



CITY COUNCIL ACTION

Council Meeting Date: March 22, 2021

Item No: 21-126

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: 42/66

Title, Ordinance

Amending Chapter 165, Land Development Code, District Map, by changing the Parcel of Land addressed at 16 Union Street (Assessors Map 42, Lot 66) from the Waterfront Development District (WDD) to the Downtown Development District (DDD).

Summary

This Ordinance seeks to change the zoning district at 16 Union Street from Waterfront Development District to Downtown Development District. If approved, the zoning change would allow the property owner to make improvements to the property consistent with the Downtown Development District including outdoor seating.

The property adjoins the Downtown Development District and the building currently functions in operation, scale and form akin to a downtown building. The Comprehensive Plan shows this area as transitional from downtown to waterfront.

Committee Action

Committee: Planning Board

Meeting
Date:

April 6, 2021

Action
:

For:

Against:

Staff Comments & Approvals

City Manager
Director

City Solicitor

Finance

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: March 22, 2021

Assigned to Councilor: Fournier

ORDINANCE, Amending Chapter 165, Land Development Code, District Map, by changing the Parcel of Land addressed at 16 Union Street (Assessors Map 42, Lot 66) from the Waterfront Development District (WDD) to the Downtown Development District (DDD).

WHEREAS, at present, there is no opportunity to expand the business for outdoor seating;

WHEREAS, in order to provide support to businesses for outdoor seating, the City Council has looked to zoning measures to provide this support;

WHEREAS, the lot is adjacent to the Downtown Development District and contains a building that is typically found in an urbanized setting;

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:

The Zoning District Map is hereby amended by changing the Parcel of Land located at 16 Union Street (Assessors Map 42, Lot 66) from the Waterfront Development District (WDD) to Downtown Development District (DDD).



CITY OF BANGOR

Planning Division

Memorandum

To: Honorable Bangor City Council
Cathy Conlow, City Manager
Tanya Emery, Director of Community of Economic Development

CC: Josh Saucier, Assistant City Solicitor
Jeff Wallace, Code Enforcement Officer

From: Anne Krieg, AICP, Planning Officer

Date: April 7, 2021

Regarding: Zone Change – 16 Union Plaza – Map-Lot 042-066 from Waterfront Development District (WDD) to Downtown Development District (DDD), Mark Greenleaf, applicant – RJL Associates, Inc., property owner

Please accept this memorandum as the record of the Planning Board's recommendation for the above-noted item, as duly advertised, noticed and posted, at their public hearing on April 6, 2021. The meeting was conducted on Zoom.

The applicant reviewed the need to place an awning for outdoor seating to accommodate customers. Awnings are subject to setbacks under the Land Development Code.

Board members discussed if the applicant can use parking spaces like other businesses downtown have done. There was concern of zoning this lot without analyzing the whole area.

No abutters were in attendance. Steven Brough, Bangor resident, spoke about the request, expressing concern regarding the city not supporting the business community by allowing the awning without a zoning change. Board members responded that the code must be followed and staff has produced many code changes to help the business community during this past year.

Staff reviewed the differences between the 2 districts, noting the block functions like a city block. Most properties in this block already are nonconforming as to setbacks.

See table below that was in the staff report to the Planning Board:

Bangor Planning Division
 Record of Planning Board Vote 4.6.21
 16 Union Plaza

Zoning District	Maximum District Height (feet)	Minimum Lot Area (square feet)	Maximum Lot Coverage	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Depth (feet)	Minimum Rear Yard Depth (feet)
Downtown Development (DDD)	None	None	None	None	None	None	None
Waterfront Development (WDD), permitted uses	65; except 35 in the Shoreland Zone within 250 feet of the mean high-water mark of the Penobscot River	10,000	70%	100	0	20	20

The Planning Board passed a motion to recommend the order ought to pass. The motion was made by Member Shaw and seconded by Member Bazinet. The motion carried by a yes vote from Members Shaw, Brush, Bazinet, Kenney, and the Chair, Ken Huhn. Member Perkins voted against the motion.

IN CITY COUNCIL

MARCH 22, 2021

COrd 21-126

Motion made and seconded for First Reading and Referral to Planning Board Meeting of April 6, 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

APRIL 12, 2021

COrd 21-126

Motion made and seconded for Passage

Vote: 8 – 0

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

Councilors Voting No: None

Councilor Hawes temporarily out of meeting.



CITY CLERK