



CITY COUNCIL ACTION

Council Meeting Date: July 22, 2024

Item No: 24-237

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: n/a

Title, Ordinance

Amending Chapter 165, Land Development Code, by Exempting Certain Uses from Requiring a Land Development Permit.

Summary

This Ordinance will amend Chapter 165, Land Development Code, by replacing the language in subsections 7-10 of §165-111(A) with language that more closely matches the State subdivision requirements. The current language requires a Land Development Permit for construction or renovation of uses with 3 or more residential or commercial units.

While the Code does need to require this permit for new construction of 3 or more residential units to comply with State subdivision law, the additional requirements on renovation and on commercial units are more restrictive than the State's subdivision requirements, they discourage investment into renovation of existing structures, and they create a burden for small scale property owners simply wanting to add 1 dwelling unit to their property or wanting to renovate previously discontinued units to bring them back online. This work is in keeping with the Comprehensive Plan and the Council directive to reduce regulatory barriers to housing development.

Committee Action

Committee: Planning Board

Meeting Date: August 6, 2024

Action:

For:

Against:

Staff Comments & Approvals

City Manager
Director

City Solicitor

Finance

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: July 22, 2024

Assigned to Councilor: Fish

ORDINANCE, Amending Chapter 165, Land Development Code, by Exempting Certain Uses from Requiring a Land Development Permit.

WHEREAS, at present, the current language in Chapter 165 requires a Land Development Permit for construction or renovation of uses with 3 or more residential or commercial units;

WHEREAS, while the Code does need to require this permit for new construction of 3 or more residential units to comply with State subdivision law, the additional requirements on renovation and on commercial units are more restrictive than the State's subdivision requirements;

WHEREAS, this language discourages investment into renovation of existing structures and creates a burden for property owners wishing to create 1 or 2 dwelling units;

WHEREAS, this work is in keeping with the Comprehensive Plan and the Council directive to reduce regulatory barriers to housing development;

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 shown below:

§ 165-111 Site developments requiring permit.

A. Any activity covered under this chapter shall require a land development permit under the following conditions:

...

- ~~(7) Construction or renovation of one or more buildings with three or more dwelling units, including multifamily dwellings, rooming houses or boardinghouses, community living facilities, nursing homes, congregate housing, tiny home parks, manufactured home parks, and similar residential uses. Construction or placement of 3 or more dwelling units on a tract or parcel of land within a 5-year period, including the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units or the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units. "Tract or parcel of land" and "new structure or structures" take the same definitions outlined in 30-A M.R.S.A. §4401.~~
- ~~(8) Construction or renovation of three or more commercial units, including but not limited to business or professional offices, retail or service businesses, restaurants, and other commercial uses.~~
- ~~(9) Construction or renovation of a combination of dwelling units and commercial units which together add up to three or more.~~
- ~~(10) Any use or site development which, by adding one or more residential or commercial units or dwellings, brings the total site development up to or above the conditions defined elsewhere in this Subsection A.~~

Additions underlined, deletions struck through



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Debbie Laurie, City Manager

From: Anja Collette, Planning Officer

Date: August 21, 2024

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

Re: Planning Board Recommendation August 20, 2024
Amending Chapter 165, Land Development Code, by Exempting Certain Uses from Requiring a Land Development Permit

Please accept this memorandum as the recommendation from the Planning Board for the noted item. The Planning Board considered this item at two noticed public hearings on August 6 and August 20, 2024.

The meeting at which the vote was made (August 20th) 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, Jonathan Boucher, Don Meagher, and Mike Bazinet, and Alternate Member Janet Jonas.

At the August 6th meeting, the Planning Board voted to postpone their vote on the changes so that staff could evaluate changing the proposed language to be more user-friendly since there were concerns that the language from the State statute was difficult to understand. Staff returned with follow-up information and recommendations at the August 20th meeting. The information in the memos from both meetings is outlined below.

From the August 6th staff memo:

- A. The purpose of this proposal is to replace the language in subsections 7-10 of §165-111(A) (included in your packets) with language that more closely matches the State subdivision requirements. The current language requires a Land Development Permit for construction or renovation of uses with 3 or more residential or commercial units.
- B. In order to comply with State subdivision law, the Code does still need to require this permit for new construction of 3 or more residential units, as well as conversion of commercial or industrial space into 3 or more dwelling units. However, the additional requirements on renovation and on the construction of commercial units go above and beyond the State's subdivision requirements. They also discourage investment into renovation of existing structures and they create a burden for small scale developers and property owners simply wanting to add 1 dwelling unit to their property or wanting to renovate previously discontinued units to bring them back online.

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Text Change – Land Development Permit Requirements

- C. Additionally, there isn't currently a clear need for requiring this permit for renovation since renovation often only affects the interior of a building and if it does significantly affect exterior work, it would typically trigger the need for Planning Board or staff approval via other portions of the Code. Similarly, construction of commercial units would already trigger Planning Board approval through the requirement for any uses in the City's commercial zones to receive a Land Development Permit.
- D. The proposed amendment to replace the noted language in the Code with language mirroring the State subdivision statute is in keeping with the Comprehensive Plan and the Council directive to reduce regulatory barriers to housing development.

From the August 20th staff memo:

- A. This item was reviewed at your last meeting and was postponed to give staff time to determine if the wording of the proposed language could be changed on the current Council order. Staff have determined that it would not be possible to change the wording on this order and that the order would either need to be approved or denied as is, and a new order would need to be brought forward with revised language.
- B. Additionally, upon further discussion, staff have determined that it would not be advisable to deviate from the State language since using this language ensures that the City is following State law. Other communities such as Portland simply refer to the State statute in their codes rather than attempting to create language at all for this purpose.
- C. It should also be noted that this section of the Code will be revisited during the land use code rewrite that is about to begin. During that process, staff and the consultants will analyze this section very closely to ensure that it is both user-friendly and compliant with State law.

Member Boucher stated that he felt comfortable relying on staff to interpret the proposed language of the ordinance if members of the public or others have questions about it since this is something that is already done for the Code in general.

There were no comments from the public.

Member Boucher moved to recommend to City Council that the proposed changes ought to pass. Member Bazinet seconded the motion. The motion passed 7:0 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.

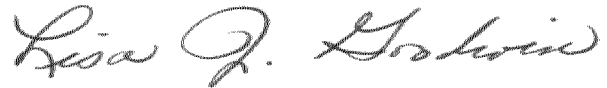
Anja Collette

IN CITY COUNCIL

JULY 22, 2024

COrd 24-237

First Reading and Referral to Planning Board Meeting on August 6, 2024



CITY CLERK

IN CITY COUNCIL

AUGUST 26, 2024

COrd 24-237

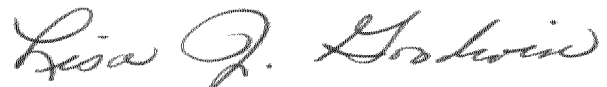
Motion made and seconded for Passage

Vote: 7 – 0

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

Councilors Voting No: None

Passed



CITY CLERK