

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting
Wednesday, April 4, 2018 6:00pm
City Council Chambers, Bath City Hall

We encourage your comments and views, and appreciate your participation in your local government.

A. Pledge of Allegiance

B. Roll Call

Presentation from Bath Housing Authority by Deb Keller, Director.

C. Public Hearing:

1) Ordinance: LUC Amendment to Article 9, Section 6.1.3 "Special Purpose School" (second passage)

D. Consent Agenda:

(Items as marked with an asterisk (*) on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)

*2) Minutes of the previous Council meeting of March 7, 2018. (motion to accept as presented)

E. Time Devoted to Residents to Address The City Council:

F. Ordinances, Orders, and Resolutions:

3) Ordinance: Chapter 8. Fire Prevention, Article 2. Life Safety and Fire Prevention Codes, Sec. 8-102 and Sec. 8-103. (first passage)

4) Approval: Request Application to go to Planning Board regarding amendment to test of the LUC to change the definition of a Bed and Breakfast to allow a manager or owner to reside at the premises.

G. Petitions & Communications:

H. City Manager's Report:

I. Committee Reports:

J. Unfinished Business:

K. New Business:

5) Appointment of Karen Ray and Judy Martin to the Bath Housing Authority Board of Directors – Residence Representatives for a term of 5 years.

L. Councilor Announcements:

ADJOURN

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 9--Uses, Section 6.1.3, as follows:

LAND USE CATEGORY	ZONING DISTRICTS																		
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
5.0 Painting or Cleaning of Goods, Merchandise, or Equipment																			
5.1 All operations conducted entirely within fully enclosed building	N	N	N	N	N	N	N	S	S	N	N	S	N	N	N	N	N	N	N
5.2 Operations conducted within or outside fully enclosed building	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N
6.0 Educational, and Cultural Use																			
6.1 Schools																			
6.1.1 Public or private elementary or secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.1.2 Public or private post-secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.1.3 Special-purpose schools	N	N	N	N	N	S	S	S	S	S	N S	S	N	N	S	N	N	N	S
6.1.4 Special education schools	N	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.2 Libraries and museums, including associated educational and instructional activities	S	N	N	N	N	S	S	N	N	S	N	S	N	S	S	N	N	N	S
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

City of Bath

55 Front Street
Bath, Maine 04530

Dept: 207/443-8363
Fax: 207/443-8389



**Planning &
Development**

MEMORANDUM

TO: Mari Eosco, Chair
City Councilors

FROM: Ben Averill, City Planner

DATE: March 28, 2018

RE: Request for land use code amendment

Background

GF Investment, LLC is requesting an amendment to the text of the Land Use Code (LUC). Krav Maga Force Maine has been operating in the building owned by GF Investments located at 241 Congress Avenue (Tax Map 25, Lot 105). The structure is located in the Neighborhood Commercial Zoning District. The applicant requests an amendment to the text of the LUC to allow "special purpose schools" as defined in the Land Use Code as allowable uses in the Neighborhood Commercial Zoning District.

According to the LUC Article 2, Page 19 a special purpose school is defined as: A place where any specialized branch of knowledge is taught for compensation such as martial arts, dancing, gymnastics, music, automobile driving, and business skills, but not including horseback riding. [amended November 28, 2012]. If the City Council chooses to approve amending the text amendment this change will allow all uses as defined in the LUC to be permissible in the Neighborhood Commercial zoning district.

The request would amend Article 9 Section 6.1.3 to allow Special Purpose Schools as an allowable use provided that may require site plan approval. The Planning Board reviewed the amendment request at their meeting on February 6, 2018. At that meeting, after holding a public hearing, the Planning Board voted 7-0 to recommend the LUC amendment to City Council.

Council Action

The Council had a first passage of the request at the March 7th City Council meeting. If the Council determines that the land use code amendment has merit it may vote to approve the amendment to Article 9, Section 6.1.3. If the Council determines that the application lacks merit, action on the application and LUC request will cease.

TD

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CITY OF BATH, MAINE

City Hall 55 Front Street

Bath, Me 04530

www.cityofbath.com



CODES ENFORCEMENT OFFICE

Phone (207) 443-8334

FAX (207) 443-8337

TDD (207) 443-8368

Date: March 27, 2018
To: City Council
Cc: Peter Owen, Lawrence Renaud, City Solicitors
From: Scott Davis, Codes Enforcement Officer
Re: NFPA 101 update and NFPA 1 adoption

In your packages for the April 4th Council Meeting are materials detailing a proposal to adopt an updated edition of NFPA 101- the Life Safety Code and adopt for the first time NFPA 1- The Fire Code.

NFPA 101 is a fire code that specifies fire safety requirements such as building construction type, number of exits, sprinkler systems, fire alarms, travel distances, fire rating of interior finishes, etc. The code is written by the National Fire Protection Association, a model code agency. A new edition is written each three years. The State adopts the new editions when they come out, with amendments, and that code is in effect Statewide. Many towns adopt the code locally as well, as do we. The edition we have on the books is the 1985 edition. Codes like this generally become more stringent with time and recognize new products and technologies. We want to update our version of NFPA 1 to be consistent with the State's, since it's state law and effective statewide. Having an old edition of the code in effect serves no purpose. The State is currently using the 2009 edition of NFPA 101, and we'd like to adopt that locally so ours is consistent with theirs. They are working on adopting the 2018 edition. If/when they do, we'll bring forth a proposal to update ours to be consistent with theirs.

NFPA 1 is a relatively new fire code that contains building fire safety requirements, mostly by referencing NFPA 101, but also contains operational fire safety requirements for things like fuel dispensing, marinas, cutting and welding, storage, dust and explosion hazards, commercial cooking equipment, etc. The State has adopted the 2009 edition of this code, with amendments. We're proposing that we adopt their edition locally.

I'll be at the meeting and will be glad to answer any questions.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 8. FIRE PREVENTION

Article 2. Life Safety and Fire Prevention Codes

Delete current Sec. 8-102, Standards – Life safety code and outdoor wood boilers.

Replace with new Sec. 8-102, Standards – Life safety code, as follows:

Sec. 8-102. Standards – Life safety code.

- (a) This article incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2009 edition, as amended by the State of Maine to avoid conflict with the *Maine Uniform Building and Energy Code* and to make the provisions specific to Maine, as set forth in the Rules of the State Fire Marshal, Chapter 20, Fire Safety in Buildings and Structures.

Sec. 8-103. Fire Prevention Code.

Add at the end of Sec. 8-103, Fire Prevention Code, the following:

In addition, this article incorporates by reference National Fire Protection Association (NFPA) #1, *Uniform Fire Code*, 2006 edition, as amended by the State of Maine, as set forth in the Rules of the State Fire Marshal, Chapter 3, Fire Prevention Code.

City of Bath

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MEMORANDUM

Planning &
Development

TO: Mari Eosco, Chair
City Councilors

FROM: Ben Averill, City Planner

DATE: March 28, 2018

RE: Request for land use code amendment

Background

The Planning Department has received a request for an amendment to the text of the Land Use Code (LUC) to amend the definition of a Bed and Breakfast (Article 2.02, Page 3). The request is for an amendment to the text of the LUC to change the definition of a Bed and Breakfast to allow a manager or owner to reside on the premises. This amendment would allow the owner or a live-in manager to occupy the dwelling as their principle place of residence and to oversee all business activities of the bed and breakfast. Please see the current definition of Bed and Breakfast below:

Bed and Breakfast. A dwelling occupied by the owner as his/her principal place of residence that accommodates paying guests for a limited duration with sleeping and dining facilities; payable on a per-diem basis; having less than 10 sleeping rooms; and in which some bath, sitting, and dining rooms are used in common by such guests. All dining facilities are limited to use by overnight guests of that particular establishment. For purposes of this definition, principal place of residence means that the owner of the land and buildings must be in residence on the premises while the bed-and-breakfast business is conducted. All of the bed and breakfast activities and the residence of the owner must be in the same building and may only be in 1 building.

Council Action

If the Council determines that the land use code amendment has merit the council can refer the land use code amendment to the Planning Board for a public hearing. If the Council determines that the application lacks merit, it will not be referred to the Planning Board and action on the application will cease.

**CITY OF BATH
PLANNING DEPARTMENT
(207) 443-8363**

APPLICATION FOR LAND USE CODE AMENDMENT

RECEIVED

To: The City Council and the Planning Board of Bath, Maine

Date: March 28, 2018

MAR 23 2018

Name: Elizabeth Knowlton Telephone #: 207.443.4294 CODES & PLANNING
BATH, MAINE

Address: 969 Washington St. Bath

This is a request for an amendment of the text of the Land Use Code of the City of Bath, Maine.

Please describe in detail the proposed addition or deletion and refer specifically to the relevant code article, section and paragraph.

Article 2, page 3 - Definition of Bed & Breakfast

changing to include owner or manager in the
event that an owner would like a live in manager
for their Bed and Breakfast -

see attached

Signature: Elizabeth Knowlton

Return form to Planning Dept. - City Hall - Bath, Maine

Within 35 days of receipt of a completed application for a Land Use Code text amendment by the Planning Director, the application will be placed on the agenda of a City Council meeting. The City Council will review the request to determine if it has merit and whether it should be referred to the Planning Board. If the City Council determines by vote that the application has merit, it will be referred to the Planning Board for public hearing. Applications referred to the Planning Board by the City Council will be processed substantially according to Items D through F, following. If the City Council votes that the application lacks merit, it will not be referred to the Planning Board and action on the application will cease.

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Bed and Breakfast. A dwelling occupied by the *owner or manager* as his/her principal place of residence that accommodates paying guests for a limited duration with sleeping and dining facilities; payable on a per-diem basis; having less than 10 sleeping rooms; and in which some bath, sitting, and dining rooms are used in common by such guests. All dining facilities are limited to use by overnight guests of that particular establishment. For purposes of this definition, principal place of residence means that the *owner or manager* of the land and buildings must be in residence on the premises while the bed-and-breakfast business is conducted. All of the bed and breakfast activities and the residence of the *owner or manager* must be in the same building and may only be in 1 building.

