

**CITY OF BELFAST PLANNING BOARD
WEDNESDAY, SEPTEMBER 19, 2018 PUBLIC HEARING
6:00 PM TROY HOWARD MIDDLE SCHOOL CAFETERIA**

**PROPOSED ORDINANCE AMENDMENTS
CONVERSION OF HOUSES TO MULTI-FAMILY,
EXPANSION OF EXISTING MULTI-FAMILY HOUSING &
ASSOCIATED HOUSING PROPOSALS**

BACKGROUND INFORMATION

The City Council and Planning Board are both concerned about the lack of an adequate amount of rental housing in Belfast. People who are looking for rental housing, area employers, realtors and public officials have all expressed concerns about how difficult it is to find an apartment or home to rent in Belfast to rent. The City Council and Planning Board have met in several joint work sessions to discuss this issue. The Council and Planning Board both believe that the City should take steps to increase opportunities for private property owners to construct/create additional housing and rental housing units. Most of these steps involve amendments to current Zoning and accompanying Ordinances.

The Council and Planning Board have identified multiple approaches that the City could take to amend current zoning and related ordinances to try and encourage the construction of additional housing and rental units. To date, the Council has adopted the following amendments to City Ordinances:

- 1) October 2014. Amendments to Chapter 102, Zoning, to decrease the minimum lot size in the three main zoning districts located in the Inside the Bypass area, Residential 1, Residential 2 and Residential 3.
- 2) October 2014. Amendments to Chapter 102, Zoning, to allow the construction of new multiple family housing (not conversions of existing homes) in the Residential 2 and Residential 3 districts; 5 units per 10,000 square foot lot (1/4 acre) and up to 20 units per acre.
- 3) October 2014. Amendments to Chapter 102, Zoning, to allow a single family residence in the Residential 1, Residential 2 and Residential 3 zoning districts to construct a 1 bedroom accessory dwelling unit in a detached structure.
- 4) December 2017. Amendments to all zoning districts that allow a single family residence to construct a 1 or 2 bedroom accessory dwelling unit in a detached structure. The detached structure could be a garage, a barn or a stand-alone separate housing structure.
- 5) The Planning Board and Council, in the late fall of 2017, also conducted initial public hearings on Ordinance amendments that would allow an increase in the number of multi-family housing units that could be constructed on a property located in most areas outside the bypass that are served by public sewer. To date, the Board and Council have not scheduled additional public hearings on these amendments.
- 6) The Board and Council have also discussed other options, but to date, have not prepared specific amendments for consideration at public hearing. Other options under consideration include the following: establishing regulations for short-term rentals, allowing more options for types of housing that can be located in a manufactured housing community (mobile home

park), establishing a regular inspection program for multi-family housing, and establishing specific regulations for tiny houses, tiny houses on wheels and potentially tiny house communities.

This proposal identifies additional Ordinance amendment options that are specific to the Inside the Bypass area that the Planning Board and Council are now considering.

WHAT DOES CURRENT ZONING ALLOW

The Zoning Ordinance amendments that will be considered as part of this proposal are limited to the Residential 1, Residential 2 and Residential 3 zoning districts. Most properties in these zoning districts are located in the Inside the Bypass area; reference attached zoning map.

All three zoning districts now allow the following residential uses:

- Single family residence;
- Two family residence, two units in one structure (duplex); and
- A single family residence may have a accessory dwelling unit located in a detached structure, provided that the living space in the detached structure is no greater than 800 square feet in size.

The minimum lot size in the above zoning districts for any of the above uses is 7,500 square feet and the lot must have a minimum of 60 feet of street frontage, however, many existing lots in Belfast are smaller in size and are considered legally established nonconforming lots of record and can be built upon.

The Residential 2 and Residential 3 zoning districts, since October 2014, have allowed the construction of new multi-family housing (conversions of single family and two-family not allowed). A lot that is used for the construction of new multi-family housing must be a minimum of 10,000 square feet in size. A 10,000 square foot lot can be used to construct 5 multi-family housing units, and a 1 acre lot can be used for 20 multi-family housing units.

It is noted that all of the properties/area located within 250 feet of Belfast Bay are in the Shoreland Zone, and that Shoreland Zone density standards may not allow the construction of a duplex, a detached accessory dwelling unit or multi-family housing on most properties.

PLANNING BOARD SEPTEMBER 19 PUBLIC HEARING OUTLINE OF HOUSING PROPOSAL

The City views most of the Inside the Bypass area as a residential growth area. The City Council and Planning Board have discussed implementing several potential approaches to allow more housing in the area. The main approaches under considerations include the following:

- 1) Conversions: Allowing an existing single family residence or two-family residence to be converted to a multi-family residence, provided the conversion can comply with standards identified in this proposal.
- 2) Expand Multi-Family: Allowing an existing multi-family residence that currently is a legally established nonconforming use of record, to create more units in the existing multi-family residence. Again, any expansion must comply with standards identified in this proposal.

- 3) New Multi-Family: Allowing the construction of new multi-family housing in the Residential 1 zoning district, similar to what is now permitted (October 2014 Ordinance amendment) in the Residential 2 and Residential 3 zoning districts.
- 4) Accessory Residence to Duplex: Allowing a two-family residential dwelling to construct an additional dwelling unit in a detached structure, similar to the standard that is now in place for a single family residence based on the Ordinance amendment that the Council adopted in December 2017.
- 5) Two Accessory Residences to Single Family: Allowing a single family residential dwelling to construct an accessory dwelling that includes two accessory dwelling units (a duplex) in a detached structure.

Outline of Specific Standards That Would Apply.

- 1) Number of Units/Density: The City would not establish a preconceived standard/limit regarding the number of multi-family units that would be allowed. The City would determine the number of units that would be allowed on an individual property based on the individual characteristics of each property and how said property could comply with the standards identified in this proposal, such as but not limited to: the configuration of the building on the lot, the ability for the building to comply with building code requirements, the size of the lot, and the ability to provide on-site parking. The limits of the existing structure would be a major factor in how a conversion could occur.

- 2) Minimum Lot Size.

The City generally will not establish a specific minimum lot size that applies to conversions to multi-family or expansions of legally established non-conforming multi-family buildings. The ability to use a property for a multi-family use will be based on the characteristics of the individual property and how it can satisfy the standards in this Ordinance. That said, it likely will be difficult for lots that are less than 5,000 square feet in size to comply with the identified standards.

The construction of new multi-family housing in the Residential 1 zoning district would need to satisfy the same standard as now applies to the Residential 2 and Residential 3 zoning districts. The lot would need to be a minimum of 10,000 square feet in size to allow any multi-family use, and a lot of this size could be used for a maximum of 5 multi-family units. Each additional multi-family unit would require an additional 2,000 square feet of land area. Thus, a 1 acre lot could potentially be used for about 20 multi-family housing units.

Accessory dwelling units would only be permitted if the lot was at least 4,500 square feet in size.

- 3) On-Site Parking.

In general, a proposal to establish a multi-family use should involve the applicant providing an adequate amount of on-site parking. The City, however, will consider the character of

the street and area and how such may allow on-street parking to fulfill some of the parking demand for the new housing. The City also recognizes that this will require the City to re-examine its current prohibition on on-street parking in the winter.

This proposal also involves several proposed amendments to the Chapter 98, Technical Standards. The Technical Standards identify the City's specific requirements for parking. The proposed main changes include:

- a) Reducing the on-site parking requirement for a two-bedroom or three bedroom apartment unit from 2.25 spaces/unit to 2 spaces/unit.
- b) Reducing the on-site parking requirement for a one-bedroom apartment unit from 1.5 spaces/unit to 1 space/unit. However, a building that has more than 5 one/bedroom units must provide 1 additional space/5 units (total of 6 spaces).
- c) Amending the Ordinance to allow front to back parking for parking spaces that serve the same dwelling unit. City now prohibits this parking lay-out.

4) Building Setbacks.

The preference is to have an existing residence that converts to multi-family or an existing building in which multi-housing is located that wants to add units to comply with all structure setback requirements that apply to a residential building. The City, however, recognizes that many existing buildings are nonconforming with respect to setback requirements. Thus, a building that is nonconforming with respect to the side or rear setback must be located no less than 5 feet from a property line. Further, no expansion of the structure will be permitted within any nonconforming side or rear setback area, and may be permitted in a nonconforming front setback area, provided the expansion is located no less than 10 feet from the street and no closer than the existing structure, whichever is greater.

In the Residential 1 zoning district, the construction of a new multi-family building must comply with the same setbacks as are now identified for such uses in the Residential 2 and Residential 3 zoning districts. These setbacks are: front - amount of traditional neighborhood setback; side - 15 feet; and rear - 10 feet.

The setbacks for constructing a new detached accessory structure in which dwelling units are established are the standard setbacks for a single family residence. If the units are constructed in accessory structure that does not comply with setback requirements, the proposed use cannot create any new nonconforming setbacks.

5) Utilities. The property must be connected to public sewer and public water.

6) How Building Looks and Is Oriented on a Lot.

The City does not have any design guidelines that currently apply to any type of residential construction. The City is considering adopting some overall requirements that would apply to a project that involves any type of multi-family housing. The guidelines are more of a character and compatibility standard versus a prescriptive design/construction code. The following are suggested components of these guidelines:

- a) Any conversions and expansions shall retain the existing building's orientation to the street, and any new construction shall be oriented in the same manner as existing buildings located on the street.
- b) Conversions and expansions shall retain the 'integrity' of the existing structure, particularly the location of any new doors and openings and the addition of decks.
- c) Conversions and expansions shall be compatible with building materials used in the existing building.
- d) Parking areas for conversions and expansions shall not dominate the site, shall be integrated into the property, and to the maximum extent practical, shall not be located between the front of the building and the street. The City also could require landscaping and buffering of the parking area.

The Planning Board likely will be the main City Committee that reviews and makes a decision regarding compatibility.

7) Minimum Size of Unit.

The City is not establishing a specific minimum size for any multi-family unit that is constructed. The City will use guidelines established in the Maine Uniform Building and Energy Code to regulate the size of units.

8) Compliance with Building Code.

All construction in Belfast is now subject to complying with requirements of the Maine Uniform Building and Energy Code (MUBEC), particularly any life safety and accessibility requirements. This requirement will hold true for any single family or duplex that is converted to multi-family housing and any new multi-family construction, as well any construction of a detached accessory dwelling unit. Some particular requirements that may arise that would affect conversions or the expansion of an existing multi-family include: potential need to provide a sprinkler system, need for installation of fire suppression measures (such as fire rated sheet rock) and the installation and location of egress windows.

9) Type of Rental Unit.

An issue that the City is considering how best to address is how housing units that are constructed through this proposal can be used. Current Ordinances would allow the units to be used as year-round rental housing, short-term rentals, condominiums (ownership) and as a basic living unit for the owner. The City's prime goal in pursuing these Ordinance amendments is to allow more year-round rental units. Thus, the City will strongly consider approaches that require any new units that are constructed to be used for year-round rental or condominium (ownership) units, rather than short-term rentals.

These potential City Ordinances remain in the development stage. Your comments will assist the Planning Board and Council to better define the final language of the amendments that the City will pursue.