



CITY COUNCIL ACTION

Council Meeting Date: February 22, 2021

Item No: 21-099

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: n/a

Title, Ordinance

Amending Chapter 165, Land Development Code, by amending parking standards, reducing parking setbacks, allowing for additional outdoor dining space, and, in the Shopping and Personal Service district, reducing overall setbacks.

Summary

This ordinance amendment would relax parking standards in a number of ways, particularly for restaurants and other places of assembly, and would reduce setbacks in the Shopping and Personal Service District.

The Land Development Code contains a number of requirements regarding parking. Some of the current requirements, particularly those dealing with restaurants and other places of assembly, appear to be unnecessarily burdensome. Additionally, the rise in popularity of outdoor seating for restaurants calls for looking at parking requirements for such seating. Outdoor seating can allow for the use of vacant space to create activity and visibility for a restaurant and its immediate area.

This ordinance would amend parking requirements in a number of ways. Certain parking setbacks in a number of zones would be reduced by five feet. Procedures for dealing with unusual or combined uses would be made more flexible. The number of parking spaces required for some establishments would be reduced, particularly for drive-in restaurants. Outdoor seating areas would be allowed in required green spaces, and would not create additional parking requirements.

The ordinance amendment would also reduce front and rear setbacks for permitted uses, as well as most setbacks for drive-in businesses, in the Shopping and Personal Service District. This will allow businesses to locate closer to the street, provide additional room for development, and make it easier for existing businesses to add drive-in service.

These amendments will help support safe and prosperous businesses during the pandemic and thereafter.

Committee Action

Committee: Planning Board

Meeting Date: March 2, 2021

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: February 22, 2021

Assigned to Councilor: Dubai

ORDINANCE, Amending Chapter 165, Land Development Code, by reducing parking for certain uses, and, in the Shopping & Personal Service District, parking setbacks and building setbacks to support outdoor dining ability in the district.

WHEREAS, certain parking requirements in the Land Development Code are unnecessary, overly burdensome, or too inflexible;

WHEREAS, the present pandemic has caused many in the restaurant industry to move table service and take out service outside to reduce the exposure to COVID-19;

WHEREAS, this operation has caused the restaurant industry to see these changes as positive to their operations and they seek to make them permanent;

WHEREAS, some requirements in the Land Development Code currently prevent or inhibit outdoor table service;

WHEREAS, the restaurant industry is an important element of the city's provisions of goods and services to the city, as well as the region; and

WHEREAS, certain setback requirements in the Shopping and Personal Service District are needlessly restrictive, making it more difficult for businesses to locate, expand, or add drive-in service;

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

Section 1:

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

§ 165-72 Required number of spaces.

A minimum number of off-street parking spaces shall be provided and maintained by the owner of every building or property hereafter erected, altered or changed in use, in accordance with the following requirements:

...

- J. Place of assembly, such as a restaurant, tavern, entertainment or recreation facility, private club, community center or church, for which seating capacity can be determined: one space for every four seats and every eight linear feet of bench space. Such places of assembly for which seating capacity cannot be determined: one space for every 200 square feet of gross floor assembly area.

LAND DEVELOPMENT

165 Attachment 3

City of Bangor
 Schedule B
 Developing Area

Article XIV, §§ 165-99 through 165-103.1

[Amended 4-27-1992 by Ord. No. 92-150; 9-14-1998 by Ord. No. 98-339; 4-24-2006 by Ord. No. 06-141; 6-26-2006 by Ord. No. 06-224; 5-14-2007 by Ord. No. 07-156; 3-24-2008 by Ord. No. 08-104; 1-11-2010 by Ord. No. 10-039; 5-13-2013 by Ord. No. 13-140; 10-27-2014 by Ord. No. 14-314; 4-27-2015 by Ord. No. 15-137; 9-11-2017 by Ord. No. 17-289; 3-11-2019 by Ord. No. 19-105]

District/Use	Minimum Lot Area (square feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Dwelling Units per Acre	Maximum Dwelling Units per Building	Maximum Height (feet)	Maximum Lot Coverage	Maximum Floor Area Ratio	Maximum Impervious Surface Ratio	Minimum Open Space	Minimum Lot Width (feet)	Minimum Buffer Yard Type
Shopping and Personal Service (S & PS) Permitted uses Conditional uses	10,000	40 20	10	25 10 ; <u>25</u> <u>abutting</u> <u>residential</u> <u>districts</u>	N/A	N/A	40	30%	0.6	.70	N/A	100	N/A
High-rise hotel [Article XIV, § 165-101D(1)]	30,000	50	20	25	N/A	N/A	60	25%	0.7	.70	N/A	150	B
Retail auto service or gasoline service station [Article XIV, § 165-101D(3) and (5)]	20,000	50	20	25	N/A	N/A	40	25%	0.4	.70	N/A	100	C
Drive-in business [Article XIV, § 165-101D(4)]	20,000	40 20	20 10	25 10 ; <u>25</u> <u>abutting</u> <u>residential</u> <u>districts</u>	N/A	N/A	40	25%	0.4	.70	N/A	100	A
Self-storage facility and warehousing or wholesaling [Article XIV, § 165-101D(2) and (6)]	20,000	50	10	25	N/A	N/A	40	25%	0.4	.70	N/A	100	C
Building supply or other outdoor display in excess of 1% floor area [Article XIV, § 165-101D(7)]	40,000	50	20	25	N/A	N/A	40	25%	0.4	.70	N/A	150	C, surrounding outdoor storage area and adjacent C
Auto, truck, boat, manufactured or modular homes, agricultural and construction machinery sales [Article XIV, § 165-101D(8)]	20,000	50	20	25	N/A	N/A	40	25%	0.4	.70	N/A	150	C
Mixed residential and commercial use [Article XIV, § 165-101D(9)]	10,000, plus minimum lot area for dwelling units per URD-2	40	10	25	N/A	N/A	40	30%	0.6	.70	600 square feet per dwelling unit	100	B
Public utilities [Article XIV, § 165-101D(10)]	5,000	30	20	20	N/A	N/A	40	25%	0.4	.70	N/A	60	C
Entertainment or recreation [Article XIV, § 165-101D(11)]	10,000	40	10	25	N/A	N/A	40	30%	0.6	.70	N/A	100	B

- ...
- M. Drive-in business serving food: ~~minimum 20 spaces~~ one space for every 200 square feet of seating area; other drive-in businesses: minimum five spaces.
- ...
- O. Uses not listed in this schedule: ~~spaces will be provided on the same basis as required for the most similar listed use above, as may be determined by the Code Enforcement Officer based upon the Institute of Traffic Engineers (ITE) standards.~~ The Code Enforcement Officer, in consultation with the Planning Officer and City Engineer, shall determine the number of spaces required based on Institute of Transportation Engineers standards for the most similar use or uses, or may accept an empirical determination of overall parking needs of a use as prepared by a qualified parking analyst.
- P. Combination of above uses: the sum of the requirements of the various uses computed separately if the peak hour use is similar in the opinion of the Code Enforcement Officer, or in the opinion of the Planning Board if a Land Development Permit is required; otherwise, the number of parking spaces required for the use requiring the greatest number of spaces.
- ...
- R. Exemptions from the requirements of this § **165-72** are as follows:
- ...
- (5) Outdoor seating for places of assembly shall not be subject to parking requirements for the outdoor seating area.
- ...

§ 165-73 **Parking area location and screening.**

The location of off-street parking shall comply with the following requirements:

...

- B. In any district, no off-street parking space, outdoor display area or outdoor storage area shall be located closer to a street line, side lot line or rear lot line than the minimum distance in feet indicated on the following schedule:

District	Minimum Distance in Feet From		
	Street Line	Side Lot Line	Rear Lot Line
URD-1, URD-2, M & SD, NSD, USD, WDD, ADD, DDD, BPD and UID with 50 or more spaces	10	5	10
I & S, T & S, G & ISD, S & PS, GC & S, P & O, RR & A, RP, LDR and HDR	20	10 <u>5</u>	10 <u>5</u>
ADD, WDD, URD-2, M & SD, USD, NSD, BPD and DDD with less than 50 spaces	6	5	5
I & S, G & ISD, GC & S, BPD and S & PS			
With more than 100 spaces	25 <u>20</u>	20 <u>15</u>	20 <u>15</u>

Minimum Distance in Feet From

District	Street Line	Side Lot Line	Rear Lot Line
With more than 250 spaces	<u>30-25</u>	<u>25-20</u>	<u>25-20</u>
With more than 500 spaces	<u>40-35</u>	<u>30-25</u>	<u>30-25</u>

...

§ 165-74 **Design, construction and maintenance.**

...

D. Parking lot design.

...

- (7) Scale. Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the following standards:

...

- (b) Required green space shall be provided within planted islands between rows, end islands and islands between access drives and parking stalls. Where parking areas are located on several sides of the building, landscaped areas should be located in portions most visible to the traveling public. No less than 50% of the interior shrubs shall be of an evergreen variety. Up to 30% of the Internal internal green space may include stormwater devices, bicycle racks, outdoor seating, benches and other pedestrian amenities.

Section 2:

Chapter 165, Schedule B of the Code of the City of Bangor is amended as shown on the attached amended schedule.



CITY OF BANGOR
Planning Division

Memorandum

To: Honorable Bangor City Council
Cathy Conlow, City Manager

CC: Tanya Emery, Director of Community & Economic Development
Josh Saucier, Assistant City Solicitor
Jeff Wallace, Code Enforcement Officer

From: Anne Krieg AICP, Planning Officer

Date: March 3, 2021

Regarding: Amending Chapter 165, Land Development Code, by reducing parking for certain uses, and, in the Shopping & Personal Service (S&PS) District, parking setbacks and building setbacks to support outdoor dining ability in the district.

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 read the summary from the Council Action into the record.

Additionally she noted that even though this amendment is in response to the pivoting of business operations in response to the pandemic business, staff has been working on parking requirements before the pandemic. Additionally, the corridor has been analyzed over the last year and half to reduce setbacks. When issues arose with outdoor seating for businesses, staff responded with work that was already in process.

Questions surrounding the parking requirements for drive in businesses and place of assembly were addressed.

A unanimous motion was passed duly made by Brush and seconded by Perkins to recommend to the City Council that the noted amendment ought to pass.

IN CITY COUNCIL

FEBRUARY 22, 2021

COrd 21-099

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 21-099

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