



CITY COUNCIL ACTION

Council Meeting Date: February 14, 2022

Item No:

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 165, Land Development Code, to define and regulate the uses known as Boarding House and Bed & Breakfast including changes to parking and district allowances.

Summary

This amendment to the Land Development Code clarifies the definition of boarding house and bed & breakfast, provides parking requirements for the uses, and assigns the uses as allowed in certain districts

Currently, bed & breakfast and boarding house are combined as a singular allowance. These uses have separate needs and impacts under the building code, the state licensing requirements, as well as how the property is used for the use.

This work is also guided by the recommendations from the Affordable Housing Work Group in 2019. The allowances and regulations also give greater allowances for properties in the historic districts.

Committee Action

Committee: Planning Board

Meeting Date: March 1, 2022

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: February 14, 2022

Assigned to Councilor: Sprague

ORDINANCE, Amending Chapter 165, Land Development Code, to define and regulate the uses known as Boarding House and Bed & Breakfast including changes to parking and district allowances.

WHEREAS, currently, bed & breakfast and boarding house are combined as a singular allowance, which doesn't reflect their land use impacts; and

WHEREAS, the recommendations from the Affordable Housing Work Group in 2019 indicated the city should consider expanding the allowances for boarding houses; and

WHEREAS, there has been interest in these uses as a way to protect and enhance buildings in our historic districts,

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:

§ 165-13 Definitions.

For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

BED & BREAKFAST

An owner-occupied building, or an on-site live-in manager in a building, used as a single-family or two-family dwelling that provides lodging rooms in which meal(s) are provided to overnight guests for a fee, and that is open to the traveling public for a stay not to exceed 29 days.

BOARDING HOUSE, ROOMING HOUSE or BED-AND-BREAKFAST

A single family dwelling or a portion of a mixed use building where 3 or more rooms are provided for living quarters for stays 30 days or longer. Meals may or may not be provided, but there is at least one common kitchen facility. The dwelling may or may not be occupied by the owner or operator. The building may also have a common room.

...

§ 165-71 Residential districts.

...

- D. Driveways in residential districts may be used to meet parking requirements for boarding houses, and, buildings containing 2 to 4 dwelling units without the need to meet requirements in 165-73 and 165-74 below. Driveway length must be at least 15 feet for each parking space required.

...

§ 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:

...

C. Congregate housing for the elderly, and boarding houses: ~~1/2~~ 1 space per 4 dwelling units or rooms.

...

F. ~~Boardinghouse, rooming house or tourist home~~ Bed & Breakfast: one space per guest room.

...

§ 165-88 **Urban Residence 1 District (URD-1).**

...

C. Permitted uses. The following uses are permitted in this district

...

~~(6)~~ Boarding Houses located in Historic Districts, Historic Sites and Historic Landmarks as designated and regulated in Section 148-5

~~(7)~~ (6) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses or to an approved conditional use under Subsection **D** below.

D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

...

(2) Bed & Breakfast located in Historic Districts, Historic Sites and Historic Landmarks as designated and regulated in Section 148-5

(3) Boarding Houses that are not located in Historic Districts, Historic Sites and Historic Landmarks as designated and regulated in Section 148-5, provided that they are located on a major or minor arterial street

...

§ 165-89 **Urban Residence 2 District (URD-2).**

...

C. Permitted uses. The following uses are permitted in this district:

...

(5) Boarding Houses

(6) Bed & Breakfast located in Historic Districts, Historic Sites and Historic Landmarks as designated and regulated in Section 148-5

~~(7)~~ (5) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses or to an approved conditional use under Subsection **D** below.

...

§ 165-90 **Multifamily and Service District (M & SD).**

...

C. Permitted uses. The following uses are permitted in this district.

...

(6) Boarding Houses

(7) Bed & Breakfast located in Historic Districts, Historic Sites and Historic Landmarks as designated and regulated in Section 148-5

~~(8)~~(6) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses or to an approved conditional use under Subsection **D** below.

D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

(1) ~~Boarding and rooming houses, bed-and-breakfasts~~ not located in Historic Districts, Historic Sites and Historic Landmarks as designated and regulated in Section 148-5, nursing homes, places of worship, schools conducted as a gainful business and funeral homes, subject to the requirements of § **165-9** and Article **XIX** of this chapter.

...

§ 165-91 Neighborhood Service District (NSD).

...

C. Permitted uses. The following uses are permitted in this district:

...

(11) Boarding Houses

~~(12)~~(11) Accessory uses on the same lot that are customarily incidental to and subordinate to the above uses.

...

§ 165-93 Downtown Development District (DDD).

...

C. Permitted uses. The following uses are permitted in this district:

...

(14) Residential units and boarding houses, provided that:

(a) All residential units and rooms in boarding houses located adjacent to the following public ways and parks must be wholly located above the ground floor:

...

§ 165-99 Low-Density Residential District (LDR).

...

D. Conditional uses. Subject to Planning Board approval under the provisions of § **165-9**, the following uses may be permitted in this district:

...

(2) Boarding Houses located on major or minor arterial streets

...

§ 165-100 High-Density Residential (HDR).

...

C. Permitted uses. The following uses are permitted in this district:

(7) Boarding houses

~~(7)~~(8) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** below.

...

§ 165-105 **Rural Residence and Agricultural District (RR & A).**

...

C. Permitted uses. The following uses are permitted in this district:

...

(15) Boarding houses

(16) ~~(15)~~ Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved under Subsection **D** 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 and similar residential uses.