

**PROPOSED AMENDMENTS to IMPLEMENT CONTRACT REZONING
for RESIDENTIAL 1 & RESIDENTIAL 2 ZONING DISTRICTS
BELFAST CITY COUNCIL PUBLIC HEARING
SEPTEMBER 17, 2014**

**PROPOSED AMENDMENTS to
CHAPTER 102, ZONING
ARTICLE X, CONTRACT REZONING
DIVISION 3, BRADBURY MANOR PROPERTY**

NOTES TO PUBLIC

- 1) The proposed amendments apply to 7 properties in proposed Residential 1 zoning district and 4 properties in the proposed Residential 2 zoning district. The list of properties to which the proposal applies and the uses that would be permitted through the contract rezoning process are identified in this Ordinance. The properties which would be permitted to use the contract rezoning process also are identified on the attached map.
- 2) Person who may be affected by this proposal are encouraged to attend the public hearing on September 17, 2014 and to offer verbal comment. Comment may also be submitted in writing or via email in accordance with the provisions identified in the public hearing announcement.
- 3) All language that appears in black font is the existing language identified in Chapter 102, Zoning, Article X, Contract Rezoning, Division 3, Bradbury Manor Property. All language proposed to be added to the above Ordinance is identified in **Red Font**. All language proposed to be deleted from the Ordinance is identified in ~~Blue and Strike-Through Font~~. All language in black font is existing language that is not changed by this proposal.

TEXT OF PROPOSED AMENDMENTS

Chapter 102. ZONING

ARTICLE X. Contract Rezoning

DIVISION 3. Residential 1 and Residential 2 Zoning Districts ~~Bradbury Manor Property~~

Sec. 102-1401. Properties located in the Residential 1 zoning district and ~~A~~applications for said properties which are subject to the contract rezoning process. [Ord. No. 20-2001, 11-7-2001]

The following **properties located in the Residential 1 zoning district applications** 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 ~~1~~) 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"; ~~that is located in the Residential I District.~~ **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 ~~2~~) An application to establish ~~more elderly housing at densities that exceed the maximum housing densities permitted in the Residential I District, on a property identified as Map 37, Lot 151, the former "Bradbury Manor Nursing Home", that is located in the Residential I District. Such a proposal specifically would involve the construction of three or more housing units in a singular structure that are exclusively available for occupaney by elderly residents.~~ **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: 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.

Sec. 102-1402. Properties located in the Residential 2 zoning district and applications for said properties which are subject to the contract rezoning process.

The following properties located in the Residential 2 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) - (c). All of the identified uses are uses that are prohibited in the Residential 2 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 2 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 on a property identified as Map 13, Lot 32, the former Governor Anderson School, that is located at 256 High Street:

multi-family dwelling in an existing structure; accessory residential use, such as temporary living quarters for artisans and educators associated with an educational or non-profit institution; inn, hotel and motel; convention center; fitness center, exercise/dance studio; recreation facility, indoor; museum; community center; theater/performing arts center; restaurant with indoor seating; restaurant, outdoor; restaurant, take-out; personal services; professional offices; retail as an accessory use to artisans and educators associated with an educational or non-profit institution; health care facilities/offices; health services; and craft sales.

- (b) An application to establish any of the following uses on a property identified as Map 13, Lot 75, that is located at 243 High Street: multi-family dwelling in an existing structure; accessory residential use, such as temporary living quarters for artisans and educators associated with an educational or non-profit institution; 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; recreation facility, indoor; museum; community center; personal services; professional offices; health care facilities/offices; and health services.
- (c) An application to establish a multi-family dwelling in an existing structure shall be considered through the contract rezoning process in this division for the following respective properties: Map 11, Lot 215, located at 183 Main Street, and Map 12, Lot 49, located at 199 Main Street.

Sec 102-1403. Properties located in the Residential 1 zoning district which can submit a written request to the City to use the contract rezoning process.

- (1) The City has identified several properties located in the Residential 1 zoning district as potential candidates for consideration of using the contract rezoning process to allow additional uses of said properties. The properties are: Map 37, Lot 129, the Williamson House, located at 44 High Street; Map 37, Lot 157, the Alden House Bed & Breakfast, located at 43 Church Street; Map 11, Lot 198, the Admiral Pratt House located at 212 High Street; Map 11, Lot 196, the Thomas Whittier House located at 156 High Street; and Map 11, Lot 197, the C.B. Hazeltine House located at 208 High Street. An owner of any of the above properties shall have the opportunity to submit a written request to the City Council to allow the use of the contract rezoning process identified in this division for their property. The written request shall include the following information at a minimum: the name of the applicant if not the current owner, the type of use or uses proposed for the property, a general description of the changes the owner proposes to the site and buildings on the site, a schedule to construct the changes and make the use operational, and a description of who will operate the use when it is established.
- (2) The City Council shall consider the written request and shall decide if the City is willing to consider accepting a contract rezoning application for the respective property. The Council, in its review of the written request, will consider the use

proposed by the owner, how the proposed use may impact the existing property and the neighborhood, and how the owner will manage the property after the use is considered. The Council, in acting upon this written request, is only deciding if an owner should be permitted to submit a contract rezoning application pursuant to the process identified in this Division, thus, the extent of information the owner is required to submit, and the nature of the Council's review is held to a much lesser standard than that which would accompany a contract rezoning application. The Council is not required to conduct a public hearing in considering such a request, but may choose to accept public comment.

- 3) The Council, at the conclusion of its review, shall decide if the City will accept an application through the contract rezoning process for the use identified by the owner. If the Council approves accepting an application, the owner shall have a maximum of 180 days to submit a formal application through the contract rezoning process for the identified property and use. If the Council chooses not to accept a contract rezoning application, the applicant may appeal said decision to Superior Court.

Sec. 102-1404 2. Contract rezoning process for all applications. [Ord. No. 20-2001, 11-7-2001]

- (a) Applicant meeting with City Planner, step 1. An applicant who proposes to use the contract rezoning process shall first meet with the Belfast City Planner or his designee. The applicant shall describe the property to be developed, the proposed use of the property, and factors related to the use of contract rezoning. The City Planner shall explain requirements of the contract rezoning process to the applicant, and identify information the applicant must prepare to submit an application for review. The City Planner or his designee shall coordinate review of the application through all steps of this process, steps 1 through 4, and shall prepare draft findings, conditions and similar information as requested by the respective City review committees and boards.

~~(a) — Planning Board review process.~~

- ~~(1) Preliminary plan review process. The applicant shall submit a preliminary plan to the Planning Board. The applicant shall provide all information required in a preliminary plan in accordance with chapter 90, the requirements of this division, and additional information identified by the Planning Board.~~

~~— The Planning Board shall conduct a review of the preliminary plan application within 45 days of its receipt of a complete application, and shall schedule a public hearing to accept public comment. The board shall provide notice of the hearing to the public and to project abutters within 750 feet of the proposed development. The purpose of the preliminary plan review is to determine if the applicant and the proposed project site can address concerns regarding development of the site. The board must vote to accept or reject the preliminary plan and shall act within 60 days of receipt of a complete preliminary plan. The board shall inform the City Council of its decision to accept or reject a preliminary plan.~~

~~(2) Final plan review. The applicant shall submit a final plan within six months of Planning Board approval of a preliminary plan. The applicant shall provide all information required in a final plan in accordance with chapter 90, the requirements of this division, and additional information identified by the Planning Board.~~

~~—The Planning Board shall conduct a review of the final plan within 60 days of receipt of a complete application, and shall schedule a public hearing to accept public comment. The board shall provide notice of the hearing to the public and all project abutters located within 750 feet of the proposed development. The board shall determine if the applicant proposal satisfies all requirements specified in this division and the unique characteristics of the site, the area, and the community, in deciding to approve, approve with conditions, or reject a final plan for a contract rezoning proposal. The Planning Board shall submit its recommendation to the City Council regarding the contract rezoning proposal, and, if the board recommendation is to approve a contract or approve a contract with conditions, to submit this rezoning contract to the City Council for their review and consideration as an amendment to this chapter.~~

~~(3) Findings of fact. The Planning Board shall prepare findings of fact that describe its recommendation to the City Council to approve, approve with conditions, or deny a request for a contract rezoning proposal. The findings of fact shall address the issues identified in section 90-42, and the goals identified in section 102-1386. The findings of fact shall identify why this project application is or is not appropriate for a contract rezoning proposal.~~

(b) City of Belfast Planning Board, step 2. The Planning Board shall review an application to use contract rezoning for a property and make a recommendation to the Belfast City Council regarding project compliance with requirements identified in this division (Article X, Contract Rezoning, Division 3), particularly sections 102-405 and 102-406 and chapter 90, site plan, section 90-42. The Planning Board, in conducting its review and preparing its recommendations, shall consider recommendations of the In-Town Design Review Committee (step 3), public testimony presented to the Board, the lay-out of the site and its relationship to surrounding properties, the reuse and alteration of existing structures, the demolition of existing structures, the construction of new structures, the uses for which the property and accompanying structures are intended, project compliance with requirements of this division and Chapter 90, site plan, and consistency of the project with policy recommendations in the City of Belfast Comprehensive Plan. The Planning Board is responsible for preparing a contract rezoning agreement for presentation to the City Council as a proposed contract rezoning ordinance amendment. Said agreement shall define specific terms that the applicant must satisfy, including but not limited to uses permitted for the site, permitted structures and dimensional standards for said structures, required improvements to the site, a

schedule for the construction of public and private improvements, and a list of all conditions that apply to this application.

An applicant, at the conclusion of this process, shall present a site plan sealed by a licensed engineer and, if required, architectural plans sealed by a licensed architect or engineer, which incorporates all requirements specified by the Planning Board. The Board also shall prepare written findings that address requirements of chapter 90, site plan, section 90-42, and the standards specified in chapter 102, zoning, sections 102-1405 and 102-1406.

Step 2 shall involve the following procedures:

- (1) The applicant shall submit a written application to the Code and Planning Department for presentation to the Planning Board that includes, at a minimum, the following information:**
 - a. All information required for Planning Board review of a preliminary site plan as stipulated in chapter 90, site plan, section 90-72, and a final site plan as stipulated in chapter 90, site plan, section 90-102.**
 - b. All findings and plans approved by the In-Town Design Review Committee, step 3.**
 - c. A proposed schedule for the construction of all public and private improvements.**
 - d. The Planning Board may request additional information that it deems relevant to determine project compliance with chapter 78, floodplain, chapter 80, in-town design review, chapter 82, shoreland, chapter 90, site plan, chapter 98, technical standards and chapter 102, zoning, requirements that may be applicable to the project.**

- (2) The Planning Board, within 30 days of receipt of an application, shall schedule a public hearing regarding the application. The Planning Board may conduct additional public hearings at subsequent meetings at which it reviews the project, however, the Board is not required to conduct more than one public hearing. The Code and Planning Department, on behalf of the Board, shall provide the following public notifications associated with review of the application.**
 - a. In writing by first class mail at least 13 calendar days prior to the initial public hearing conducted by the Planning Board to all owners of property that directly abut or that are located within 250 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. A letter to abutting property owners is not required for any subsequent public hearings that the Board may conduct.**
 - b. By posting notice of the initial public hearing in Belfast City Hall a minimum of 13 calendar days prior to the public hearing, and by posting**

notice of any additional public hearings in Belfast City Hall a minimum of 7 calendar days prior to the hearing.

- c. By publishing notice of the initial public hearing in a local newspaper a minimum of 13 calendar days prior to the hearing. The City is not required to publish notice in a local newspaper of any additional public hearings.
- (3) The Planning Board shall prepare a written finding that describes project compliance with applicable requirements of chapter 78, floodplain, chapter 80, in-town design review, chapter 82, shoreland, chapter 90, site plan, section 90-42, and chapter 102, zoning, article X, contract rezoning, division 3. The written findings shall describe why the Board recommended approval, recommended approval with conditions, or recommended denial of a request for a contract rezoning agreement. The Board also shall prepare a draft contract rezoning agreement which defines conditions that the Planning Board recommends be imposed on the project. Such conditions shall address the mandatory conditions which an applicant must satisfy, reference section 102-1405(a), and the discretionary conditions which an applicant must satisfy, reference section 102-1405(b). The applicant also shall prepare a site plan that depicts all recommendations of the Planning Board.

If the applicant contests any requirements recommended by the Planning Board in the draft contract rezoning agreement, the applicant must prepare a written report that specifically describes why it opposes certain terms of the Board's recommended contract rezoning agreement, and if applicable, prepare a site plan that illustrates alternative site concerns.

- (4) The Belfast Planning Board shall present its written findings and recommended contract rezoning agreement to the Belfast City Council, Step 4, reference section 102-1404. Any report from the applicant, reference (3) above, shall be presented to the City Council at the same time. The Planning Board may send a representative to the City Council, reference Step 4, to explain the findings of the board and terms of the recommended contract rezoning agreement. The City Planner or his designee will assist in the presentation of the Board's findings and recommendations.
- (c) In-Town Design Review Committee, step 3. An application for contract rezoning that involves the construction of a new structure or structures, the exterior renovation or alteration of an existing structure or structures, or the demolition of an existing structure or structures, shall be presented to the In-Town Design Review Committee. The In-Town Design Review Committee shall review an application and shall issue a written finding and recommendation to the Belfast Planning Board regarding project compliance with standards identified in the City Code of Ordinances, chapter 80, in-town design review. Committee review of an application shall occur concurrently with review by the Belfast Planning Board, step 2 above, so that the Committee can complete its review and recommendation prior to the Planning Board completing its

review. The committee, in conducting its review, shall consider all criteria identified in chapter 80 (Intown Design Review) and this division (division 3), as well as the layout of the site and its relationship to surrounding buildings and properties, the alteration of existing structures, the demolition of existing structures, and the construction of new structures.

Step 3 shall involve the following procedures:

- (1) The applicant shall submit a written application to the Code and Planning Department for presentation to the In-Town Design Review Committee that includes, at a minimum, the following information:**
 - a. A description of the current use of the property and the use or uses proposed by the applicant. This description must identify why the applicant has chosen this approach for use of the property.**
 - b. A site plan at an appropriate scale that identifies the general boundaries of the property and its relationship to surrounding properties, existing structures located on the property, existing structures that will be altered and new structures that will be added, existing structures that are proposed to be demolished, and significant natural features on the property. The site plan also shall identify all parking areas, open areas and other public or private amenities.**
 - c. Elevation drawings that identify all profiles of all existing or proposed structures. Such drawings shall include sufficient detail to allow committee members to understand the type of building materials, building accents, entrances, windows, and roof lines proposed. These drawings shall be prepared by a licensed architect or engineer.**
 - d. The committee may request additional information that it deems relevant to determine project compliance with chapter 80 requirements.**

- (2) The In-Town Design Review Committee, within 30 days of receipt of an application, shall schedule a public hearing regarding the application. The Committee may conduct additional public hearings at subsequent meetings at which it reviews the project, but the Committee is not required to conduct more than one public hearing on the project. The Code and Planning Department, on behalf of the Board, shall provide the following public notifications associated with review of the application.**
 - a. In writing by first class mail at least 13 calendar days prior to the initial public hearing conducted by the Intown Design Review Committee to all owners of property that directly abut or that are located within 250 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. A letter to abutting property owners is not required for any subsequent public hearings that the Board may conduct.**

- (2) **The Chair of the Planning Board, or his designee, assisted by the City Planner, shall present the Board's findings and contract rezoning agreement to the Council. The City Planner shall attend subsequent Council meetings to respond to Council questions regarding the proposed contract rezoning agreement.**

The applicant shall present its proposal at the ordinance amendment process and shall attend Council meetings to respond to Council questions regarding the proposed contract rezoning agreement, including its statement of consent or opposition to terms imposed by the Planning Board.

- (3) **The Code and Planning Department, on behalf of the City Clerk, shall provide the following public notices regarding the ordinance amendment process:**
 - a. **In writing by first class mail at least 14 calendar days prior to the first reading of the proposed ordinance amendment, and by first class mail at least 14 calendar days prior to the scheduled second reading and public hearing to all owners of property that directly abut or that are located within 250 feet of any property line of the property for which a contract rezoning application is submitted. The Code and Planning Department shall provide a record to the City Clerk of all persons to whom notice is sent.**
 - b. **By posting notice of each meeting in Belfast City Hall a minimum of 14 calendar days prior to the scheduled meeting.**
 - c. **By publishing notice of the second reading and public hearing in a local newspaper. At least one notice shall be published a minimum of seven days prior to the hearing.**
- (4) **The Council, by majority vote, shall act to approve, approve with conditions, or deny an applicant's request for a contract rezoning agreement. The Council also may amend, as it deems appropriate, the terms of a contract rezoning agreement presented by the Planning Board. A contract rezoning ordinance amendment approved by the Council shall address all mandatory conditions identified in section 102-1453(a) and shall address all discretionary conditions identified in section 102-1453(b) that the Council determines are applicable.**
- (5) **The applicant shall record a contract rezoning amendment approved by the City Council in the Waldo County Registry of Deeds within 60 days of its approval. Such amendment shall be enforced by the City Code and Planning Department as a deed covenant and zoning ordinance that applies to the property, and shall be binding on any heirs, successors and assigns to this property. The contract rezoning agreement for the respective property also shall be identified in the City Code of Ordinances, chapter 82, shoreland, and chapter 102, zoning.**

~~(b) City Council review process. A contract rezoning application on which the Planning Board has acted, and the recommendation of the Planning Board, shall be submitted by the applicant to the City Council within 90 days of the Planning Board action. If~~

~~the applicant does not submit such application to the City Council within 90 days, the application shall not receive any consideration by the council, and the applicant must obtain further Planning Board review pursuant to the process identified in section 102-1402(a). Council review of an application shall occur in accordance with the following process:~~

- ~~(1) A contract rezoning application that the Planning Board has recommended for approval or approval with conditions shall be scheduled for public consideration in accordance with the introduction, first reading and second reading process for the adoption of an amendment to this chapter.~~
- ~~(2) A contract rezoning application that the Planning Board has recommended for denial shall be scheduled for a public hearing and review before the council. The council shall decide to either accept the recommendation of the Planning Board and deny the application, or to schedule the application for consideration subject to the process defined in subsection (1).~~

~~The council shall provide public notice of the proposal as is customary for an amendment to this chapter, and shall provide notice of any public hearings that are held to all project abutters located within 750 feet of the proposed development.~~

~~If the council approves the rezoning contract, subject to any amendments or conditions negotiated by the council, the contract is adopted as an amendment to this chapter. The amendment is for the property and any heirs and assigns. The applicant for which a contract rezoning amendment to the chapter is approved, has 1 1/2 years to initiate project/site development, and 3 1/2 years to establish occupancy of at least two of the dwelling units. Failure to accomplish either of these requirements shall result in the voiding of the contract rezoning amendment to the chapter. The council, however, shall have the right to extend the approval for additional periods not to exceed one year per extension granted. Further, the council may establish other conditions regarding the construction and occupancy schedule for the project.~~

- ~~(c) Recording of contract rezoning amendment. The applicant shall record an approved contract rezoning amendment to the zoning ordinance in the Waldo County Registry of Deeds within 60 days of its approval by the City Council.~~

Sec. 102-1405 3. Conditions of contract rezoning. [Ord. No. 20-2001, 11-7-2001]

- (a) Mandatory conditions. All contract rezoning proposals shall:
 - (1) Be consistent with the City comprehensive plan and any other supporting documents pertinent to the plan; and
 - (2) Include only conditions or restrictions that relate to the physical development or operation of the property.

- (b) Discretionary conditions. The Planning Board **may recommend** and City Council may adopt discretionary conditions that address the goals identified in section 102-1404 of this division, 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 for a specific site and project.

Sec. 102-1406 4. Minimum goals that applicant shall satisfy and City Planning Board and City Council shall address in approving granting a contract rezoning application request.
[Ord. No. 20-2001, 11-7-2001]

All applications to establish a project described in section 102-1401 shall address, at a minimum, the following goals and project requirements. The Planning Board and City Council shall use these goals and project requirements to identify the minimum standards that a proposed project application for a contract rezoning must satisfy. It is expressly understood that the Planning Board and City Council may impose specific standards as part of the contract rezoning process to ensure that community concerns regarding the use of the proposed site address these issues in a good quality manner.

(1) Use of site. Issues to consider include but are not limited to the following:

- a. Does the applicant propose multiple use of the site, particularly multiple use of the larger sites?**
- b. If housing is a component of the project, what are the number of housing units and scale of the housing development compared to the amount of nonresidential development. The City intent is to allow mixed use, which includes allowing housing as a component of a project.**
- c. Does the project involve subdividing or dividing a larger parcel? The City goal is to encourage an applicant to retain existing large lots or lots on which there is existing development, if the layout of the lot positively contributes to the development.**
- d. How does the proposed use complement or enhance existing uses of the area, and benefit public purposes.**

(2) Site lay-out. The goal is to achieve a site lay-out that complements the character and functionality of the area and that promotes a healthy community. Many of these properties for which contract rezoning is permitted have strong ties to the community's past. It is important that any reuse of these properties respect the community's character and how existing buildings are laid out on the site and their relationship to the street and adjacent development. The City shall consider issues such as structure setbacks, access to the site, the lay-out of parking areas, and the

- (3) **Public use areas.** The City shall consider the extent to which an applicant is allowing or encouraging public use of a site, if public access is an issue which should be considered for this property. The type of use being proposed is an issue which will be considered.
- (4) **Traffic analysis and management.** An applicant shall analyze traffic generated by the proposed project and identify measures to accommodate traffic, including potential street improvements. The analysis should include base-line traffic, estimated traffic resulting from this project, estimated traffic resulting from anticipated ancillary development to this project, and growth trends for start-up and build-out of the site and surrounding area. 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 City also recognizes that the amount of traffic that may be generated by some of the uses that may be proposed for a specific property do not warrant this level of traffic analysis.
- (5) **↔ Site circulation and traffic impact assessment.** The applicant must examine how traffic will safely enter and exit the site, and how traffic will circulate throughout the site. **The applicant also must address how traffic generated by the proposed project will affect existing traffic patterns in the City and in the respective neighborhoods and streets most impacted by the proposed project.**
- (6) **Parking areas.** The amount of on-site parking that can be provided on most properties is often quite limited, and is a factor that can limit the amount of use that can occur on a site. For example, few if any properties in this area could provide sufficient parking to fully accommodate the parking generated by an intensive use that typically requires large amounts of parking, such as but not limited to a large restaurant or convention center. The availability and proximity of public parking can accommodate some of the parking demand in this area, but some uses may overwhelm the availability of public parking.

Guidelines that shall be considered in determining the amount of on-site parking required include but are not limited to the following:

- a. **The proximity of public parking lots and on-street parking, the amount of demand on such parking, and accessibility to this parking from the applicant property.**
- b. **The amount, lay-out and purpose of on-site parking that the applicant can reasonably provide. The location and design of parking areas shall be well integrated on the site in relation to other uses. At a minimum, an applicant typically would be required to provide on-site parking for all proposed residences; usually two spaces per dwelling unit.**
- c. **The availability and amount (timing) of joint use private parking on the applicant site or on other private properties in the area.**

- d. An applicant may pay a parking impact fee in lieu of making on-site parking improvements, with the City assuming responsibility to construct parking facilities.
- e. An applicant can provide or financially contribute to a public transportation system to transport customers to off-site parking lots in lieu of making on-site parking improvements.
- f. Other methods of public accessibility to the site (walking) can be considered in determining the amount of on-site parking.

~~(3) Parking areas. The amount of parking provided shall be consistent with the needs of the facility. The layout of parking areas shall recognize characteristics of the site and the site circulation pattern. The applicant and the City shall use requirements identified in chapter 90 for guidance, but it is recognized that flexibility in applying these requirements may be warranted to achieve a good quality site layout.~~

(7 2) Building appearance. The applicant shall identify how the redevelopment of ~~the any~~ **existing structures or construction of any new structures** will result in the buildings being compatible with development in the surrounding area. The front facade of **all the** buildings and ~~their its~~ orientation to local ~~High S~~**streets** is a critical concern. Further, ~~all the~~-redevelopment **or new development** shall carefully consider site circulation, natural site characteristics, and surrounding properties in their proposal. ~~Redevelopment of the All~~ building ~~development~~ shall be of a high quality design.

(8) **Building height. An applicant who requests flexibility in the building height standard shall prepare an assessment that considers potential impacts of the project on public views, and how the height of the proposed buildings is consistent or not out of character with other buildings in the surrounding neighborhood. The applicant also shall identify why a height that is greater than the maximum standard for the zoning district is necessary. The issues to be analyzed and considered by the City in establishing a height limit for a specific property or structures on such property are listed below in order of priority. Flexibility in the height (no predetermined maximum height) is inherent in the contract rezoning process. The In-Town Design Review Committee has the prime responsibility to consider height issues as a component of overall building and site design.**

- a. How is the height of the building consistent with other structures that may be located on the property and in the surrounding area.
- b. Why is the height of the proposed building necessary.
- c. How has the applicant retained existing or provided new views available from public property and facilities, particularly roads. This includes how public access is provided to the proposed site.
- d. The degree of impact the proposed project may have on public views. For example, is the view from a public facility fully obstructed, partially obstructed, or not obstructed? In addition, what elements of the public view are obstructed?

- e. **The degree of impact the proposed project may have on private views, including the number of properties impacted and the degree to which they are impacted. For example, is the view fully obstructed, partially obstructed or not obstructed?**
- (9) **Utilities. The applicant shall identify the lay-out of all proposed utilities, and shall make utility services as unobtrusive as possible. That said, the method of delivering utilities can be consistent with how other services are delivered in the neighborhood.**
- (10 ~~6~~) **Glare/lighting. The project shall not produce adverse impacts with regard to glare and lighting on surrounding properties and uses, including all public roads. The lighting plan shall complement the character of the buildings and site, and not dominate it or the surrounding area.**
- (11) **Noise. The City shall consider the degree of noise that may be generated by the produced use, including the intensity, duration and time in which the noise is generated, and measures the applicant may take to abate adverse noise levels.**
- (12) **Odors, gases, noxious impacts. These applicant shall identify how any potential issues related to such impacts are managed so as not to create an adverse impact on surrounding properties, and the City shall consider if these methods are acceptable.**
- (13 ~~7~~) **Stormwater management. The applicant shall identify how all stormwater impacts will be effectively managed, and shall avoid any increase in the amount of stormwater being directed to adjacent properties.**
- (16 ~~8~~) **Solid waste collection and disposal. An applicant shall identify how they will collect and dispose of all wastes and recyclable materials. If applicable, the applicant shall address how to manage litter generated on the site.**
- (17 ~~9~~) **Landscaping. The applicant shall present attractive landscaping and buffering that addresses the following: how to retain existing mature trees, how to present an attractive entrance along the adjacent High streets, how to buffer impacts on neighboring properties, and how to help the building blend with development in the surrounding area.**
- (18 ~~11~~) **Handicap accessibility. The applicant shall ensure that all project facilities fully satisfy handicap accessibility requirements.**
- (19 ~~4~~) **Signs. All signs shall complement the site and structure development and shall be in proportion to the structure(s) and requirements of chapter 86. Interior lighted signs are prohibited. Common signage patterns within the development shall be encouraged. An applicant may exceed the standards identified in the City Sign Ordinance, chapter 86, if such signage complements the site and surrounding area and is appropriate for the type of use of the property and the scale of the respective buildings.**
- (20 ~~5~~) **Construction activities and schedule. The applicant shall identify a construction schedule that will demonstrate their ability to complete the project in a reasonable**

period of time, and how effectively manage they will manage potentially adverse ~~noise, dust, fume, vapor, gas, and odor~~ impacts on surrounding uses and properties.

- (~~21~~ ~~10~~) Technical and financial ability of applicant. The applicant shall demonstrate that they have the financial and technical ability to redevelop the existing structure and site in a good quality manner, and that they have the financial and technical ability to market the proposed project and manage the proposed facility. The applicant shall present a **management plan for their proposed operation and management of an elderly housing or elderly congregate care facility requires special skills, and the applicant must provide the City sufficient information to identify how their management plan for this project that** will facilitate its long-term success.
- (22) **Performance guarantees for required improvements. The City shall determine the amount and type of performance guarantees that should be required, if any, to ensure that an applicant successfully constructs required on-site and off-site improvements, and can routinely maintain constructed improvements in the long-term.**
- (~~23~~ ~~12~~) Other concerns. The Planning Board and ~~e~~Council shall consider other factors that either believes is appropriate to determine if the requested contract rezoning proposal should be approved.

Sec. 102-1407 5. Decision not appealable. [Ord. No. 20-2001, 11-7-2001]

Notwithstanding any provisions in this chapter, a recommendation of the Planning Board or a decision of the City Council to approve, approve with conditions, or deny a contract rezoning proposal, shall not be appealable to the City Zoning Board of Appeals. Any appeal of a Planning Board recommendation issued pursuant to section 102-1404(~~b~~)~~2(a)~~, or a City Council decision issued pursuant to section 102-1404(~~d~~)~~2(b)~~, shall be appealed directly to the state court system.

Sec. 102-1408 6. Cost of contract rezoning process. [Ord. No. 20-2001, 11-7-2001]

The applicant shall pay all costs associated with **City Planning Board and City Council** review of a contract rezoning project, whether or not the project is approved ~~by either the Planning Board or the City Council.~~

Sec. 102-1409. Effective date of Amendments.

The amendments identified in this division shall become effective upon adoption by the City Council of the City of Belfast, and as described in the City Charter for the City of Belfast.

Sec. 102-1410 07. through Sec. 102-1449. (Reserved)