

**CITY OF BELFAST COUNCIL
SECOND READING AND PUBLIC HEARING
PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 102, ZONING
ARTICLE IX, PERFORMANCE STANDARDS
DIVISION 6. ACCESSORY DWELLING UNIT STANDARDS
'CLEAN-UP AMENDMENTS'
REVISIONS TO CITATIONS FOR STANDARDS IN THE DIVISION
AUGUST 3, 2021 CITY COUNCIL MEETING**

NOTES TO PUBLIC:

- 1) The City, in 2017, adopted revisions to City Code of Ordinances, Chapter 102, Zoning, Article IX, Performance Standards, to create a new division, Division 6, that identifies specific performance standards for a detached accessory dwelling unit to a single family residence. The main purpose of the amendments that are now proposed (July 6, 2021) is to change the citations ('numbering' system) in Chapter 102, Zoning, for Division 6. The existing citations (adopted in 2017) were unavailable to be used in Article IX, and now need to be revised. The only substantive proposed change is in Sec 102-1333(b). The City proposes to require an on-site turn-around area for vehicles if the speed limit is 30 mph rather than the current speed limit of 40 mph. In short, this proposal mostly involves 'clean-up' changes.
- 2) The City of Belfast Planning Board, at its meeting of June 9, 2021, voted to recommend the amendments to the Chapter 102, Zoning, Division 6, Performance Standards, that are identified in this proposal. The Planning Board conducted a duly noticed public hearing on the proposed amendments at its meeting of May 26, 2021. The role of the Planning Board is to consider potential amendments and to offer its recommendations to the City Council.
- 3) The proposed amendments are scheduled for Second Reading and Public Hearing at the August 3, 2021 City Council meeting. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments. The Council conducted the First Reading of the proposed amendments at its meeting of July 6, 2021.
- 4) The City has used the following format to identify the proposed amendments to Chapter 102. All text shown in **Bold and Red Font** is language that is proposed to be added to the Chapter/Ordinance. All text shown in ~~**Bold and Blue and Strike-Through Font**~~ is language that is proposed to be deleted from the Chapter/Ordinance. All text shown in **Black Font** is existing language in the Chapter/Ordinance that is not proposed to be either added or deleted.
- 5) The complete text of all Ordinance amendments (this document and accompanying amendments) can be found on the City website, cityofbelfast.org, reference planning and

codes link, Multi-Family Housing amendments, August 3 Council meeting. Questions regarding the proposed Ordinance amendments should be directed to Wayne Marshall, Project Planner for the City, at wmarshall@cityofbelfast.org, or by calling 338-1417, ext 125.

TEXT OF PROPOSED AMENDMENTS

CHAPTER 102. ZONING.

ARTICLE IX. Performance Standards.

DIVISION 6. Supplemental performance standards for an accessory dwelling unit in a detached structure.

Sec. 102-13631. Applicability of city ordinances.

A property on which the construction of an accessory dwelling unit in a detached structure is proposed shall satisfy applicable requirements identified in Chapter 102, Zoning, Article V, District Regulations; Chapter 102, Zoning, Article VIII, Supplementary District Regulations; Chapter 102, Zoning, Article IX, Performance Standards, Division 2, Environmental Standards; Chapter 98, Technical Standards; Chapter 82, Shoreland; Chapter 78, Floods; and Chapter 62, Utilities; and shall comply with the following Supplemental Performance Standards identified in this Division.

Sec. 102-13632. Wastewater Pollution and Subsurface Wastewater Disposal.

Consistent with requirements of Chapter 62, Utilities, and Chapter 102, Zoning, Article IX, Performance Standards, Division 2, Environmental Standards, all properties must provide adequate wastewater disposal for the uses that occur on the property. An accessory dwelling unit in a detached structure must either be connected to public sewer or must be served by a subsurface wastewater disposal system that has been designed and installed to provide adequate capacity for all of the uses that occur on the property. A subsurface system that has the capacity to serve the demand associated with the new accessory dwelling unit in a detached structure must be installed prior to issuance of an occupancy permit for said unit. The property owner shall provide evidence to the Code Enforcement Officer that the above standard can be satisfied.

Sec. 102-13633. Access to Property.

- (a) Number of driveways. Notwithstanding access control standards identified in Chapter 98, Technical Standards, Section 98-154(f), a property on which an accessory dwelling unit in a detached structure is constructed shall have no more than one two-way driveway or two one-way driveway openings (one for egress and one for ingress) on the property. The accessory dwelling unit in a detached structure shall use the same driveway opening that serves the single family residence on the property. The exception to this standard is if two or more

properly permitted (two-way) driveway openings existed on the property at the time that an application is submitted to construct an accessory dwelling unit in a detached structure.

If a property is subject to Maine Department of Transportation access management requirements, the property owner shall provide evidence to the City Code Enforcement Officer that the State has issued any driveway or entrance permit that may be required. The property owner also shall provide evidence that the City of Belfast Superintendent of Public Works has approved any road opening or driveway entrance permit that may be required.

- (b) Turn-around requirement. If the posted speed limit is 40 31 mph or greater on the street on which a driveway opening is located for an accessory dwelling unit in a detached structure, the property shall include a properly constructed driveway that supports a vehicle being able to turn-around on said property so that a vehicle does not need to back out onto the adjacent street to exit the property.

Sec. 102-13634. Amount and Location of Parking.

Notwithstanding parking requirements identified in the Chapter 98, Technical Standards, Article VIII, Parking and Loading Facilities, Section 98-242, Off-Street Parking Requirements, if a property is located in the Residential 1, Residential 2 or Residential 3 zoning district, and the street or streets on which the property that has an accessory dwelling unit in a detached structure is located does not prohibit on-street parking, the minimum amount of on-site parking that must be provided for a single family dwelling unit and a one or two bedroom accessory dwelling unit in a detached structure shall be 3 parking spaces, provided the location of the parking complies with standards identified in Section 98-247, Front yard parking restricted in certain districts. In all other zoning districts the amount and location of on-site parking shall comply with standards identified in Section 98-242.

Sec. 102-13635. Size of Accessory Dwelling Unit or Structure

The maximum size of a one or two bedroom accessory dwelling unit shall be 800 square feet of habitable space, or a maximum of 75 percent of the size of the principal residential structure, whichever is less. Said accessory dwelling unit may also include a maximum of 200 square feet of attached open structures, such as a deck.

An accessory dwelling unit may be located in an accessory structure that is greater than 800 square feet in size, provided that the maximum amount of habitable space in said structure that is used as a dwelling unit is 800 square feet. Any such structure may also include a maximum of 200 square feet of attached open structures, such as a deck.

Sec. 102-13636. Size of lot.

A property which complies with the minimum lot size, both amount of area and street frontage (if the lot has street frontage), required for a residential use in a respective zoning district, may be used for a single family dwelling unit and an accessory dwelling unit in a detached structure, provided the proposed uses on the property comply with all applicable performance standards.

A property that is a nonconforming lot of record with respect to the amount of lot area or street frontage may be used for a single family dwelling unit and an accessory dwelling unit in a detached structure, subject to compliance with the following requirements:

- 1) The proposed uses must comply with all applicable performance standards;
- 2) If a property is connected to public sewer the property must be a minimum of 4,500 square feet in size; and
- 3) If a property uses a subsurface wastewater disposal system, the lot shall be no less than 30,000 square feet in size and have a minimum of 100 feet of street frontage (if the lot has street frontage).

If a property is located in a shoreland zoning district, the property shall comply with all lot size and shore frontage requirements to allow the construction of more than one dwelling unit on the property; reference Chapter 82, Shoreland, for lot size and shore frontage requirements that apply to the respective shoreland zoning districts.

Sec. 102-13637. Structure Setbacks, Structure Height and Lot Coverage.

An accessory dwelling unit in a detached structure that is located in a new structure that is constructed pursuant to a building permit issued by the Department shall comply with all structure setback, structure height and lot coverage standards identified for the respective zoning district in which the dwelling unit and structure is located. If the proposed accessory dwelling unit is located in an existing accessory structure that is detached from a single family residence, such as but not limited to a garage or a barn, and the existing structure is nonconforming with respect to structure setback, structure height and/or lot coverage standards, the existing detached structure may be used for an accessory dwelling unit, provided one or more of the following standards are met:

- 1) The proposed construction does not result in the creation of any new nonconformities;
- 2) The City of Belfast Planning Board has approved a use permit to allow a nonconforming expansion as such may be permitted pursuant to requirements of Chapter 102, Zoning, Article III, Nonconformance; or
- 3) The Belfast Zoning Board of Appeals has granted a variance pursuant to Chapter 102, Zoning, Article II, Administration, Division 4, Appeals and Variances, to allow the proposed constructed.

If a property is located in a shoreland zoning district, the proposed accessory dwelling unit in a detached structure shall comply with all applicable structure setback, structure height and lot coverage requirements for the respective shoreland zoning district; reference Chapter 82, Shoreland, for applicable standards.

Sec. 102-13638. Compliance with City building code.

The accessory dwelling unit in a detached structure that is constructed shall comply with all building code requirements identified in Chapter 74, Buildings and Building Regulation.