

PUBLIC HEARING # 3 - HOUSING

CITY of BELFAST CITY COUNCIL

TUESDAY, SEPTEMBER 5, 2017

PUBLIC HEARING

OPTIONS CITY is CONSIDERING REGARDING RENTAL HOUSING

The City of Belfast is considering several approaches to encourage the potential construction of additional rental housing in Belfast, particularly in areas which have or are located near City sewer and other services, and potential options to better manage concerns associated with rental housing. The Council, at its meeting of September 5, will conduct three public hearings on issues associated with rental housing. The Hearings include:

Hearing # 1: First Reading of proposed amendments to City Ordinances, Chapter 102, Zoning, to allow the construction of a one bedroom or two bedroom dwelling unit in a detached accessory dwelling structure on the same property on which a single family residence is located.

Hearing # 2: First Reading of proposed amendments to City Ordinances, Chapter 102, Zoning, to increase and/or clarify density standards for the number of multi-family housing units that could be constructed on a property in many of the zoning districts that are in the area located outside of the bypass and to allow multi-family housing in the Route 3 Commercial zoning district.

Hearing # 3: The City Council has discussed other potential options to address concerns related to rental housing. The Council, after it completes work on Ordinance amendments described in Hearing # 1 and # 2 above, likely will consider other potential amendments to current City Ordinances. This notice outlines Ordinance proposals that the Council may choose to pursue. The purpose of Hearing # 3 is to solicit initial public comment on these respective proposals. There will be future public opportunities to comment on any specific Ordinance amendments which may be prepared and proposed. Your comment at this time may help the Council in deciding how it should proceed. Further, this hearing also is an opportunity for the public to identify other alternatives you believe the City should consider to address housing concerns, particularly the availability of rental housing.

POTENTIAL OPTIONS

The approaches outlined below were discussed by the Council at its August 1, 2017 regular Council meeting. The approaches discussed also included the options that are being considered at Hearing # 1 and Hearing # 2 at this September 5 Council meeting.

Approach # 1: Consider Allowing Existing Single Family and Two Family Residences located Inside the Bypass area to Convert to Multi-Family Residences and Allowing Existing Multi-Family Residences to Add More Units.

The Residential-1, Residential-2 and Residential-3 zoning districts located inside the bypass allow a single family or two family residence on a lot, and the Res-2 and Res-3 zoning districts (effective October 2014) allow the construction of new multi-family residences. However, all three zoning districts prohibit the conversion of an existing single-family or two-family residence into multi-family housing, or allowing an existing multi-family residence that is a non-conforming use to add more units. This proposal would create an opportunity for existing one-family and two-family residences to be converted to a multi-family building, provided certain standards were met, such as but not limited to: the size of lot, the amount of lot coverage, the availability of on-site parking, and if the property is connected to public sewer. Further, an existing multi-family building that may be a non-conforming use could similarly pursue an increase in the number of existing units. It is specifically noted that none of these options would be allowed on a property in one of the above three zoning districts if the property also is located within a Shoreland zone. In this area, Shoreland zoning affects properties located within 250 feet of Belfast Bay.

Questions:

- What are your thoughts on the City adopting Ordinance amendments that would allow the conversion of an existing single family or two family residence to a multi-family residence?
- What are your thoughts on the City adopting Ordinance amendments that could allow a building which is now being used for multi-family housing to increase the number of existing units?

Approach # 2. Tiny Houses and Tiny Houses on Wheels (THOW's).

The Maine State Building and Energy Code (MUBEC) and City Ordinances require that all houses on a foundation must satisfy certain size requirements. The minimum size house which could be constructed is about 350 - 375 square feet. Tiny Houses on Wheels (THOW's), however, are regulated by the State Division of Motor Vehicles (DMV) and do not need to satisfy MUBEC building code requirements. While there are some 'code' concerns with using a THOW as year-round housing, should the City consider any or all of the following three options regarding THOW's. All of these options would prohibit use of a THOW as a short-term rental.

The options include:

- Should the City allow a THOW as a principal structure on a lot? And, in all or only certain locations (zoning districts)? Perhaps would need to meet standards like connected to services, adequate tie-downs and same size lot as any other development.
- Should the City allow a THOW as a detached accessory dwelling unit on a lot that has an existing single family house? Again, perhaps standards such as the above, as well as the unit being located to the rear of the existing house, and in all or only some zoning districts.
- Should the City consider allowing the establishment of a community designed primarily for THOW's? And, if so, where and how?

It also is noted that the State of Maine has recently proposed and in late September is scheduled to conduct a public hearing that could change current building code requirements regarding tiny houses, including tiny houses constructed on a foundation. The proposed standards would lessen some of the current requirements regarding room size, the height of sleeping lofts and access to such lofts. The State regulations generally define a tiny house as a structure that is less than 400 square feet in size.

Questions:

- Should Belfast embrace allowing a tiny house or a THOW as a principal dwelling structure on a lot, and if so, where?
- Should Belfast embrace allowing a tiny house or a THOW as an accessory dwelling structure to a single family residence on the same lot, and if so, where?
- Should Belfast consider adopting specific standards to allow the establishment of tiny house communities, and if so, where?

Approach # 3. Licensing and Inspection Standards for Rental Housing.

At present, the City does not have an Ordinance that requires the annual licensing and/or periodic inspection of rental housing, be it apartment units, summer cottages, or houses offered for rent. The recommendation is to adopt Ordinances that require annual issuance of a permit to use a unit as rental housing and to require CEO inspection of the rental unit once every two years to determine if the unit satisfies life, health and safety code requirements. The purposes for issuing a permit are to help to ensure units address basic safety issues, to encourage improvements to existing units and to enable the City to get a better handle on where and how units are used for rental housing. Many other communities have similar Ordinances and the City would draw on such to prepare a local Ordinance. A potential permit fee could be in the range of \$50/year. It is noted that concerns regarding the quality of rental housing likely is the number one complaint the City Code Enforcement Officer investigates, and that the quality of a rental may be even more critical than the sheer number of rentals.

Question:

Should the City consider requiring all rental housing to obtain an annual permit and for the CEO to inspect a rental housing unit once every two years?

Approach # 4. Short-Term Rentals

Belfast, like most coastal communities in Maine, has always had short-term rentals and the availability of such rentals has had many benefits to the community. That said, some current industry trends, such as AirBnB's, now appear to be having an adverse impact on the number of housing units that are available for year-round rental. Also, the several neighbors have expressed concern to the Code and Planning Department regarding the use of houses in their neighborhood as a short term rental, mostly noise and parking concerns. The proposal would involve requiring a permit to use a house (including apartments) as a short-term rental and establishing standards that may govern concerns such as who can have a short-term rental, the number of short-term

rentals that an individual can own, the number of short-term rentals in established neighborhoods and such. The goal would be to adopt standards that enable Belfast to better manage the number and location of short-term rentals in the community. The City could draw on Ordinance models adopted by other communities to identify potential standards.

Questions.

- Should the City consider adopting Ordinance standards to help manage where and how short term rentals can occur?
- And, if so, how?

Approach # 5: Manufactured Housing Community (Mobile Home Park) Standards.

Maine law requires that municipalities provide opportunities for the establishment of manufactured housing communities, and identifies certain standards for such developments. Belfast's current Ordinances are generally consistent with State law, but there are some concerns with current Ordinances that have come to light during the Planning Board's review of the current proposal to expand the Penobscot Mobile Home Park on Congress Street.

The proposal would involve making amendments to the current Ordinance, including provisions that would allow a mix of housing in a manufactured housing community. The Code and Planning has worked with the Planning Board to review initial draft amendments to the current Ordinance and the current draft, with some additional work, likely could be ready for public presentation in early 2018.

Questions:

- Do you consider mobile home parks as a good option for more housing in Belfast?
- Do you believe it is appropriate to allow a mix of residential housing, mobile homes, duplexes and multi-family, in a mobile home park?

Other Comments Regarding Current City Ordinances.

The Council also has discussed making potential amendments to City Ordinances that would address the following permitting concerns regarding rental housing.

- Adopting provisions that ensure the City can use its Site Plan ordinance rather than its Subdivision ordinance to review applications to create a multi-family housing project or to convert an existing property to multi-family.
- Adopting amendments to the non-conforming expansion provisions to better address when and how it is possible to expand an existing multi-family building to include more units or more area (bigger building, such as adding decks).
- Adopting an amendment that requires the owner of a multi-family project that involves government subsidies to identify when said subsidies may expire, so the City has a better handle on when currently subsidized housing could be converted to non-subsidized housing.