

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, May 19, 1999 7:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Williams, James, Blake, Wyman, Hayden, Tibbetts, Rogers, Tainter and Chairman Hall

Also Present: City Manager Bubier, City Solicitor Therriault and City Clerk White

Chairman Hall called the meeting to order at 7:00 PM.

1. **PUBLIC HEARING-ORDINANCE** Amendment to LUC Chapter 18. Article 8. District Regulations, Section .18-Conditional and Contract Rezoning, Subsection B -Description of Property, Article 7, Section 7.25 and Article 17 - Contract Zoning Districts, Section 17.06 - 2 Davenport Circle (second passage) - 7:01 PM

Motion by Councilor Williams, seconded by Councilor Tainter to waive the reading of the Ordinance.

Vote: to waive reading of the Ordinance

Yeas: 8

Nays: 0

Unanimous vote to waive reading of Ordinance

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH, ADOPTED DECEMBER 7, 1983 AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

Amend Section 8.18 - Conditional and Contract Rezoning, Subsection B - Description of Property, by adding the underlined text:

B. Description of Property

Property eligible for rezoning under conditional and contract rezoning provisions of this Section shall be the property described in Section 7.18(B) of this Code together with all of the property described in Section 7.16 of this Code designated as Highway Business District - C IV. and the Property included in the Special Purpose Commercial Overlay District.

And amend Article 7, Section 7.25 by adding,

"and, that area consisting of parcels of land designated by the Tax Maps of the City of Bath dated April 1, 1998, as Map 14 Lots 96-1 and 96-2. "

And Amend Article 17 - Contract Zoning Districts by adding,

"Section 17.06-2 Davenport Circle

A. District Designation

The property designated for contract zoning amendment is the property located at 2 Davenport Circle, being identified as lots 96-1 and 96-2 on City of Bath Tax Map 14, dated April 1, 1998.

B. Findings

The building at 2 Davenport Circle is in the Special Purpose Commercial Overlay Zone. The present use of the building is medical office which the Zoning Board of Appeals has determined is allowed as an accessory use to the Mid Coast Hospital. The City Council makes the following additional specific findings:

1. The building was built as a medical office building associated with the Mid Coast Hospital.
2. Medical office use would not be allowed if not accessory to the hospital.
3. The building was specifically constructed for offices and has only limited utility for uses found in the R2 Zone.
4. General office uses would be appropriate in the building and would be as compatible with the surrounding neighborhood as the medical office use. However, not all of the C I uses, which would generally be allowed in the Special Purpose Commercial Overlay District, would be appropriate.
5. The owner of the property has voluntarily offered to limit the number and type of authorized uses of the property as allowed in Land Use Code Article 8, Section 8.18, D, 2, a.

For all of these reasons, the City Council feels justified in rezoning this parcel as a Special Purpose Commercial Overlay District and to designate the area as a Contract Zone.

C. Zoning Provisions Affected

This contract zoning amendment is intended to limit the number and type of authorized uses of the property as would otherwise be permitted under a C I designation under a Special Purpose Commercial Overlay District, but which would be inappropriate on this site given the residential character and designation of surrounding property. (Reference Section 8.19)

D. Conditions of Approval

This contract zone is approved subject to the following specific conditions:

The only uses allowed are the uses presently allowed by the Land Use Code in the underlying Residential 2 Zoning District, plus the following C I uses:

- Business Services
- Finance, Insurance and Real Estate Offices
- Professional Offices
- Art and Craft Studios
- Accessory Uses
- Business Office
- Schools, and
- Day Nursery, Kindergarten- or Nursery School."

Motion by Councilor James, seconded by Councilor Williams to put this Ordinance on the floor for discussion.

Chairman Hall asked for any public or Council comment on the Ordinance. Seeing none he asked for a roll call vote.

Vote on Second Passage of this Ordinance:

Yeas: Williams, James, Blake, Wyman. Hayden, Tibbetts, Rogers, Tainter
Nays: None
Ordinance got Second Passage 8-0 Unanimous.

Motion by Councilor Williams, seconded by Councilor Tainter to adjourn Special Meeting.

Unanimous in favor

Meeting adjourned at 7:03 PM

Respectfully submitted:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. A tape recording of the meeting is available for review in the City Clerk's office during regular business hours.