

AGENDA TOPIC 10.

TO: Mayor & City Council
FROM: Wayne Marshall, Project Planner, Code & Planning
DATE: June 28, 2021
RE: First Reading - Proposed Ordinance Amendments Regarding Multi-Family Housing

INTRODUCTION

The Belfast Planning Board has recently been considering a series of amendments to many of the current zoning districts with the focus on how to create more opportunities for multi-family housing. The Board discussed the proposed amendments at its meetings of February 10, April 7, May 26, June 9, and June 23, and conducted a public hearing at its meeting of May 26 on the amendments now being recommended to the Council. The Board, at its meeting of June 9, voted to forward its first series of amendments (Step 1) to the Council for First Reading and potential action, and is continuing to work on a second series of amendments (Step 2) that could affect overall land use and zoning for Belfast's 'rural' area. While I will devote most of my attention at the Council's July 6 meeting to the Step 1 Ordinances that the Planning Board is now recommending action on, I also would like to use this meeting to make the Council and public more aware of the Step 2 amendments on which the Board is continuing to work.

RECOMMENDED ACTIONS

Recommended Action # 1: The proposed amendments involve 5 different sections of current City Ordinances, including specific amendments to 6 current zoning districts. I recommend the Council provide me an opportunity to describe the substance and purpose of the proposed amendments, and to explain why the Board chose to support the amendments. I also can respond to questions from the Council. As this is the First Reading of the amendments, no public hearing is scheduled.

Recommended Action # 2: The Council should vote to accept, reject, or table the proposed amendments at the First Reading, and if you choose to accept the amendments, to schedule such for Second Reading and public hearing. The most appropriate date for the Second Reading would be the Council meeting of August 3; a date that would allow time to comply with legal notification requirements regarding advertising for the hearing (two advertisements of the hearing notice). The First Reading also is an opportunity for the Council to make any changes that it may want to make to the proposed amendments.

**BACKGROUND INFORMATION ON THE STEP 1 AMENDMENTS
IN THIS PROPOSAL**

The City has made amendments to the zoning districts located inside-the-bypass as well as for the Office Park and Route 3 Commercial zoning districts to create more opportunities for multi-family housing. For example, the October 2014 amendments to the Residential 2 and Residential 3 zoning districts created the opportunity for both the Developers Collaborative and Realty Resources affordable housing projects for older adults on Wight Street (50 total units) that are now under construction, and the proposed Developers Collaborative project (48 units) located at the former City Public Works property that now has Planning Board approval and which is awaiting potential funding. While zoning changes do not guarantee that new projects will occur, well conceived zoning standards will create opportunities for new housing development that previously may not have been available.

So --- what is in this first series of amendments, Step 1, now recommended by the Planning Board? The following summary describes each of the 5 categories of amendments.

- 1) **Chapter 102, Zoning, Article V, District Regulations.** The Board is recommending amendments to 6 current zoning districts, including: Searsport Avenue Waterfront (SAW), Searsport Avenue Commercial (SAC), Route 141 & Mill Lane Commercial (Rte 141), Route 137 Commercial (Rte 137), Route One South Commercial (ROS), and General Purpose B (GP-B). The attached zoning map identify the boundaries of these 6 zoning districts. The amendments would implement the following major changes:
 - 1.1 The amount of multi-family housing that could be constructed on a property that is connected to public sewer would increase in 5 of the above zoning districts; SAW, SAC, Rte 141, Rte 137, and ROS. The current standard is 6 units/acre. The new standard would be 19 units/acre (6 units on the initial 1/2 acre and 1,500 sq. ft for each additional unit), which is consistent with past standards supported by the Planning Board and adopted by the Council. Many properties in these 5 zoning districts have access to public sewer. I note that this standard does not require all units to be located in one building or to construct a large project. For example, a property owner could choose to locate 4 four-plexes on an acre of ground, or to construct a single tri-plex.
 - 1.2 In 2 of the above districts, SAC and Rte 137, multi-family housing would be permitted on a property that uses a subsurface wastewater disposal (septic) system to manage wastewater. The recommended density standards are 4 units for the initial acre and 1 additional unit for each additional 1/4 acre. Public sewer is not as available in these 2 zoning districts as it is in the other districts (SAW, ROS, and Rte 141). Allowing multi-family on a subsurface system is a significant policy change for the City.
 - 1.3 In 3 of the districts, SAW, Rte 141, and ROS, all multi-family must occur on a property that is connected to public sewer. The Board chose to adopt this standard because all properties in the ROS district have access to public sewer, in the SAW district all but the properties on High View Terrace have access to sewer, and in the Rte 141

zone, the Board concurred with Department staff that the Mill Lane area (that does not have access to sewer) is not a good candidate for multi-family housing.

- 1.4 The Board, as recommended by Department staff, is forwarding amendments for the General Purpose B (GP-B) zoning district that would eliminate the current standard that allows multi-family housing if a property is connected to public sewer. The Board notes that much of the GP-B zone is within the flight path of the Belfast Airport, and that the City should not encourage or allow significant amounts of new housing in this area until the City decides how to regulate land use activities near the airport. Policy statements in the 2009/2012 Future Land Use Plan/Comp Plan that the State just found was consistent with requirements of the State Growth Management Act (State approval) recommends that the City establish an airport overlay district for this area. Lastly, there are limited opportunities for connection to public sewer in this area.
- 1.5 None of the proposed amendments affect the boundaries of any existing zoning districts.
- 1.6 The amendments involve a series of other changes to the above zoning districts, some of which are largely formatting approaches to the respective district standards, while others typically fall into the 'clean-up' category of changes. Rather than trying to describe each change, I believe it would be best for me to try and answer any specific questions.

2) **Chapter 102, Zoning, Article VIII, Supplementary Regulations, Division 7, Performance Standards for Multi-family Housing.**

- 2.1 First, this is a completely new section of the Zoning Ordinance. Division 7 includes Performance Standards that are specific to the regulation of multi-family housing.
- 2.2 The most critical element of the new standards involve the regulation of subsurface systems for multi-family housing; reference Sec. 102-1343 (pages 2 - 6) of the proposed amendments. The Board, after much discussion, chose to recommend that multi-family housing be permitted on a subsurface system, an approach that typically has been prohibited by City Ordinances. In making this recommendation, the Board also supported the need for better quality regulation of the larger size subsurface systems that often would be required for a multi-family housing project.

The Department's approach was to prepare standards for the design, installation, and maintenance of subsurface systems that are more strict than current State Subsurface System requirements for a multi-family system (State allows locally adopted stricter standards). I believe the proposed standards are well founded and should provide greater assurances that a larger size subsurface system can work. While the genesis for this approach is particularly associated with the upcoming Step 2 amendments for Belfast's 'rural' area now under consideration by the Board, they also would apply to the

2 zoning districts, SAC and Rte 137, that would allow multi-family housing on a subsurface system.

2.3 The standards, Sec 102-1344 (pages 6 & &), identify access/driveway management regulations that are patterned after the ones the City adopted for detached accessory dwelling units. A key provision of these standards is to require an on-site turn-around for vehicles for all properties that are located on a road on which the posted speed limit is greater than 31 mph.

3) Chapter 98, Technical Standards (Parking Requirements)

Section 98-242 of the Technical Standards identifies the parking requirements for uses in Belfast. The Board chose to re-examine the current on-site parking requirements for multi-family housing, particularly in light of the recent development reviews they conducted for the Realty Resources and Developers Collaborative projects on Wight Street, and the Developers Collaborative project proposed for the former Public Works property.

The Board is recommending to reduce current on-site parking requirements based on a formula that considers both the number of units in the multi-family building and the number of bedrooms in the units. In general, smaller projects would require slightly more parking spaces/unit, and the amount of on-site parking/unit would decrease for larger projects. I presented a potential revised on-site parking formula to the Board at their meeting of June 9, and they asked that we 'test-drive' this approach compared to the amount of on-site parking the Board approved for the Developers Collaborative project on Congress St. The Developers Collaborative project includes 5 buildings with varying number of units in each building, a mix of 1, 2, and 3 bedroom units in the respective buildings, as well as a mix of affordable and market rate housing. Bub Fournier performed the requested calculations and found that the amount of on-site parking the Board approved for that project was nearly identical to that which would be required by the proposed new formula.

In short, the Board, believes the new formula makes sense. The Board also notes that the current Chapter 98 parking standards provide the Board some flexibility in considering the specific number of parking spaces required for a project; meaning that opportunities to tweak on-site parking space requirements for a specific development project remain.

4) Chapter 66, General Provisions (Definitions)

The Board is recommending a number of amendments to current definitions associated with housing standards. I would encourage the Council to read through the proposed revised definitions to see if you have any specific questions.

5) Chapter 102, Zoning, Article VIII, Supplementary District Regulations, Division 6, Performance Standards for Detached Accessory Dwelling Units.

The Council adopted the Performance Standards associated with this amendment in 2018. I am now coming forward with a very straight-forward but necessary 'clean-up' amendment. In short, the citations (Section numbers) that I used in 2018 for the amendment need to be changed to comply with the overall numbering system used in the Ordinance. Thus, the main purpose of these amendments is to correct a past error.

There is 1 other minor change to the actual standards. The Board is recommending to make the standard at which an on-site vehicle turn-around be required the same for detached accessory dwelling units as is now being proposed for multi-family structures. Thus, the current requirement, 40 mph, would be reduced to 31 mph or greater.

So --- that's my summary of the specific Step 1 Ordinance amendments now being proposed by the Board. I believe all of the proposed amendments are consistent with past amendments recommended by the Board and adopted by the Council, and that the amendments are generally consistent with direction in the City's adopted Comprehensive Plan.

STEP 2 - PLANNING BOARD APPROACH TO BELFAST 'RURAL' AREA

The Planning Board, during their initial February 10 discussion of Ordinance amendments, raised the potential of creating opportunities for limited types of multi-family housing in Belfast's 'rural' areas, particularly areas included in the Residential Agricultural I (RA-I), Residential Agricultural II (RA-II), Protection Rural 1 (PR-1), and General Purpose A (GP-A) zoning districts. The Board focused its interest on creating standards to allow tri-plexes and four-plexes on subsurface systems. A key issue the Department and Board considered was how to create better quality standards for the larger subsurface wastewater disposal systems that often would be required to support multi-family development. The Chapter 102, Zoning, Article 7, Performance Standards presented in the Board's recommended Step 1 amendments identifies our recommended approach.

The Board's initial efforts mostly involved potential changes to the current standards for the four affected zoning districts (RA-I, RA-II, PR-1, and GP-A) to address multi-family housing concerns, but during this discussion, that Board raised questions regarding zoning district boundaries, lot size requirements, and some of the uses allowed. In listening to the Board's concerns, I suggested that the Board consider the land use regulatory approaches for the 'Outside Rural' area and adjacent areas that are identified in the 2009 Future Land Use Plan. In short, the Board found that the general principles identified in the 2009 Plan made sense, and is now using these principles as a general template for how they believe the City should move forward. I note that the above 4 zoning districts, particularly the RA-I, PR-1, and GP-A zones, comprise about 24 square miles of land area, or about 65% of all land area in Belfast.

The Step 2 approach the Board is now discussing and intends to pursue would generally result in changes such as the following to current zoning. While the Board has not made any final decisions regarding the Step 2 approach outlined below, it is generally supportive of the following concepts.

- 1) The RA-I, RA-II, GP-A, and PR-1 zoning districts, as well as the Residential Growth (RG) district, would be completely eliminated, as would portions of the Residential II and Airport Growth districts.
- 2) All of the zoning districts described in clauses 3) to 7) below would allow tri-plexes and four-plexes that use a subsurface system to manage wastewater, however, the minimum lot sizes and density for such may vary in some of the zoning districts.
- 3) The City would create the Residential 4 zoning district, as outlined in the Future Land Use Plan, for the area located near Crocker and Marsh Road. The intent of this zoning district would be to create opportunities for residential growth. This area also would allow larger sized multi-family housing development (more than tri-plex or four-plex) if the development is connected to public sewer.
- 4) The City would create a specific zoning district for the area on Route 3 from near Edgcomb Road to the Belfast/Belmont town line. The district likely would allow destination type nonresidential uses (e.g. small offices, service businesses, auto repair and such), but would prohibit most retail sales activities and restaurants (drive-by uses). This district would be similar in purpose to the Rural Road Class 1 district identified in the 2009 Plan.
- 5) The City would create the Swan Lake Avenue Small Scale Mixed Use district for the area along Rte 141/Swan Lake, from Holmes Green House to near the Smart Road, similar to the area identified in the 2009 Plan. Multi-family housing connected to public sewer would be allowed at greater density; public sewer is available on Rte 141 to the area near the Back Searsport Rd.
- 6) The City would create the Outside Rural 1 zone that would include most of the rural land area in Belfast. This area would mostly would allow residential and agricultural uses, larger scale home occupations, and limited types of nonresidential use. The minimum lot size in this area likely would be around 2 acres with 200 feet of road frontage. This proposed zone would be similar to the Rural Road Class 2 area identified in the 2009 Plan.
- 7) In a limited number of areas in the rural area, the City would consider creating the Outside Rural 2 zone. This zone would allow residential development on smaller lot sizes, perhaps an acre, in areas where the current development pattern is smaller size lots. An example of such would be along the beginning of the Back Belmont Road, and perhaps along the Smart Road. This area is not specifically identified in the 2009 Plan.
- 8) In most of the Outside Rural area, the City would prohibit most uses that rely on drive-by traffic, such as retail sales and restaurants. There are only a handful of such uses in the Outside Rural area today. We are pursuing an approach that would recognize the existing uses, such as Belfast 52 Variety, Bowen's Tavern, and Out-of-the-Box, and create spot zoning that would allow such to continue and expand.

- 9) Along Robbins Road, the City would implement a zoning district similar to the Residential 1 zoning district recommended in the 2009 Plan to replace the current GP-A zone. I note that most of this area also is located in the Urban Residential Shoreland Zone that restricts uses to residential uses, but which allows smaller lot sizes than the GP-A zone. The intent would be to make the lot size and uses allowed the same for the main (underlying) zoning district and the Urban Residential Shoreland (overlay) district. In implementing this approach, I have suggested that the City create an exception for the only nonresidential use in the zone, Lewis Baker's auto body repair facility; an approach that is similar to the one identified in 8) above for the Outside Rural area.

The Board also has supported my recommendation to increase the minimum amount of Shore frontage required for a lot in the Urban Residential Shoreland District from the current 50 feet to 100 feet. The current 50 foot standard is problematic in that it allows lot divisions along the shore that do not make sense. I note that this change also would affect other areas in Belfast that are in the Urban Residential district, mostly along Bay View Street, and on Fairview Street (near Young's Lobster Pound).

The Planning Board, at its upcoming meetings, will be continuing to review the boundaries, permitted uses and lot size requirements for the proposed new districts, as well as considering performance standards that would apply to development in these areas. As such, I again want to emphasize that the approach I outlined above is still fluid, and that to date, the Board has not conducted a public hearing on any of these proposals. Implementing an approach similar to the one noted above is a major undertaking. Also, undertaking this overhaul of current zoning district standards at this time while development of a new comprehensive plan is underway may raise some concerns. That said, I believe pursuing this approach at this time makes more sense than simply tweaking the current standards for the affected zoning districts to address multi-family housing issues.

Lastly, the background materials for the Step 2 approach now being considered by the Board are posted on the City website, reference [planningandcodes](#), multi-family housing ordinance update. I have chosen to reference this link rather than providing you printed copies of the information because of the sheer volume of additional materials and the fact that the Step 2 approach is still a work in progress.

I will do my best to address any questions and to convey any direction that you may have to the Board.