



## CITY COUNCIL ACTION

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Council Meeting Date: February 22, 2021

Item No: 21-098

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: n/a

### Title, Ordinance

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Amending Chapter 165, Land Development Code, by adding a new section entitled 165-136 Building Standards with a subsection A. Egress Door Orientation with language regulating the location of an egress door on a residential dwelling unit.

### Summary

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This ordinance amends the Land Development Code by changing building standards to require that for new construction in URD-1 and URD-2, a front door be oriented towards the street. In some cases, developers have opted to orient main entrances on side yards to gain more mass in the structure. This, however, breaks with some of the more traditional elements of Bangor's neighborhoods, which are oriented to the street. Staff researched zoning options and found communities that regulate front doors as part of a form-based code approach to land use regulation.

One of the selling points in urbanist neighborhoods is the presentation of the buildings to the street and most importantly, to the sidewalk. One of the factors that makes in-town neighborhoods vibrant and healthy is walkability, meaning the area is welcoming to the pedestrian. Some of the factors that make it welcoming are sidewalks, street trees, and safety from the roadway. Additionally, buildings in a walkable neighborhood are at a pedestrian scale and hospitable to the street. In residential neighborhoods, that can mean items as low hedges/fencing, front yard maintenance and porches. It can also mean a prominent front door. Having the side of a building with a blank wall or small amounts/sizes of windows can create an unwelcoming wall for the pedestrian.

Bangor's residential neighborhoods are one of the many features that makes the city unique, special, and marketable, and these neighborhoods are an important part of the city's social fabric. This language helps to ensure the re-development and infill development practices in our existing neighborhoods to practice good urbanism.

### Committee Action

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Committee: Planning Board

Meeting Date: March 2, 2021

Action:

For:

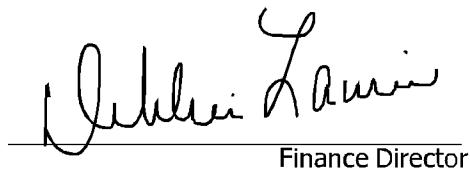
Against:

### Staff Comments & Approvals

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City Manager

  
City Solicitor

  
Finance Director

**Introduced for:** First Reading and Referral



## CITY COUNCIL ORDINANCE

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Date: February 22, 2021

Assigned to Councilor: Davitt

**ORDINANCE**, Amending Chapter 165, Land Development Code, by adding a new section entitled 165-136 Building Standards with a subsection A. Egress Door Orientation with language regulating the location of an egress door on a residential dwelling unit.

**WHEREAS**, at present, downtown neighborhoods in Bangor are considered examples of good urbanist practice in planning with front porches, sidewalks and other pedestrian scale amenities; and

**WHEREAS**, new opportunities have been created for infill development and replacement of derelict housing with new construction; and

**WHEREAS**, there is a concern that the new development will not continue the previous practice of pedestrian scale front façade design that includes a front door access; and

**WHEREAS**, in order to continue this walkable standard in our downtown residential neighborhoods that requirements for front doors may be necessary with some conditions and exceptions;

### **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT**

Chapter 165 of the Code of the City of Bangor is amended as follows:

#### Article XIX District Site Development Standards

##### 165-136 Building Standards

###### A. Egress Door Orientation

- (1) Applicability: this requirement applies to land development and/or building permits received on March 18, 2021 or thereafter for the construction of principal buildings containing dwelling(s) in the Urban Residence 1 and Urban Residence 2 districts.
- (2) Principal Building(s) containing dwelling(s) shall have an egress on the façade facing the front yard.
- (3) Exceptions: Accessory Dwelling Units, Mobile Homes, Manufactured Homes, Dwellings on Flag Lots.
- (4) Exceptions with conditions:
  - (a) Corner lots shall have an egress on one of the front yards.
  - (b) By application to the Code Enforcement Officer or, where a land development permit is required, the Planning Board, this requirement may be waived in cases where:
    - (i) For reconstruction of a previous dwelling unit, the previous building did not have an egress on the façade facing the front yard.
    - (ii) The lot width is less than fifty feet (50').



## CITY OF BANGOR Planning Division

### Memorandum

To: Honorable Bangor City Council  
Cathy Conlow, City Manager

CC: Tanya Emery, Director of Community & Economic Development  
Jeff Wallace, Code Enforcement Officer

From: Anne Krieg AICP, Planning Officer  
Josh Saucier, Assistant City Solicitor

Date: March 3, 2021

**Regarding: Amending Chapter 165, Land Development Code, by adding a new section, 165-135 Building Standards with a subsection A.**

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Please accept this memorandum as the recording and explanation of the Planning Board action on the above noted item at their requisite public hearing dated March 7, 2021.

Planning Officer Krieg provided the staff report to the Board, points included the following:

- A. The Planning Board has discussed this item previously in workshops. It now returns for official review and vote as a proposed amendment to the land development code.
- B. The Board may recall, the purpose of the amendment is to ensure residential dwelling units in downtown neighborhoods, that when re-developed, will have a front door facing the front yard.
- C. The goal is to keep the pedestrian scale of Bangor's downtown neighborhoods intact as to design when infill development or re-development occurs. Recent re-developments have had front entrances to the side yard lot with a small window to the front façade. This is a disruption to the historic front porch/doors of the streetline; often of the building that was demolished and reconstructed upon.
- D. Some changes have been made of note:
  - 1) The requirement would only apply in two districts, URD-1 and URD-2, and
  - 2) The Code Enforcement Officer is empowered to give relief from the requirement in certain situations.

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- E. Design standards are an allowable extension of zoning powers. The decision of the Planning Board is to determine if this is code change is in keeping with sound land use policy for the city.
- F. Other communities in Maine with same or similar requirements include Portland, Yarmouth and Cape Elizabeth, as well as Lewiston. Smaller communities in New England like Morrisville, Vermont have the exact same requirement, as well as Burlington Vermont and Brookline Massachusetts.
- G. There is no mention of this requirement in the Comprehensive Plan; however there are many instances in discussions of downtown residential neighborhoods to keep the homogeneous elements of the area as re-development occurs. This amendment speaks to keeping that character.

Don Meagher indicated he does not feel this is good policy for the city to regulate design characteristics in residential neighborhoods and that it goes too far for zoning regulation.

Ted Brush and Mike Bazinet agreed with this assessment.

Chairman Huhn noted that recent developments have had buildings with no front doors, noting the example on Center Street. The Board discussed this example. The Board also looked at a map of the area of the city zoned URD-1 and URD-2.

A motion was made by Lisa Shaw that the noted amendment ought to pass. The motion was seconded by Ted Brush. The motion failed with a split vote of the members present: Shaw, Huhn and Brush were in favor of the motion and Meagher, Perkins and Bazinet were against the motion.

Because the motion failed to pass, it is the opinion of the City's Legal Department that a two-thirds vote of the Council will be required to pass this Ordinance.

In that regard, Section 165-6(E) of the City's ordinances requires a two-thirds vote of Council to pass an amendment to the land development code that has "been *disapproved* by the Planning Board." The term "disapproved" is not clear, but the remainder of the text of 165-6, including that an item needs a majority vote of the Planning Board to pass, provides context for the term.

**IN CITY COUNCIL**

**FEBRUARY 22, 2021**

**COrd 21-098**

**Motion made and seconded for First Reading and Referral to Planning Board Meeting on March 2, 2021**

**Vote: 9 – 0**

**Councilors Voting Yes: Davitt, Dubay, Fournier, Hawes, Nichols, Okafor, Schaefer, Sprague, Tremble**

**Councilors Voting No: None**

**Passed**

  
**CITY CLERK**

**IN CITY COUNCIL**

**MARCH 8, 2021**

**COrd 21-098**

**Motion made and seconded for Passage**

**Vote: 9 – 0**

**Councilors Voting Yes: Davitt, Dubay, Fournier, Hawes, Nichols, Okafor, Schaefer, Sprague, Tremble**

**Councilors Voting No: None**

**Passed**

  
**CITY CLERK**