address the goals identified in Section 102-1391 of this ~~dDivision~~, and the unique characteristics of how the proposed development shall occur on the proposed site. It is expressly understood that the role of the Planning Board and the City Council in reviewing any proposal for the development of a project subject to the contract rezoning process is to ensure that the proposed development successfully addresses potential impacts on the community's character, services, infrastructure, economy, and residents. Thus, the Planning Board and the City Council shall have broad discretion in identifying specific conditions of approval to allow a contract rezoning **agreement** for a specific site and project. [Amended 8-20-2013]

Sec. 102-1391 Minimum goals that an applicant shall satisfy and the City shall address in considering a contract rezoning agreement for adoption.
[Ord. of 1-29-2008(3)]

An application to establish a project described in **s**Section 102-1383 shall address, at a minimum, the following goals and project requirements. It is expressly understood that the City may impose specific conditions as part of the contract rezoning agreement to ensure that community concerns regarding the use of the proposed site addresses **es** these issues in a good quality manner.

- (1) Traffic impact assessment. The applicant shall retain a qualified traffic engineer to examine traffic impacts for all key intersections and roadways identified by the Planning Board, City Council or Maine Department of Transportation. The applicant will perform this study as part of the **s**Sketch **p**Plan review process **for a project in the Route 3 Commercial District, and as part of the Preliminary Plan review process for a project in the Office Park District**. Base line traffic, estimated traffic resulting from this project, estimated traffic resulting from projected ancillary development to this project, estimated annual average background growth in traffic and growth trends for start-up and build-out of the site and surrounding area shall be considered in this assessment. To the greatest extent practical, traffic volumes shall be projected for a minimum period of five-years, with identification of present and future levels of service and suggested mitigating measures. The assessment also shall include a qualitative analysis regarding how this increase in traffic will generally affect drive-times for residents living in areas directly affected by the projected development.
- (2) Road improvements. The applicant shall construct improvements to **the** existing municipal or state road infrastructure, or pay a fee to the City or **s**State to construct improvements to mitigate traffic impacts identified in the traffic impact assessment **and/or** as identified by the City traffic engineer, Planning Board, City Council, or Maine Department of Transportation. Traffic improvements shall consider present and future traffic volumes.
- (3) Pedestrian and bicycle circulation. The applicant shall fully consider how to accommodate pedestrian and bicycle circulation, both within the project site and to the project site via adjacent public ways, and shall incorporate measures in their plan to address this issue. Said measures **my may** include the construction of off-site improvements or paying a fee to the City or **s**State to construct identified improvements. [Amended 8-20-2013]
- (4) Nonresidential structure design requirements. The applicant shall carefully consider and address the orientation of the building to public roads, scenic vistas, site circulation, other buildings on the site, natural site characteristics, and surrounding properties in their proposal. All buildings shall be of a high quality design. The City may engage professional architectural services to assist in its review of the layout of the site and design of the buildings. The applicant shall be responsible for any costs incurred by the City in using such architectural services.
- (5) Parking areas. The amount of parking shall generally comply with the requirements of **the** Chapter 98, Technical Standards, unless such standards are modified by the City Council, **as may be recommended by the Planning Board**. The layout of parking areas shall be accomplished in parking cells that are attractively landscaped and functional. The parking lot layout shall emphasize pedestrian circulation and safety. The location of parking in relation to buildings shall complement the overall site layout, and shall be separated from the main internal access drive.
- (6) Access drive layout. The main access drive shall be designed in a manner that provides well-functioning

connections to public roads, good quality internal site circulation, and that recognizes the natural characteristics of the site. In designing the access drive, the City and applicant shall consider and analyze opportunities for the development of adjacent sites, either through the construction of the road or reservation of a right-of-way. In most cases, the preferred option is connection to multiple sites. The City may require the applicant to dedicate ~~the~~ a main access drive to the City, if the City determines that the proposed access drive offers public benefit.

- (7) Signs. All signs shall complement the site and structure development and shall be in proportion to the structure(s). Common signage patterns within the development shall be encouraged.
- (8) **eCommunity and eEconomic iImpact aAssessment sStudy**. The City will assess and consider the impact of the proposed development on issues such as the amount of impact on municipal facilities and services, the amount of tax revenue generated versus new estimated municipal expenditures, and the impact of the project on the local economy, including existing retail operations; reference requirements of Section 102-1385(d)(2) for the factors that will be considered in the **eCommunity and eEconomic iImpact aAssessment sStudy**. The Council decision regarding the **eCommunity and eEconomic iImpact aAssessment sStudy** shall serve as the finding with respect to this criteria. A **eCommunity and eEconomic iImpact aAssessment sStudy is not required for a project in the Office Park District, but is required for a retail use greater than 75,000 square feet or such a retail use located in a shopping center that is located in Area 2 of the Route 3 Commercial District** ~~application submitted pursuant to Section 102-768-A, Subsection b, unless the application (use) is proposed pursuant to Section 102-768(1) or 102-768(4). [Amended 8-20-2013]~~
- (9) Utilities. The applicant shall identify the layout of all proposed utilities, **and if practical and warranted**, shall provide the opportunity for service extensions to adjacent properties. [Amended 8-20-2013]
- (10) Noise. The project shall not produce levels of noise that cause significant negative impacts on surrounding uses and properties. The standards identified in the Chapter 102, Zoning, Article IX, Performance Standards, Division 3, Route 3 Commercial, Section 102-1193, Noise, **or Article IX, Division 5, Office Park, Section 102-1311**, shall serve as a guideline to the Board and Council in addressing this issue. [Amended 8-20-2013]
- (11) Dust, fumes, vapors and gases, odors (noxious issues). The project shall not produce significant negative impacts with regard to dust, fumes, vapors, gases or odors on surrounding uses and properties. [Amended 8-20-2013]
- (12) Glare/lighting. The project shall not produce significant negative impacts with regard to glare and lighting on surrounding properties and uses, including all public roads. The proposed lighting plan shall recognize the "night sky" and shall be sensitive to the amount of light required to allow safe operation of the retail center during its hours of operation. The lighting plan should be consistent throughout the site and should reflect the character of buildings. [Amended 8-20-2013]
- (13) Stormwater management. The applicant shall identify how all stormwater impacts can be effectively managed and shall minimize any increase in the amount of stormwater being directed to adjacent properties. The stormwater management plan also shall recognize concerns regarding water quality in the area's watersheds and groundwater quality.
- (14) Wetland impact. The applicant shall avoid causing significant negative impacts to area wetlands to the greatest extent practical, and all applications shall, at a minimum, comply with all requirements of

Chapter 82. The City also will consider State Department of Environmental Protection direction **and permit requirements** regarding wetland impacts. [Amended 8-20-2013]

- (15) Floodplain impact. The applicant shall avoid causing significant negative impacts to area floodplains. All applications shall comply with Chapter 78, Article II, requirements at a minimum. [Amended 8-20-2013]
- (16) Soils. The applicant shall prepare a high intensity soil survey for the proposed development. The applicant must demonstrate suitable soils, and address all potential concerns if a high water table or seasonally wet soils exist on the site.
- (17) Soil erosion and sedimentation control. The applicant shall, at a minimum, adhere **to the then** current best management practices **recognized by the City or State**.
- (18) Method of collection and disposal of solid waste. The applicant shall identify how all wastes and recyclable materials will be collected and disposed of, and shall evaluate the impact of the amount of waste generated from the project on the City's solid waste system. The applicant also shall address how to manage litter generated on the site.
- (19) Explosive materials, chemical and fuel storage facilities, and hazardous wastes. The applicant shall ensure that the proposed development does not cause any significant negative impacts with regard to the use or storage of explosive materials, chemicals, fuel or hazardous wastes. [Amended 8-20-2013]
- (20) Construction of off-site improvements. The applicant must identify the potential need for new off-site infrastructure or improvements to existing off-site infrastructure during the project review process. The City shall determine the extent of off-site improvements that are required to allow the proposed development. The goal is to ensure that off-site infrastructure functions at acceptable levels of service. [Amended 8-20-2013]
- (21) Performance guarantees for required improvements. The City shall determine the amount and type of the performance guarantees that may be required to ensure that the applicant successfully constructs both on-site and off-site improvements.
- (22) Determination of project ownership and mechanism to construct and maintain required improvements. The City shall require the applicant to identify a successful method to maintain all infrastructure improvements and structures that are constructed.
- (23) Handicap accessibility. The applicant shall ensure that all project facilities fully satisfy handicap accessibility requirements.
- (24) Loading and off-loading areas and operations. The applicant shall provide effective screening of all loading and off-loading areas, and such operations shall be well buffered from adjacent residences. The access to and location of the loading areas shall not interfere with internal traffic circulation, parking areas, and customers.
- (25) Outside storage. The City shall ensure that outside storage areas, if any, are effectively screened and that the location and lay-out of the storage areas complement site development.
- (26) Screening and buffering of site development. The City shall place a high value on the amount and quality of screening and buffering associated with development of a site. The City, to the greatest extent

practical, intends to require the applicant to use methods to effectively screen site development from adjacent residences and public roads. Methods of screening may include, but are not necessarily limited to, the use of existing natural vegetation, newly planted vegetation, landscape berms, fencing and similar approaches.

(27) Financial and technical ability. The City shall assess the financial and technical ability of the applicant and any heirs, successors and assigns to secure title to the property, and to accomplish the following: prepare a good quality application; to construct project improvements in a good quality manner and as required by the City, ~~s~~State or federal government; to construct an approved project in a timely manner; to regularly maintain all required improvements in good working condition; and to fulfill any and all requirements of an adopted contract rezoning agreement.

(28) Modifications. The City Council shall have the express authority to negotiate modifications to these criteria based on the general health, safety, and welfare of the citizens of Belfast. [Amended 8-20-2013]

Sec. 102-1392 Appeal of City Council decision.

[Ord. of 1-29-2008(3); amended 8-20-2013]

Notwithstanding any provisions in this ~~e~~Chapter, a decision of the City Council to approve, approve with conditions, or deny an application for contract rezoning shall not be appealable to the City Zoning Board of Appeals. All appeals shall be to a court of appropriate jurisdiction.

Sec. 102-1393 Cost of contract rezoning process.

[Ord. of 1-29-2008(3)]

The applicant shall pay all costs associated with City review of a contract rezoning application, whether or not the application is approved by either the Planning Board or the City Council. The fee schedule is as follows.

(a) Sketch plan application, **for a project in the Route 3 Commercial District.**

1. The applicant shall pay an application fee of ~~\$2,500~~ **\$6,000** upon submission of a ~~s~~Sketch ~~p~~Plan application. This fee is for expenses incurred by the City in processing the application and providing public notice.
2. The applicant shall pay the City cost to prepare the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study, if such a ~~s~~Study is required. The specific amount of this fee shall be determined upon City selection of a firm to prepare the assessment, however the fee likely will be no less than ~~\$40,000~~ **60,000**. The applicant shall pay this fee prior to the City authorizing the firm to prepare the analysis. [Amended 8-20-2013]

(b) Preliminary ~~p~~Plan, ~~f~~Final ~~p~~Plan and ~~e~~Council review.

1. The applicant shall pay an application fee of ~~\$7,500~~ **\$15,000** upon submission of a ~~p~~Preliminary ~~p~~Plan application. This fee is for expenses incurred by the City in processing the application and providing public notice.
2. The applicant shall pay all costs associated with City hire of professional services to review the application. Such services may include but are not limited to civil engineering, traffic engineering, architectural, legal and similar professional services. Funds shall be deposited in a deliberation account which the City shall use to pay such service costs as they are incurred. The initial deposit shall be \$20,000, unless the ~~Code and Planning~~ **and Codes** Department determines that a lesser or greater amount is appropriate. It is expressly understood that the total amount of this fee may be more or less than the initial deposit required upon submission of a ~~p~~Preliminary ~~p~~Plan application,

and that the applicant must pay the actual cost of services rendered to the City. Any fees deposited in this account that are not expended by the City shall be returned to the applicant. [Amended 8-20-2013]

Sec. 102-1394 Definitions.

[Ord. of 1-29-2008(3)]

The following terms are unique to Article X, Division 2, are critical to the application of requirements of this ~~d~~Division, and shall have the following meaning. Chapter 66, General Provisions, identify other terms and their meanings as such are used in this ~~d~~Division.

1. COMPREHENSIVE ECONOMIC AND COMMUNITY IMPACT STUDY AREA — Means the geographic area of the City of Belfast, which shall be the focus of the area that is to be examined in the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study that will be conducted to assess potential impacts associated with a proposed larger retail development and other development for a project ~~in the Route 3 Commercial District identified in the City required master plan.~~ [Amended 8-20-2013]
2. COMPREHENSIVE ECONOMIC AND COMMUNITY IMPACT STUDY — Means a study authorized by and prepared for the City of Belfast that estimates and assesses the effects of a larger retail development and other ~~accompanying~~ development for a project ~~located in Area 2 of the Route 3 Commercial District identified in the City required master plan~~ on the following factors: the local economy, downtown, and community, and municipal revenues and expenditures. Reference Section 102-1385(d) for a list of factors to be addressed in the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study. [Amended 8-20-2013]
3. GROSS FLOOR AREA — The aggregate amount of the areas of each floor of a building or structure, including accessory structures, measured between the exterior faces of the exterior walls or limits of the building or structure at the level of each floor.
4. ~~INTOWN DESIGN REVIEW COMMITTEE — For purposes of implementing requirements of this division, the Intown Design Review Committee shall consist of three members of those appointed by the council to serve on the committee. The City Planner shall select the three committee members who will serve in the review of an application.~~ (Repealed by Council vote of ~~---~~ identify date of Council action ~~---~~.)
5. (Reserved)
6. UNDUE ADVERSE IMPACT — That within the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study area, the estimated overall negative effects on the totality of the 12 factors considered in the ~~e~~Community and ~~e~~Economic ~~i~~Impact ~~a~~Assessment ~~s~~Study outweigh the estimated overall positive effects on those factors, and that the negative effect on said factors cannot be adequately mitigated, as such is deemed by the Belfast City Council. [Amended 8-20-2013]

Sec. 102-1395 through Sec. 102-1400. (Reserved)