



CITY COUNCIL ACTION

Council Meeting Date: March 25, 2024

Item No: 24-107

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending the Code of the City of Bangor by Reducing Restrictions on Setbacks and Dimensional Requirements for Accessory Dwelling Units (ADUs) and Clarifying the Minimum Structure Size in Accordance with LD 2003

Summary

The proposed changes would update the City's Code of Ordinances to reduce restrictions on setbacks and height for ADUs and to clarify the minimum size of the ADU in accordance with the language of the state law, LD 2003.

LD 2003 requires that there not be greater restrictions on setbacks or dimensional controls for ADUs than there are for principal dwellings. Currently, the City's Code, by not allowing an ADU in front of a principal dwelling, in essence requires a greater front setback for ADUs. Additionally, the Code currently limits the height of detached ADUs to 25', which is less than the maximum height of primary structures in all zones. Therefore, the proposed changes to the Code remove these restrictions in order to comply with LD 2003.

Additionally, LD 2003 states that the minimum structure size for ADUs is 190 square feet. This requirement is also proposed to be added to the City's Code in order to provide clarity.

Committee Action

Committee: Planning Board

Meeting Date: April 2, 2024

Action:

For:

Against:

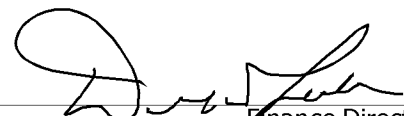
Staff Comments & Approvals



City Manager



City Solicitor



Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: March 25, 2024

Assigned to Councilor: Fish

ORDINANCE, Amending the Code of the City of Bangor by Reducing Restrictions on Setbacks and Dimensional Requirements for Accessory Dwelling Units (ADUs) and Clarifying the Minimum Structure Size in Accordance with LD 2003

WHEREAS, LD 2003 requires that there not be greater restrictions on setbacks or dimensional controls for ADUs than there are for principal dwellings and states that the minimum structure size for ADUs is 190 square feet;

WHEREAS, the City's Code currently places greater limits on height and front setbacks for ADUs than for primary dwellings;

WHEREAS, the City's Code does not currently state the minimum size for an ADU;

WHEREAS, the City's Code must be in compliance with the provisions of LD 2003;

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

The Code of the City of Bangor is amended as follows:

§ 165-31.2 Accessory dwelling units (ADUs).

- ...
- B. In districts where ADUs are allowed, the Code Enforcement Officer shall approve an ADU upon a determination that said ADU complies with the following conditions:
- (1) ADU square footage may not be more than 50% of the square footage of the principal dwelling or 1,000 square feet, whichever is less. However, an ADU must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
 - (2) ~~Detached ADUs or ADUs contained within an accessory building may not be located in the front of the lot, where the "front of the lot" is defined as the space extending the full width of the lot between the principal dwelling and all streets. ADUs must meet the dimensional requirements and setbacks required for the principal dwelling, unless the Code allows for a reduced setback for accessory structures, in which case, that setback shall apply.~~
 - (3) ~~The maximum height of a detached ADU shall be 25 feet. An existing accessory building in which an ADU is located, or to which an ADU is added, shall adhere to the maximum height restriction of the zoning district.~~
 - (4) ~~Attached ADUs may not be connected to the principal dwelling in the front of the lot as defined in Subsection B(2) above.~~
 - ...
 - (9) ~~No permits for expansions will be allowed for an ADU, except for permits to construct appurtenances to meet ADA requirements.~~

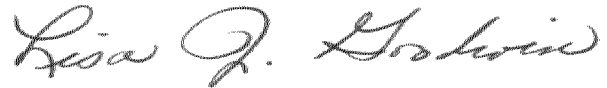
Additions underlined, deletions ~~struck through~~.

IN CITY COUNCIL

MARCH 25, 2024

COOrd 24-107

First Reading and Referral to Planning Board on April 2, 2024



CITY CLERK

IN CITY COUNCIL

APRIL 8, 2024

COOrd 24-107

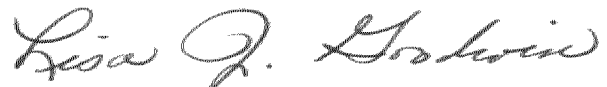
Motion made and seconded for Passage

Vote: 5 – 1

Councilors Voting Yes: Deane, Fish, Leonard, Yacoubagha, Fournier

Councilors Voting No: Tremble

Passed



CITY CLERK