

ARTICLE XIV. - HISTORIC ~~AND~~, ARCHAEOLOGICAL and COMMUNITY RESOURCES

DIVISION 1 - GENERAL

Sec. 60-1094. - Purpose.

The provisions set forth in this article are intended to protect the public health and safety, promote the general welfare of the community and conserve the environment by assuring that all projects requiring planning board review are designed and developed in a manner which ensures that adequate provisions are made for protection of historic and archaeological resources; minimizing the adverse impacts on adjacent properties; and fitting the project harmoniously into the fabric of the community and promoting economic viability of important historic properties.

(Ord. of 9-21-2009, § 5.8A)

Sec. 60-1095. - Submission requirements.

The location of historic and/or archaeological resources must be indicated on the plans if the area is located within identified historic or archaeological areas shown on the Maine Historic Preservation Commission Maps in the Planning and Development Office.

(Ord. of 9-21-2009, § 5.8B)

Sec. 60-1096. - Standards of approval.

The plan for the development will reflect the natural capabilities of the site to support development. Building lots and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. The development shall include appropriate measures for protecting these resources including, but not limited to, modification of the proposed design of the site, time of construction, and limiting the extent of excavation.

(Ord. of 9-21-2009, § 5.81C)

DIVISION 2 - ADAPTIVE RE-USE OF STRUCTURES OF COMMUNITY SIGNIFICANCE

Sec. 60-1100. -Purpose-

The purpose of this Section is to encourage the preservation and re-use of certain structures, that by their past use and importance to the community, are worthy of special considerations and flexibility in order to preserve them and make them economically viable for preservation. In addition, the adaptive re-use must not be a detriment to the surrounding properties and neighborhood.

Section 60-1101- Definitions-

Adaptive Re-use- the process of reusing an old site or building for a purpose other than which it was built for, designed for, or for a use not allowed as a permitted use or a special exception in the zoning district the property is situated in-.

Structures of Community Significance - A building that by virtue of its use in the community has created a value deserving of preservation and continued use.

Section 60-1102- Application Process for Adaptive Re-use Consideration.

- A. Approval of an application for an Adaptive Re-Use of a Structure of Community Significance is a 2 stage process.
 - 1. Preliminary Adaptive Re-use Plan
 - 2. Final Adaptive Re-use Plan

Section 60-1103- Preliminary Adaptive Re-use Plan Application

- A. Purpose -The purpose of the Preliminary Plan Stage is to confer with the Planning Staff for an overview of the project eligibility and potential issues and to have the Planning Board determine if the project is eligible to apply for a Final Plan for an Adaptive Re-use of a Structure of Community Significance.
- B. Process for the Preliminary Adaptive Re-use Process
 - 1. Mandatory Preliminary Staff Meeting- The applicant shall schedule a preliminary meeting with the Planning Staff to review the project's eligibility and other on-site and off-site issues. An on-site visit with staff is recommended. The staff will make a determination to the applicant in writing within 5 working days of the meeting on its determination of the staff's level of support the project. The applicant can proceed to submit a Preliminary Plan Application.
 - 2. The Applicant shall submit a Preliminary Plan for an Adaptive Re-use of a Structure of Community Significance for consideration by the Planning Board. The applicant shall prepare and submit an Adaptive Re-Use Compliance Statement. That contains the following.
 - a. The Adaptive Re-use Compliance Statement in the form of a narrative that addresses the following elements:
 - i. The existing structure and facade
 - ii. The site conditions of the project
 - iii. The social contribution of the project to the neighborhood, city, and/or the region.

- iv. The economic contribution of the project to the neighborhood, city, and/or the region.
 - v. The cultural contribution to the neighborhood, city, and/or the region
- b. A map showing the existing conditions within the entire property and the surrounding 500 feet of the property.
- c. Photos of the existing property and structures.
3. Planning Board criteria for Preliminary Plan approval
- a. The Planning Board shall review the Preliminary Plan application and base their decision on the following:
 - i. The application satisfactorily addresses 3 of the 5 elements of the Compliance Statement.
 - ii. The existing site conditions have reasonable potential for Adaptive Re-use.
 - iii. Consideration of a Final Adaptive Re-use Plan will allow for an evaluation of potential impacts on the surrounding area.
4. Planning Board Decision-
- a. The Planning Board shall make a recommendation of approval, disapproval or postponement of the Preliminary Adaptive Re-use Plan within 60 day of the application's initial consideration.
 - b. The applicant may submit a Final Adaptive Re-use Application with a recommendation of approval of the Preliminary Adaptive Re-use Plan by the Planning Board.
 - c. The applicant may appeal to the Zoning Board of Appeals with a recommendation of disapproval of the Preliminary Adaptive Re-use Plan by the Planning Board.

Section 60-1104- Final Adaptive Re-use Plan Application

- A. Purpose -The purpose of the Final Plan Stage is to allow for the full consideration of an Adaptive Re-use project.
- B. Application Requirements- The applicant shall submit provide the following:
- 1. A complete Development Application
 - 2. A complete Special Exception (Sec. 60-1276-1313) and Site Plan Review (Sec. 60-1335-37) application.

3. Additional Project Narrative Information

- a. Description of the surrounding neighborhood including; historical, societal, physical, environmental and economic conditions.
- b. Existing site/structural conditions including: any past, existing or potential environmental issues, parking, open space and historic information.
- c. Proposed uses and associated activities including a description of hours of operation, signage and number of employees.
- d. Parking Plan- that includes existing or relocated on-site parking, any proposed off-site parking such as leased, shared or municipal parking within 500 feet of the project.
- e. A Mitigation Plan that addresses any negative impacts, if any, to the surrounding area.
- f. Treatment of Building Facade- Photos of the existing structures and elevation drawings that show any proposed changes. Also to be included are any plans for any building additions, demolition or alterations.
- g. Exterior Treatment- Provide a description of any alterations to the exterior grounds including landscaping, lighting, sidewalks, signage or other outdoors elements.

C. Planning Board Action-

1. The Planning Board shall review applications for Adaptive Re-use following all the requirements, of Special Exceptions (Sec. 60-1276-1313) and Site Plan Review (Sec. 60-1335-37) and the Project Narrative.
2. The Planning Board shall hold a Public Hearing for all Adaptive Re-Use Applications.
3. The Planning Board may modify dimensional requirements as per Site Plan Law 60-1312.
3. The Planning Board shall render its decision based on how the application meets:
 - (1) *Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;*
 - (2) *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;*
 - ~~(3) *Adequacy of the methods of disposal for wastes; and*~~
 - (4) *Protection of ~~environment~~ features of community significance on the site and in adjacent areas.*

~~(1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.~~

~~(52)~~ That the special exception adaptive re-use sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.

~~(63)~~ That the special exception adaptive re-use sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.

~~(74)~~ That the special exception adaptive re-use sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.

~~(85)~~ That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.

~~(96)~~ That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.

~~(107)~~ That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan.

4. The Planning Board may impose additional conditions as it deems necessary and include findings in support of them.

5. Any approval of an adaptive re-use will apply to the ownership of the property. Any change of ownership will require a new adaptive re-use application.