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### PLANNING AND CODES DEPARTMENT

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### MEMORANDUM

DATE: February 6, 2025

TO: Belfast Planning Board

FROM: Bub Fournier, Director of Planning and Codes Alexandra E. Sykes, City Planner

CC: Alexandra E. Sykes, City Planner

RE: Upcoming Ordinance Amendment workshop and public hearing regarding a proposed Transitional Housing Facility at 23 Mill Lane, the United Methodist Church.

#### **Background Information:**

At their regular meeting of Jan. 7, 2025, the Belfast City Council discussed a proposed Transitional Housing Facility to be located at 23 Mill Lane, the United Methodist Church. The project's supporters, the Midcoast Maine Homeless Coalition, were given specific questions to address at the Council's next regular meeting on Jan. 21, 2025. At that time, the Council directed staff to begin work on the necessary Ordinance work to facilitate the proposal based on the details of the proposal and the discussion at the two Council meetings.

On Jan. 22, 2025, the Planning Board received the same information that the Council had reviewed the evening before, with the direction of making the necessary changes to the City Code to facilitate the proposed Transitional Housing Facility at 23 Mill Lane. At that meeting, the Board, with assistance from staff, began to look at specific standards that might be applied to such a use. The Board discussed language regarding definitions of the proposed use, as well as uses that may be conflated with the Transitional Housing Facility. The Board reached consensus on most of the standards that staff identified, including the potential requirement of an annual City License for any Transitional Housing Facility.

The one topic that the Board did not reach consensus on was how the shared bathrooms might work at the proposed facility. Staff identified the 23 Mill Lane proposal to utilize existing bathroom areas, with some upgrades, to provide bathrooms for residents of the facility. These shared bathrooms would also be available to other users in the mixed-use building such as the

Church and other office tenants. Staff identified the potential conflicts with such an arrangement, and some Board members identified their concerns. The Board asked staff to draft language to require potential Applicants to describe how the bathrooms may function so that any conflicts could be addressed. In doing so, staff identified a conflict with the proposed function of the bathrooms at the proposed facility. Basically, because residential and nonresidential bathroom requirements are different in the Plumbing Code, they become mutually exclusive. Therefore, allowing a mixed-use building's nonresidential uses to access the same bathrooms utilized by a residential occupancy cannot be allowed. However, the requirement to submit a description of how the bathrooms might function for any Transitional Housing Facility has been added to the proposed performance standards for this use.

The work being contemplated in this particular Ordinance Amendment package involves four different Chapters of the City Code and would allow a Transitional Housing Facility at one specific property, 23 Mill Lane, with Planning Board approval. The proposed amendments to Chapter 66 would define the proposed use. The proposed amendments to Chapter 14 Business would facilitate the annual licensing of any Transitional Housing Facility, including an annual inspection by the Code Enforcement Officer with final approval by the City Council for the license. The proposed amendments to Chapter 72 Housing and Lodging support the licensure and direct any such use to the standards in Chapter 102 as well as the adopted building, plumbing and electrical codes. The proposed amendments to Chapter 102 identify the standards that the Planning Board would apply for any Transitional Housing Facility, incorporate the use into the user-friendly tables with footnotes for each zoning district, and identify 23 Mill Lane as a Special Use Area (SUA-3) within the Outside Rural 2 zoning district that may allow such a use.

It's important to remember that a Transitional Housing Facility is not currently mentioned in the City Ordinance and would not be allowed under the current language. The most similar use in the current Ordinance would be a rooming house, and only "owner-occupied" rooming houses are currently allowed anywhere in the City. At the February 12, 2025 workshop and public hearing, I ask that the Board allow staff to present the draft language up for consideration. Following the presentation, I ask that the Board hold a public hearing, which has been duly noticed in the newspaper. Notice of the hearing has also been sent to all property owners within 1,500 feet of the 23 Mill Lane property. After the public hearing, the Board may choose to discuss details of the draft language or respond to comments from the hearing. Finally, the Board may choose to make a recommendation for the City Council to consider regarding the proposed Ordinance Amendments.

The format of the draft language for this amendment package is typical. ~~Blue strikethrough~~ font is text to be deleted from the current Ordinance. **Red** font is new language being proposed. **Black** font is currently existing.

If the Board chooses to recommend language for City Council consideration, the City Council process would consist of an additional public hearing and First and Second Reading.