

**MULTI-FAMILY ORDINANCE AMENDMENTS  
JUNE 9, 2021 BOARD MEETING**

**NOTE TO PLANNING BOARD REGARDING PROPOSED  
AMENDMENTS**

**From: Wayne Marshall, Project Planner**

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The Board has agreed to meet at a June 9 work session to continue its discussion of the multi-family housing Ordinance amendments that it has discussed at its meetings of February 10, April 7, and May 26. As noted at the end of the May 26 meeting, I will **not** be rewriting any of the Ordinance amendment drafts at this point, and will wait until the Board has completed its discussions to incorporate identified edits and the approaches that the Board deems appropriate.

The Board should refer to the information that was hand-delivered to you on May 20 for most information regarding the proposed amendments, including revisions to 9 of the 10 Zoning Districts. I emailed the draft language for the last of the zoning districts, the Residential Agricultural I (RA-I) district on May 23, and have also included a printed copy of that same draft in this packet. It is also my understanding that the Board will be meeting in-person at City Hall for your June 9 meeting. In short, you will need to bring the printed information that was hand-delivered to you on May 20 to the June 9 meeting, as well as the information in this packet.

**NEW PRINTED INFORMATION IN THIS PACKET**

This packet includes printed copies of other information that I believe may be helpful for the Board's discussions, including the following:

- 1) The proposed language for the Residential Agricultural-I zoning district that was emailed to you on May 23 and that was discussed at the May 26 Board meeting.
- 2) A zoning district map for the City; previously emailed to you.
- 3) Two (2) maps that identify overall lot sizes for properties in the Residential Agricultural-I (RA-I), Protection Rural-1 (PR-1) and General Purpose-A (GP-A) zoning districts. I emailed these same maps to you on May 26.
- 4) Information from the adopted Future Land Use Plan/Comprehensive Plan (2009/2012) for the proposed Outside Rural area. Information includes the written narrative for these areas and two maps that illustrate the area included in the proposed Outside Rural area. I note that most of this area includes properties that are in the RA-I, PR-1 and GP-A zoning districts.
- 5) Information from the adopted Future Land Use Plan/Comprehensive Plan (2009/2012) for the proposed Swan Lake Ave Mixed Use District. Information includes the written narrative for this area and two maps that illustrate the proposed boundaries of the Swan Lake Ave District, as well as overall districts on the eastside.
- 6) Information from the adopted Future Land Use Plan/Comprehensive Plan (2009/2012) for the proposed Residential 4 zoning district that includes the area in the Residential Agricultural II zoning district that the Board has discussed, including the area on both sides

of Crocker Road and the Marsh Road area. The information includes the written narrative for this area and a map that illustrates the proposed boundaries.

- 7) Proposed/updated Chapter 98, Technical Standards, parking chart in response to direction provided by the Board at your May 26 meeting. This warrants discussion.

I note that there is no scheduled opportunity for public comment on the proposed amendments at this meeting; this is a work session and the Board typically does not accept public comment at work sessions.

### **CONSENSUS AGREEMENTS**

#### **SAC, SAW, ROS, RTE 137, RTE 141 & MILL LANE, and GP-B Districts**

The specific draft Ordinance language presented on May 26 covers a lot of ground. I believe the Board, by consensus, came to the following agreements (below) regarding the proposals. I would like to quickly review these consensus points, and if there are no new concerns, to not further discuss such at this meeting. That said, if a Board member has a concern regarding any of the following consensus issues, now is the time to discuss such.

- 1) Chapter 102, Zoning, Article IX, Division 7, Performance Standards for Multi-Family Housing. The Board accepted the proposed new standards, including the approaches for subsurface systems.
- 2) Chapter 102, Zoning, Article IX, Division 6, Performance Standards for Accessory Dwelling Units. As noted, the amendments only affect the citations for these Standards and do not result in any changes to the standards that were adopted in 2017.
- 3) Chapter 102, Zoning, Article VI, Rural Affordable Housing Projects. The Board agreed that this type of project should allow multi-family housing as a development option. As discussed at the May 26 meeting, Rural Affordable Housing Projects are only allowed in the RA-I and PR-1 zoning districts.
- 4) Chapter 66, General Provisions. No concerns were raised regarding the proposed revisions to existing definitions.
- 5) Chapter 102, Zoning, Article V, District Regulations, for the following Zoning Districts, Searsport Avenue Commercial (SAC), Searsport Avenue Waterfront (SAW), Rte 141 & Mill Lane (Rte 141), Rte 137 Commercial (Rte 137), and Route One South (ROS).
  - a) The Board supported the following density standards for housing located on public sewer in the above zoning districts: 6 units for the first 1/2 acre and 1,500 sq ft for each additional unit, for a total of 19 units/net acre. These are the same density standards that the Board recommended and that the Council adopted for the Rte 3 Commercial and Office Park districts. The proposal also prohibits multi-family housing on Mill Lane in the Rte 141 & Mill Lane district.

- b) Multi-family housing on a subsurface system would not be allowed in the Route One South, Searsport Avenue Waterfront, and Rte 141 & Mill Lane zoning districts. This is largely because of the accessibility to public sewer.
  - c) The Board supported allowing multi-family housing on a subsurface system in the SAC and Rte 137 Commercial zoning districts at a density of 4 units on a one acre lot and 10,890 sq ft (1/4 acre) for each additional unit. The 10,890 sq. ft. is an increase from the 7,500 sq. ft described in the initial proposed draft standards.
  - d) Board supported allowing multi-family housing in Planned Unit Developments, however, there generally is no density bump for using a PUD form of development. Exception is multi-family housing on a subsurface system in a PUD in the SAC and Rte 137 districts, which would allow a multi-family housing at a density of 4 units/the first acre, and 7,500 sq. ft for each additional unit (compared to 10,000 sq ft for a non-PUD).
- 6) Chapter 102, Zoning, Art V, District Regulations, General Purpose B zoning district. Board supported the approach of eliminating multi-family as a use, with the understanding that the City would re-examine this issue after City decides how to approach use of airport; potential adoption of an airport overlay zone.
  - 7) The Board supported rewriting several of the Ordinance district standards that I prepared to better incorporate the use of tables rather than a narrative description to identify certain zoning standards. This is a formatting issue and does not change the recommended standards.
  - 8) The Board generally supported the language for the Technical Standards regarding parking, and asked that I prepare a table that reduced the amount of on-site parking required as the number of units in the project increased. I have provided my thoughts on potential changes at the end of this memorandum.

### **A POTENTIAL WAY TO PROCEED TO ADDRESS AMENDMENTS**

When the Board first discussed making additional amendments to certain multi-family housing standards at its February 10 meeting, I assumed the discussion would center on the zoning districts that had access to public sewer. The Board supported the approaches identified for properties that had access to sewer, however, the majority of the Board also raised the possibility of allowing some forms of multi-family housing in the 'rural' zoning districts, principally the RA-I, PR-1 and GP-A zoning districts. This led to the proposed standards I presented at the April 7 and May 26 meetings.

In further thinking about the issues the Board discussed at its May 26 meeting, I believe it would make sense to approach the proposed amendments on two separate and consecutive tracks. Track One would involve the amendments for the SAW, SAC, ROS, Rte 141, Rte 137, and GP-B zoning districts, and Track Two would involve the amendments for the current RA-I, RA-II, PR-1 and GP-A zoning districts. I am mostly suggesting this approach because the Track One

amendments likely can be accomplished by making revisions to the existing zoning district standards, and with little to no changes to zoning district boundaries. That said, I believe the Track 2 amendments can best be accomplished by implementing the approach for the 'Outside Rural', Swan Lake Ave Mixed Use District and Residential 4 District that are identified in the 2009/2012 Future Land Use Plan. I present the following approaches for your consideration.

### **Track One Amendments**

There appears to be general consensus that the Ordinance amendments for six of the zoning districts are pretty much ready to go: Searsport Avenue Commercial (SAC), Searsport Avenue Waterfront (SAW), Route One South Commercial (ROS), Route 137 Commercial (Rte 137), Route 141 & Mill Lane Commercial (Rte 141), and General Purpose B (GP-B). The Planning Board, at your June 9 meeting, can identify any desired revisions, and at this same meeting, would vote to recommend these amendments for Council consideration. It should take me about 1.5 to 2 days to make needed edits for presentation of these amendments to the Council. A June 9 vote on these amendments would create an opportunity for the Council to consider such for First Reading at their meeting of July 6, with the Second Reading to occur in early August.

### **Track Two Amendments**

The Board, at your May 26 meeting, generally supported making lot size, lot frontage and density standards (including for multi-family) the same for the Residential Agricultural-I (RA-I) and Protection Rural-1 (PR-1) zoning districts. The Board also discussed how to consider the boundaries of the Residential Agricultural-II (RA-II) zoning districts. These issues are addressed in the approach laid out in the 2009 Future Land Use Plan for the Outside Rural area (includes RA-I, PR-1, GP-A, the Residential Growth district (Edgecomb Road), parts of the Residential II district (Herrick Road) and a small part of the Airport Growth zone on Lincolnville Ave), and through the creation of the Residential 4 zone ((RA-II, part of RA-I near Crocker Road, and part of Rte 137). In short, rather than revising the existing standards for the above zoning districts, I believe it would make more sense to implement the approach laid out in the 2009 Future Land Use Plan.

I have included information from the Future Land Use Plan in this packet for the Outside Rural, Residential 4, and Swan Lake Ave Mixed Use areas. I suggest that the Board review the enclosed information and that we discuss such at the upcoming June 9 meeting and at the following June 23 meeting to see if implementing these approaches makes more sense than revising the current standards for the existing districts. Some things I particularly like about going with the Future Land Use Plan recommendations are:

- Properties on both sides of the same road would be regulated in the same manner;
- The range of allowed uses would better reflect rural zoning districts more than the current range of allowed uses, particularly if the City implements good quality home occupation standards;
- Some 'rural areas' that are in zoning districts such as the Residential 2, Residential Growth, and Airport Growth would be in a district that better reflects existing development patterns; and

- the Residential Agricultural II zoning district (that is not really a district that encourages agriculture) and that is located near existing job centers and City services would be identified as an area that encourages residential development.

The June 9 and June 26 meetings would provide the Board an opportunity to weigh the merits of the two approaches (revise current zoning district standards vs. working more comprehensively to implement the Future Land Use Plan) and to identify how you would prefer to proceed. Implementing the Future Land Use Plan would require the Board to conduct another public hearing, perhaps in early August, and to then offer a recommendation to the Council. If the Board chooses to go the other route, which is to revise existing standards, I likely could prepare final amended language for the 4 affected zoning districts and to have such ready for final Board consideration in July, with presentation to the Council in August.

### **CONSENSUS AGREEMENTS AND ISSUES OF CONCERN RA-I, RA-II, PR-1 and GP-A Districts**

To aid in your discussions, following are the main points of agreement that I believe the Board reached at your May 26 meeting for the above four zoning districts.

- 1) Chapter 102, Zoning, Art V, District Regulations, for the General Purpose A zone.
  - a) Board supported allowing multi-family housing on sewer at a density of 19 units per acre; only a few properties in the GP-A zone now have public sewer.
  - b) I am recommending that the Board discuss density standards for properties on a subsurface system. Typically limit to a tri-plex or four-plex at standards similar to those recommended for the RA-1 and PR-1 districts.
- 2) Chapter 102, Zoning, Art V, District Regulations, for the Protection Rural-1 zone and the Residential Agricultural I zone.
  - a) Board supported having the same minimum lot sizes for both districts; 2 acre minimum with 200 feet of road frontage.
  - b) Board supported allowing tri-plexes on a subsurface system with 2.5 net acres and a four-plex on 3 net acres.
  - c) Board appeared to support allowing smaller back lots (no road frontage); 1.5 vs. 2 acres, with similar decreases in multi-family.
- 3) Residential Agricultural II District.
  - a) Board raised questions regarding the boundaries for this district. Should it include both sides of Marsh Road, and how to consider both sides of Crocker Road.

- b) Board raised questions regarding density for multi-family on a subsurface system, particularly as this district may allow more than a tri-plex or four-plex.

**CHAPTER 98, TECHNICAL STANDARDS**

The Board asked that I prepare a table for on-site parking requirements for multi-family housing whereby the number of on-site parking spaces/unit would decrease as the size of the project (number of dwelling units) increases. The potential adjustments to the Table I provided on May 26 would be as follows:

Initially proposed standard for a 1 bedroom apartment		1.25 spaces/unit.
Suggested revisions.	Tri-plex or Four-plex	1.5 spaces/unit.
	Fifth unit to Tenth Unit	1.25 spaces/unit
	Eleventh unit and more	1 space/unit

(Thus, if an applicant proposed to construct a 6-plex, they would need to provide 6 spaces for the first 4 units [1.5 spaces/unit x 4 units] and 2.5 spaces [1.25 x 2 units, which would be rounded up to 3 spaces] for the next 2 units).

Initially proposed standard for a 2 bedroom apartment		1.75 spaces/unit.
Suggested revisions.	Tri-plex or Four-plex	1.75 spaces/unit
	Fifth Unit to Fifteenth Unit	1.5 spaces/unit
	Sixteenth unit and more	1.25 spaces/unit

Standard for three or more bedroom units would remain a 2 spaces/unit.

**SUGGESTION TO CONSIDER AMENDMENTS TO THE RESIDENTIAL 2 ZONING DISTRICT FOR MULTI-FAMILY HOUSING**

Near the end of the May 26 meeting Geoff Gilchrest suggested that the Board consider allowing multi-family housing on a subsurface system in the Residential 2 zoning district that is located Inside the Bypass. This zoning district now allows multi-family housing at a density of about 20 units/acre on public sewer, but prohibits multi-family housing on a subsurface system. Geoff noted that there are several large properties in the Residential 2 zone do not easily or inexpensively have access to public sewer. I appreciate and acknowledge his suggestion, but believe it would be best to focus the current efforts on the area located Outside of the Bypass.

That said, it likely would be wise for the City to soon revisit some of its current standards for the Inside the Bypass area regarding multi-family housing that were adopted as part of the 2014 effort to implement the Future Land Use Plan recommendations for this area. Geoff's suggestion of reconsidering the current prohibition on use of a subsurface system is one, however, the one that particularly warrants additional thought is the restriction on any new multi-family (new

construction or existing building renovations) in the Residential 1 zoning district. There are a number of multi-family housing buildings in part of the RES-1 zone today, but current regulations prohibit adding any new units to the existing buildings, prohibit converting an existing structure to multi-family housing, or building a new multi-family building. Some past concerns have centered on converting historic homes to multi-family, impacts on the character of some areas (particularly areas where there is little to no multi-family housing - such as most of the area on the easterly side of Northport Avenue), and how this would encourage short-term rentals and not help ease the housing crisis. Some also suggested that new multi-family (and conversions) should be limited to tri-plexes and perhaps four-plexes.

Again, I believe it would be best not to pursue changes to the Inside the Bypass area at the same time as the Outside the Bypass area, but the issue does warrant further discussion and potential action to help Belfast better address the housing crisis it is encountering.

### **SUMMARY COMMENT**

The current proposals involve a significant amount of retooling of current Ordinances. I believe all of the proposed amendments are well-founded, including allowing limited forms of multi-family housing in rural districts where such was previously prohibited. I would encourage the Board to strongly consider using the Two Track approach I suggested in this memorandum to best address accomplishing the goal of expanding opportunities for multi-family housing.

I look forward to actually meeting with folks in the same room rather than via ZOOM, and doing all that I can to help move this effort forward.

