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### **NOTE TO BELFAST PLANNING BOARD**

**JANUARY 16TH, 2024**

### **ORDINANCE AMENDMENT WORKSHOP**

**INSIDE THE BYPASS ZONING AMENDMENTS FOCUSED ON INCREASING  
HOUSING OPPORTUNITIES AND LD 2003 COMPLIANCE  
FROM BUB FOURNIER, DIRECTOR OF PLANNING AND CODES DEPARTMENT**

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Since this past summer of 2023, the Belfast Planning Board has met 5 times specifically to discuss potential Ordinance Amendments focused on increasing housing opportunities of all types in the City and compliance with the State Law LD2003. LD2003 was passed by the State Legislature and signed by the Governor in April 2022, and went into effect July 27, 2022. The goal of the new law is to alleviate the housing affordability issues in Maine by increase housing opportunities.

LD1706, An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units, became effective on June 16, 2023. This legislation amended LD2003 by extending the implementation date of July 1, 2023, to January 1, 2024, for municipalities that enact ordinances by municipal officer without further action or approval by voters of the municipality and July 1, 2024, for all other municipalities.

LD2003 requires towns and cities to increase housing density allowed in their zoning ordinances in several different ways. It requires municipalities to allow additional units on lots zoned for single-family homes. It requires municipalities to allow at least one accessory dwelling unit on lots with existing single-family homes. In some areas, it requires municipalities to allow 2 1/2 times the currently allowed housing units, for developments where most of the units meet standard affordability definitions. The extent of the law's requirements are determined by "growth areas".

The law defines a growth area as those identified in a comprehensive plan which meets consistency guidelines of the Growth Management Program or, in the absence of a consistent comprehensive plan, an area served by a public sewer system with capacity for a growth-related

project. A growth area is also defined as an area identified in the most recent Decennial Census as a census-designated place, or a compact area of an urban compact municipality.

At the meeting of January 24<sup>th</sup>, 2024, the Board will hold a duly noticed public hearing on the draft language that incorporates the potential changes into the City Ordinance. After the public hearing, the Board may choose to recommend that the proposal moves forward to the City Council for consideration.

The City of Belfast has historically been at the forefront of zoning amendments that address development challenges, and this means the community's zoning is well positioned to face the current housing crunch. Belfast has allowed two-family dwellings on any buildable lot outside the Shoreland Zoning for decades and the City's Accessory Dwelling Unit ordinance was one of the first in the State. The City has attracted more substantial housing developments in the past few years because staff and officials have set the stage to accommodate these projects. With the currently proposed amendment proposal, the City will be in compliance with the new State Law and continue to accommodate growth in the Inside the Bypass areas.

The proposal's goals are broken down into the following categories of changes for better understanding:

- 1) Increase housing development opportunities Inside the Rte. 1 Bypass area of Belfast.**
- 2) Adopt State Accessory Dwelling Unit (ADU) standards in compliance with LD2003.**
- 3) Incorporate density bonuses and maximum parking requirements in LD2003 for Affordable Housing as defined by the State.**
- 4) Accommodate standards in the State law requiring the City to allow 4 dwelling units on a vacant lot for any zoning districts that allow housing in "designated growth areas".**
- 5) Accommodate standards in the State law requiring the City to allow 3 dwelling units on a lot with an existing single-family home for any zoning districts that allow housing in "designated growth areas".**
- 6) Consolidate Inside the Bypass zoning use and dimensional tables into City-wide format.**
- 7) Minor cleanups including a front setback adjustment affecting 3 lots on Cottage Street.**

**These goals are accomplished in the proposed amendments in the following ways:**

**1) HOUSING DEVELOPMENT OPPORTUNITIES**

The proposal increases housing development opportunities by increasing the number of dwelling units allowed on a base lot of 7,500 sqft from 2 to 4. Further, the proposal would also allow multi-family housing in existing buildings in the Residential 1, 2 and 3 zoning districts, currently prohibited. The proposal also allows multi-family for the first time in the Residential 1 zoning district. Additional units on existing multi-family dwelling structures as well as conversions from one-two family homes would be possible with these changes. The proposal includes a minor adjustment in maximum density from 19 dwelling units per acre to 21 dwelling units per acre for multi-family dwelling structures for more than 5 dwellings on public sewer.

**2) ACCESSORY DWELLING UNITS**

The proposal brings Belfast's currently existing ADU Ordinance in line with the State standards including allowing attached/detached ADU's alongside almost any other housing use. It also removes parking requirements for defined ADU's as per the State law. Belfast limits ADU's to 800 sqft or 75% of the primary dwelling, and they must utilize the primary driveway on a property. These currently adopted standards would remain in place. The proposal does not allow the use of RV's or a "tiny house on wheels" as a dwelling unit, currently prohibited by the City Code.

**3) AFFORDABLE HOUSING**

The proposal allows Affordable housing, as defined by the State and sometimes referred to as low-income housing or subsidized housing, to be constructed at 2.5 times the density of market rate housing in any zoning district that allows multi-family housing. This is a State requirement, and neither the two housing developments on Wight St, nor the development currently being constructed at the former Public Works site on Congress St sought this level of density. The proposal also limits the amount of parking that the Planning Board may require for defined Affordable housing developments to no more than 2 parking spaces per 3 dwelling units as per the State law. It is important to note that the current code allows the Planning Board to entertain variable parking proposals from developers outside the prescriptive requirements of the code, and this was utilized for the housing being constructed on Congress Street. The Planning Board also supported Council adopted right-sizing amendments to the City's prescriptive parking requirements for multi-family in 2021 and these will remain unchanged.

#### **4) VACANT LOTS IN GROWTH AREAS**

The proposal accommodates up to 4 dwelling units on a buildable vacant lot in “designated growth areas” with the introduction of a “flex housing” approach for all zoning districts Inside the Bypass area. “Flex housing” is a development approach where a property owner has the flexibility to choose the best housing development to suit specific needs, with the base starting at up to 4 dwelling units in up to 3 structures on a 7,500 sqft lot. An example could be an 8,000 sqft lot supporting two small duplexes. Another example could be a triplex and an ADU on an 8,500 sqft lot. The proposal limits “flex housing” to no greater than a 3 or 4 unit multi-family (triplexes/quadplexes). Multi-family dwellings greater than 4 units in one building are not allowed under “flex housing” but are allowed at the 10,000 sqft lot size threshold, similar to currently adopted Residential 2 and 3 standards for new structures.

#### **5) EXISTING SINGLE-FAMILY HOMES**

The proposal accommodates up to 3 dwelling units on a lot with an existing single family home in “designated growth areas” with the introduction of a “flex housing” approach for all zoning districts Inside the Bypass area. The proposal also accommodates converting existing dwellings into multi-family dwelling structures in compliance with current building and life safety codes.

#### **6) TABLE UPDATES**

The proposal brings all Inside the Bypass zoning districts into the same use and dimensional tables as the rest of the City. Inside the Bypass zoning districts were the first zoning districts to utilize a tabularized use and dimensional layout, but recent zoning amendments have expanded allowed uses. This is an opportunity to update and standardize the Ordinance with user-friendly tables.

#### **7) CLEANUPS**

Minor cleanups include the front setback adjustment of three lots on Cottage Street, updates to some definitions to support the proposed substantive changes, and an enhanced purpose statement for multi-family and flex housing performance standards in Chapter 102 Article IX.

The Board is considering these proposed amendments in an effort to increase housing opportunities as the City, State and entire region grapple with a shortfall of all types of housing. Zoning does not generate housing, although it will help shape the future community of Belfast as projects are brought to fruition. Standards such as lot coverage, setbacks, maximum structure height, parking, and non-residential structure design already in the City Ordinance are largely left unchanged in this proposal, and the Board intends to rely on them when reviewing any proposed project. As we’ve seen from recent storm events, stormwater management is

increasingly important, and those standards remain in place. Belfast needs additional housing of all types, and the zoning Code Inside the Bypass will need to be adjusted in the future as the community sees fit. Feedback from the community, comments from Board members, staff and other stakeholders underlines the strong sense of place that the neighborhoods in the City core and denser areas immediately adjacent. The draft language in the proposal represents work by the Board to continue to generate improvements and have discussions regarding how to shape the future of the City while enabling the changes that need to occur.

### **Typical format of Amendments**

All text shown in black font is current text in the adopted City Code of Ordinances. All text shown in **red font** is new language that is proposed to be added. All text shown with ~~blue strike-through~~ is to be removed. All text shown in **green font** are notes for the Board and other readers.

\*\* The draft Dimensional and Use Tables along with footnotes are color coded in the manner the Board is used to seeing for Ordinance Amendment language, however it's important to keep in mind that this is a complete overhaul of the existing tables and footnotes, so colors are used to highlight specific changes. However, these are essentially completely new tables that would replace the existing ones in the Ordinance.