

Editor's Note: The City has used the following format to identify the proposed amendments to the City Ordinance. All text shown in **Red Font** is language that is proposed to be added to the Chapter/Ordinance. All text shown in ~~Blue 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.

CHAPTER 66, GENERAL PROVISIONS

Sec. 66-1 Definitions.

TRANSITIONAL HOUSING FACILITY

A residential use, in which residents sign leases or occupancy agreements, that provides temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing. This definition includes facilities that comply with applicable performance standards in Chapter 102 Article VII Supplementary District Regulations, Division 10 *Transitional Housing Facilities*. This definition does not include an *Emergency Shelter*.

EMERGENCY SHELTER

A facility, the primary purpose of which is to provide a temporary shelter for people experiencing homelessness in general and which does not require occupants to sign leases or occupancy agreements.

HOTEL

A building in which lodging, or meals and lodging, are transient in nature and offered to the general public for compensation and which ingress and egress to and from the rooms are made primarily through an inside lobby or office and offer no less than four rooms for rent. **This definition does not include a *Transitional Housing Facility* or *Emergency Shelter*.**

MOTEL

A building or group of buildings in which lodging is transient in nature and offered to the general public for compensation and where entrances to rooms are made directly from the outside of the building and offer no less than four rooms for rent. Motels include terms such as sporting camps and cottages. . **This definition does not include a *Transitional Housing Facility* or *Emergency Shelter*.**

CHAPTER 14, BUSINESSES

Article XI Transitional Housing Facility License

Division 1 Generally

Sec. 14-390 Reserved.

Sec. 14-391 Purpose of article. The purpose of this article is to establish a procedure and standards for the City to annually review the operations of *Transitional Housing Facilities*. The City finds it is in the public health, safety, and economic welfare to regulate such uses.

Sec. 14-392 Penalty. Any person or entity operating a *Transitional Housing Facility* within the City without the required license shall be subject to a civil penalty of \$100 per day for each day of operation without the required license.

Sec. 14-393 Other applicable codes. Any *Transitional Housing Facility* use within the City shall be subject to all applicable City Ordinances, particularly but not limited to those in this Chapter, Chapter 66 General Provisions, Chapter 72 Housing and Lodging, Chapter 102 Zoning as well as applicable State Laws.

Sec. 11-394 Reserved.

Division 2 License

Sec. 14-395 Required; display. An annual license issued by the City shall be required for any *Transitional Housing Facility* that have met the requirements of the zoning regulations (chapter 102) for such use. No person may conduct, control, manage or operate, directly or indirectly, any *Transitional Housing Facility* unless reviewed and licensed as directed by this article for this specific use. Licenses must be displayed in a place readily visible to residents, City officials, or other persons using the licensed facility.

Sec. 14-396 Initial and renewal licenses.

- (a) Initial license. Any person desiring to operate a *Transitional Housing Facility* who is not already licensed by the City to operate such must apply for and obtain an initial license.
- (b) Renewal license. Any person already licensed as a permitted *Transitional Housing Facility* who desires to continue operating beyond the expiration of a license must apply for and obtain a renewal license.

Sec. 14-397 Application. An application for a *Transitional Housing Facility*, initial and renewal, shall be available in the City Clerk's office. The applicant must complete such an application in its entirety, sign it, and submit it to the City Clerk, along with any reasonable documentation that may be required by written application instructions

prepared by the City Clerk and approved by the City Council. The application shall include documentation that the applicant has submitted an application to the City Planning Board to determine compliance with the requirements of the zoning regulations (Chapter 102) for the *Transitional Housing Facility*.

Sec. 14-398 Term;transfer. Any *Transitional Housing Facility* license issued for a permitted use initially issued by the City shall be effective for one year from the date of issuance and must be renewed annually. No license is assignable or transferable.

Sec. 14-398 New license required upon change in operation. Each license issued under this article is for operation pursuant to the information contained in the application when filed. If the licensee experiences or desires to make any material change in its operations, the licensee must apply for a new initial license. Such change, on the date it occurs, effectively terminates the licensee's authority to continue operating under the licensee's existing license.

Sec. 14-399 Fees. Each application for a *Transitional Housing Facility* license, initial or renewal, must be accompanied by an administrative fee in the amount of \$50, or as amended by the City Council. No application will be considered without payment of this fee.

Sec. 14-400 Issuance.

- (a) **Initial license.** Upon receipt of a completed application for a *Transitional Housing Facility* license and the required application fee, the City Clerk shall schedule the request for an initial license on the regular agenda of the City Council. All initial licenses shall be approved by the City Council prior to their issuance by the City Clerk.
- (b) **Renewal license.** Upon receipt of a completed application and the required application fee, the City Clerk shall schedule the request for a renewal license under the Consent Agenda of the City Council. The completed application shall include an annual report on the number of residents that may have utilized the facility. All renewal licenses shall be approved by the City Council prior to their issuance by the City Clerk.
- (c) **Standards for issuance.** The City Council shall approve issuance of an initial or renewal *Transitional Housing Facility* license provided the applicant is in compliance with all City zoning regulations (Chapter 102), the technical standards (Chapter 98), and other applicable City ordinances and City land use regulations and state and local health and safety codes and regulations. The City Council shall rely on a written statement from the Code Enforcement Officer, which may be in the form of a Certificate of Occupancy for initial licenses, regarding compliance with Planning Board issued permits and other applicable building, electrical, plumbing, or life safety codes for any *Transitional Housing Facility*.

Sec. 14-401 Inspection of premises. The City Code Enforcement Officer shall have the right to enter and inspect the premises of any establishment for which an application for a license as a *Transitional Housing Facility* has been completed and submitted to the City Clerk. Inspections will be based on public health, safety and welfare along with performance requirements identified in any Planning Board issued permits, the adopted Property Maintenance Code, applicable zoning regulations (Chapter 102), plumbing code, electrical code, and building code adopted by the City. Inspection will include, but not be limited to, fire safety, sanitation, water supply and waste disposal. No entry or inspection shall be made without the permission and presence of the owner or the owner's designee. Entry and inspection shall be during business hours, or at a reasonable time.

Sec. 14-402 Suspension or revocation. In addition to the remedies provided in sections 14-392 and 14-393, the City Council, upon notice and hearing, for cause, may at any time suspend or revoke a *Transitional Housing Facility* license issued pursuant to this article. Cause shall mean the violation of any license provision or any provision of this article, or any condition causing a threat to the public health, safety, or welfare, including but not necessarily limited to the following: neighborhood disruption, disorderly customers, or excessively loud or unnecessary noise that initiates complaints to or requires a response from police, fire or other City regulatory bodies or employees.

Sec 14-403-409 Reserved.

CHAPTER 72, HOUSING AND LODGING

Article II. Short-Term Rental Registration

Sec. 72-103. Registration Requirements

1. Dwelling units that are required to be registered.
 - (a) Any residential STR dwelling unit located within the bounds of the City of Belfast must register the dwelling unit with the Planning and Codes Department.
 - (b) Any lodging establishment already licensed with the State and/or City is exempt from this provision.
 - (c) Any person renting out their primary residence or a room that is part of their primary residence is exempt from this provision.
 - (d) Any person renting out a residential dwelling unit that is not their primary residence but is located on the same property as their primary residence is required to register the dwelling unit or units.
2. Application required

The applicant must submit an application to apply for the short-term rental registry. The Planning and Codes Department is responsible for creating the application and may amend the application as needed.
3. Initial and renewal registration
 - (a) Initial registration.

Any property owner or management company on behalf of the property owner wanting to operate a short-term rental unit must register the short-term rental unit with Code Enforcement Officer before advertising or renting said short-term rental unit.
 - (b) Registration Renewal

Any property owner or management company on behalf of the property owner already registered as a short-term rental unit who wishes to continue operating beyond the expiration of the registration period must apply for and obtain a registration renewal.
4. Registration time period

A short-term rental registration is valid for one year from November 1 to October 31 of the following year.

Article III. Transitional Housing Facilities.

Sec. 72-110 Generally. Any Transitional Housing Facility in the City shall be licensed pursuant to Chapter 14 Businesses and remain in compliance with all applicable Chapter 102 Zoning and Chapter 74 Buildings and Building Regulations requirements.

CHAPTER 102 ZONING

Article V, District Regulations

Division 16. Northwesterly of Bypass and Outside Rural Zoning Districts.

Sec. 102-625. Footnotes to Use Table for Northwesterly of Bypass and Outside Rural zoning districts. The Footnotes in Sec 102-625 apply to the Use Table for the Northwesterly of Bypass and Outside Rural area; reference Sec 102-624, Table of Uses. The Footnotes identify specific provisions that apply to certain uses identified in the Use Table, and are intended to make persons aware of said provisions. The respective Footnotes, however, do not identify all Ordinance standards that may apply to a specific use, and all persons must review all provisions in the City Code of Ordinances to determine the applicability of other requirements. The Footnotes appear next to the information that is subject to the Footnote, and are shown in the Use Table as follows: *[letter of alphabet, lower case].

***[aaa] Reference the Performance Standards for Transitional Housing Facilities identified in Chapter 102, Zoning, Article VII, Supplementary District Regulations, Division 10. Transitional Housing Facilities, as defined by the City Ordinance, are only allowed with Planning Board review on Map 24 Lot 9-C, as part of the Special Use Area 3 (SUA-3) designation for this lot.**

Sec. 102-626 Special Use Areas, Outside Rural-1 and Outside Rural-2 zoning districts. Section 102-626, Special Use Areas (SUA), identifies certain properties located in the Outside Rural-1 or Outside Rural-2 zoning districts that the City has determined qualify to be used for certain potential additional uses compared to the underlying zoning district in which the properties are located. The identified properties were selected for designation as a Special Use Area (SUA) primarily because of the current or past use of the respective properties, and said uses not being a permitted use through-out the entirety of the respective zoning district.

c) Special Use Area 3. Section 102-624, Table of Uses, identifies the Uses allowed in the Outside Rural-1 and Outside Rural-2 zoning districts, and Section 102-632, Dimensional Tables, identifies the Dimensional Standards that apply to properties, structures and uses in these respective zoning districts. The City hereby designates the following properties located in the Outside Rural-2 (OR-2) zoning district as a 'Special Use Area 3 (SUA-3)'. This designation allows the respective property to be used for any permitted use identified in the Section 102-624, Table of Uses, for the Outside Rural-2 zoning district, provided the use complies with applicable City standards, and to be used for the following additional uses that are identified as a Prohibited Use (NO) in the Table of Uses, again, subject to compliance with applicable City standards. A property owner must obtain a permit from the Planning Board to conduct any of the following uses on the property, or to expand an existing use on the property that is identified in this list of uses. The additional uses (reference Section 102.624, Table of Uses) that apply to the 'Special Use Area 3' (SUA-3) designation are as follows: 32) *Transitional Housing Facility*.

Article VII Supplementary District Regulations

Division 10 Transitional Housing Facilities

Sec. 102-1020 Purpose and Applicability. The purpose of the *Transitional Housing Facility* provisions is to provide standards for this use. The City recognizes the need to provide community members experiencing homelessness with interim stability and support in order to successfully find, move into, and maintain permanent housing. Any *Transitional Housing Facility* in the City must demonstrate compliance with these standards before being issued a use permit by the Planning Board or obtaining a license from the City Council.

Sec. 102-1021 Standards for Transitional Housing Facilities. Any proposed *Transitional Housing Facility* in the City shall demonstrate compliance with the following standards and requirements. No such facility shall be approved unless the Planning Board makes an affirmative finding that the proposal is satisfactory regarding the following standards:

- (a) Scaled floor plans of the *Transitional Housing Facility* building shall be submitted for review.
- (b) Bathroom layout and function shall be submitted for review. A *Transitional Housing Facility* is considered a residential use that has specific bathroom requirements identified in the adopted Plumbing Code.
- (c) 24-hour, on-site staff shall be provided for the facility.
- (d) An applicant for a proposed *Transitional Housing Facility* shall submit a copy of an approved agreement to provide support services for residents or shall provide those services within their organization.
- (e) An applicant for a proposed *Transitional Housing Facility* shall submit a Communication Plan for City services and neighbors.
- (f) An applicant for a proposed *Transitional Housing Facility* shall submit a Transportation Plan
- (g) An applicant for a proposed *Transitional Housing Facility* shall submit an Emergency Response and Closure Plan.
- (h) An applicant for a proposed *Transitional Housing Facility* shall submit a Security, Maintenance and Sanitation Plan.
- (i) An applicant for a proposed *Transitional Housing Facility* shall submit Eligibility Requirements, Rules of Conduct, and a Turn Away policy.
- (j) An applicant for a proposed *Transitional Housing Facility* shall submit a copy of applicable State Fire Marshall's Office approvals.
- (k) An Applicant for a proposed *Transitional Housing Facility* shall be licensed by the City before any operations commence.

- (l) Applicants shall submit application materials that address standards in Chapter 90 Site Plan, Chapter 102 Zoning, and Chapter 98 Technical Standards if applicable.

Sec. 102-1022 through 1029 Reserved.