



CITY COUNCIL ACTION

Council Meeting Date: May 29, 2024

Item No: 24-164

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 165, Land Development Code, to Increase Height Allowances in the Multifamily & Service District and Urban Service District and for Rooftop Solar Arrays and Rooftop Mechanical Equipment

Summary

The proposed changes would update the City's Code of Ordinances to increase the maximum height for buildings in the Multifamily & Service District (M&SD) and Urban Service District (USD) to 60 feet if located on a lot that fronts a major or minor arterial street. The changes would also allow rooftop mechanical equipment or solar arrays to extend beyond the maximum district height with some stipulations.

The proposed changes could make housing projects and redevelopment in general in the M&SD and USD districts more financially feasible and could allow for more units on these lots. The 2022 Comprehensive Plan suggests that the City revise zoning regulations as needed to support the development of housing within the growth boundary and to remove barriers to development for a variety of housing types. Additionally, the Penobscot Climate Action Plan recommends updating zoning to enable the construction of renewable energy infrastructure on rooftops and other developed areas.

Committee Action

Committee: Planning Board

Meeting Date: June 4, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: May 29, 2024

Assigned to Councilor: Schaefer

ORDINANCE, Amending Chapter 165, Land Development Code, to Increase Height Allowances in the Multifamily & Service District and Urban Service District and for Rooftop Solar Arrays and Rooftop Mechanical Equipment

WHEREAS, the proposed changes would update the City's Land Development Code to increase the maximum height for buildings in the Multifamily & Service District (M&SD) and Urban Service District (USD), and for rooftop mechanical equipment and solar arrays;

WHEREAS, the proposed changes could make housing projects and redevelopment in general in the M&SD and USD districts more financially feasible and could allow for more units on these lots;

WHEREAS, the 2022 Comprehensive Plan suggests that the City revise zoning regulations as needed to support the development of housing within the growth boundary and to remove barriers to development for a variety of housing types;

WHEREAS, the Penobscot Climate Action Plan recommends updating zoning to enable the construction of renewable energy infrastructure on rooftops and other developed areas;

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

Chapter 165, Attachment 2, Schedule A of the Code of the City of Bangor is amended as shown on the attached exhibit and the Code of the City of Bangor is amended as follows:

§ 165-80.2 Solar array overlay.

...

D. Zoning compliance.

- (1) Except as provided in Subsection C above, solar arrays are allowed in all districts, subject to the standards contained in this Code, except, however, that roof-mounted or building-integrated solar shingles, panels, or canopies are allowed to extend above the applicable maximum district height in accordance with §165-135A(6).

...

§ 165-135 Application and explanation of standards.

- A. Height limits. Height limitations are established by three factors which define a building envelope for a lot in the specific district:

...

- (4) The maximum building height limitation at the minimum yard setback line shall not apply in the Downtown Development District, Bass Park District, Airport Development District or Waterfront Development District. The maximum building height limitation at the minimum front yard setback line shall not apply in the Multifamily & Service District (M&SD) or Urban Service District (USD) and the maximum building height limitation at the minimum side and rear yard setbacks shall only apply to properties in the in the Multifamily & Service District (M&SD) or Urban Service District (USD) that abut lots in the URD-1, URD-2, or LDR districts.
- (5) Rooftop mechanical equipment shall be allowed to extend up to 10 feet above the maximum district height limitation, provided that, if located on a lot in a residential district, any rooftop mechanical equipment is screened from view with suitable elements of a permanent nature, finished to blend in with the rest of the building. Where such screening is not feasible, equipment shall be installed in a neat, presentable manner and, if possible, shall be painted to minimize its visibility.
- (6) Roof-mounted or building-integrated solar shingles, panels, or canopies shall be allowed to extend above the maximum district height limitation as follows:
- (a) In residential zones, up to 3 feet above the maximum height allowed in the underlying zone. In the case of flat roofs, the solar energy system may be up to 5 feet above the maximum height allowed in the underlying zone. All roof-mounted solar energy systems shall be set back from the edge of the roof by one foot for every one foot of solar energy system height.
- (b) In all other zones, up to 4 feet above the maximum height allowed in the underlying zone. In the case of flat roofs, the solar energy system may be up to 10 feet above the maximum height allowed in the underlying zone. All roof-mounted solar energy systems shall be set back from the edge of the roof by one foot for every one foot of solar energy system height.
- (5-7) The building envelope sketch below illustrates the interaction of these three factors on height control.

Additions underlined, deletions ~~struck through~~

LAND DEVELOPMENT

165 Attachment 2

City of Bangor

Schedule A
Urban Developed Area
Article XIII, §§ 165-88 through 165-97

Zoning Districts	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)	Maximum Impervious Surface Ratio	Minimum Water Setback (feet)	Maximum Floor Area Ratio
Multifamily and Service (M & SD)	45 ¹⁰	²	50%	50	10	5	5	0.85	--	--
...										
Urban Service (USD)	35 45 ¹⁰	10,000	40%	80	10	10	10 ⁸	None	--	--

NOTES:

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¹⁰Maximum height is 60 feet if a lot has frontage on a major or minor arterial street.



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Debbie Laurie, City Manager

From: Anja Collette, Planning Officer

Date: June 5, 2024

CC: Courtney O'Donnell, Assistant City Manager
David Szewczyk, City Solicitor
Anne Krieg AICP – Director of Community & Economic Development

Re: Planning Board Recommendation June 4, 2024
Amending Chapter 165, Land Development Code, to Increase Height Allowances in the Multifamily & Service District and Urban Service District and for Rooftop Solar Arrays and Rooftop Mechanical Equipment

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item in a noticed public hearing on June 4, 2024.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Chair Reese Perkins, Vice Chair Ted Brush, Members Trish Hayes and Jonathan Boucher, and Alternate Member Janet Jonas.

Planning Officer Collette presented the proposed changes to the ordinance.

From the staff memo:

- A. The proposed changes would update the City's Code of Ordinances to increase the maximum height for buildings in the Multifamily & Service District (M&SD) and Urban Service District (USD) to 60 feet if located on a lot that fronts a major or minor arterial street. For lots that abut the URD-1, URD-2, or LDR districts, building envelope standards would apply, so the maximum height would be lower at the side and rear yard setbacks.
- B. The changes would also allow rooftop mechanical equipment or solar arrays to extend beyond the maximum district height with some stipulations. Per feedback received at the last meeting, mechanical equipment or solar arrays could not extend beyond a certain distance above maximum district height – a maximum of 10 feet beyond for mechanical equipment and a varying maximum for solar arrays depending on whether the building is in a residential or non-residential zone. Additionally, rooftop mechanical equipment would need to be screened if located in a residential zone. The maximum heights were determined based on feedback from Code Enforcement and based on examples from other municipalities, such as Portland.

- C. The proposed changes could make housing projects and redevelopment in general in the M&SD and USD districts more financially feasible and could allow for more units on these lots. The 2022 Comprehensive Plan suggests that the City revise zoning regulations as needed to support the development of housing within the growth boundary and to remove barriers to development for a variety of housing types. Additionally, the Penobscot Climate Action Plan recommends updating zoning to enable the construction of renewable energy infrastructure on rooftops and other developed areas.

Vice Chair Brush asked for clarification on which streets qualified as major and minor arterials. Planning Officer Collette provided some examples, including Broadway, Stillwater Avenue, and Ohio Street.

There were no public comments.

Member Boucher moved to recommend to City Council that the proposed changes ought to pass. Vice Chair Brush seconded the motion. The motion passed 5:0 with all members voting in favor.

The result of the vote is that a majority of Planning Board members voted to recommend that the proposed changes ought to pass.

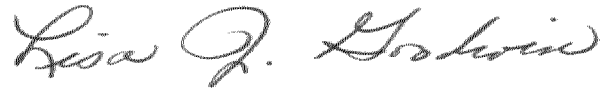
Anja Collette

IN CITY COUNCIL

May 29, 2024

COrd 24-164

First Reading and Referral to Planning Board Meeting of June 4, 2024



CITY CLERK

IN CITY COUNCIL

June 10, 2024

COrd 24-164

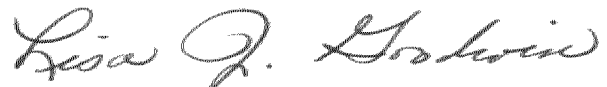
Motion made and seconded for passage

Vote: 9 – 0

Councilors Voting Yes: Deane, Fish, Fournier, Hawes, Leonard, Schaefer, Tremble, Yacoubagha, Pelletier

Councilors Voting No: None

Passed



CITY CLERK