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NOTE TO CITY COUNCIL

MARCH 26th, 2024

FIRST READING AND PUBLIC HEARING

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

On February 28th, 2024, the Belfast Planning Board voted unanimously to recommend a package of Ordinance amendments for Belfast City Council adoption that the Board has been working on since the summer of 2023. The proposed Ordinance amendments included in the package are focused on increasing housing opportunities of all types in the City, and they address State Law LD2003 and supporting legislation. For the upcoming April 2, 2024 City Council meeting, I am requesting to present the proposed Ordinance package. I also ask that the Council hold a First Reading and Public Hearing on the proposal, followed by consideration of the next steps in the amendment process.

The Belfast City Council has supported increased housing opportunities consistently over time by directing the Board and staff to continue the work that the City has undertaken for many years. This amendment work focused on the Inside the Rte. 1 Bypass area comes after major zoning overhauls in all other areas of the City. Also, as recently as August 2021, the City adopted amended Technical Standards to decrease parking standards for multi-family housing, after hearing from developers that the City's Code could be improved. As recently as 2019, the City adjusted the ordinance to increase housing opportunities inside the bypass affecting Accessory Dwelling Units. Before that, starting as early as 2014, the City hammered out proposals for increased density for zoning districts inside the bypass, increased opportunities for multi-family as a use and proposed allowing ADU's ahead of many other municipalities.

All of this work, coupled with Belfast's long standing zoning policy allowing two-family dwellings on every buildable lot outside Shoreland Zoning, provided a solid foundation for housing opportunities long before the current housing crunch and the newly crafted State Law, LD 2003, aimed to require increased housing opportunities Statewide. In effect, Belfast is now situated as a leader in housing opportunities in the State, in regard to our zoning ordinances.

But there is room for improvement. With the passage of LD 2003 and Statewide implementation on Jan 1, 2024, Belfast needs to make a few adjustments to the City Code of Ordinances. There are also additional amendments that the Board is recommending to increase housing opportunities. The entire City, including the City Council, Planning Board, newly formed Housing and Property Development, Intown Design Review and other committees, city staff, and members of the public have helped to shape the proposal thus far.

The City has attracted some substantial housing developments in recent years because staff and officials set the stage to accommodate these projects. With the currently proposed amendment package, the City will be in compliance with the new State Law and continue to accommodate growth Inside the Bypass.

The proposed Ordinance amendments include changes to Chapter 66 Definitions, Chapter 80 Intown Design Review, Chapter 90 Site Plan, Chapter 98 Technical Standards, and Chapter 102 Zoning. 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 Chapter 102 zoning use and dimensional tables into City-wide format.**
- 7) Minor cleanups including a front minimum structure setback adjustment affecting 3 lots on Cottage Street, amendments in support of minor agricultural uses, supporting Chapter 66 Definitions amendments and a newly proposed process in Chapter 80 for residential multifamily and “flex housing” design review.**

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

1) INCREASED HOUSING DEVELOPMENT OPPORTUNITIES

The proposal increases housing development opportunities by increasing the number of dwelling units allowed on a sewer base lot of 7,500 sqft from 2 to 4. Further, the

proposal would also allow multifamily housing, including a “flex housing” approach, in new and existing buildings in the Residential 1, 2 and 3 zoning districts. The proposal also allows multifamily, including a “flex housing” approach, 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.

After the public hearing on Jan. 24th, 2024, the Planning Board asked staff to bring the proposal to the City's In-town Design Review (IDR) Committee to develop design review standards for multifamily dwellings and "flex housing" developments. The Committee completed that work in two meetings and the Planning Board incorporated that draft language into the proposal. *The proposed Chapter 80 IDR language would require developers to participate in a design review of their project but implementation of any design suggestions would be voluntary.*

It should be noted that all other dimensional requirements such as lot coverage, minimum structure setbacks, maximum structure heights, and parking requirements would remain in place.

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. It should be noted that with the incorporation of a “flex housing” development approach, multiple primary dwellings would be allowed on many lots without the need to utilize ADU standards, although some lots could still benefit from the ADU exceptions to parking standards.

3) AFFORDABLE HOUSING

The proposal allows Affordable housing, as defined by the State and sometimes referred to as 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 Street, nor the development currently being constructed at the former Public Works site on Congress Street 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. Such a conversion would require participation in an Intown Design Review Committee meeting.

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 citywide zoning amendments have expanded allowed uses. This is an opportunity to update and standardize the Chapter 102 Zoning ordinance with user-friendly tables.

7) CLEANUPS

Minor cleanups include the front setback adjustment of three lots on Cottage Street, minor adjustments to support agricultural uses, updates to some definitions to support the proposed substantive changes, an enhanced purpose statement for multi-family and flex housing performance standards in Chapter 102 Article IX, and adjustments to the City's Chapter 80 Intown Design Review standards to incorporate a mandatory

review of multifamily and “flex housing” developments with voluntary implementation.

I would also like to call your attention to the significant number of written comments that staff received during the Planning Board process, as well as leading up to this First Reading and public hearing. Additionally, it should be noted that the Board conducted 7 meetings on this topic, almost all of which have invited public comments.

The proposed amendments represent 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 Chapter 102 Zoning code Inside the Bypass will need to be adjusted in the future as the community sees fit. Feedback from the community, comments from City Councilors, Planning Board members, staff and other stakeholders underline the strong sense of place in the neighborhoods in the City core and denser areas immediately adjacent. The draft language in the proposal represents work 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.

Potential City Council Action

I request that the City Council hold a first reading on these Ordinance amendments as recommended by the Planning Board. I request that the City Council discuss the proposal and consider a motion to accept the First Reading of these proposed ordinance amendments. If the Council chooses to move forward, a Second Reading and public hearing would need to occur before adoption can be considered at a Council meeting in the near future.

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.