

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, November 17, 2015 5:15 PM
City Council Chambers

AGENDA

1. City Infrastructure Projects and Broadband Communications Services (see attached Memo)
2. **REFERRAL – COUNCIL ORDINANCE 16-013**, Amending Chapter 165, Land Development, of the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR&A) District (see attached Council Action and Council Ordinance)
3. Request for Additional Handicap Accessible Parking Space on Exchange St. (see attached Memo)
4. Extending Tentative Developer Status of Sheldon Hartstone (see attached Memo)
5. Approval of an Amendment to the Lease Agreement with the Bangor Water District (see attached Memo)

MEMORANDUM

To: Business & Economic Development Committee
Catherine Conlow, City Manager
From: Stephen A. Bolduc, Economic Development Officer
Date: November 17, 2015
Subject: City Infrastructure Projects and Broadband Communications Services

The Broadband Task Force, created by the Bangor City Council, has been meeting during the last several months to review the state of broadband communication services in the City and discuss methods for improvement.

As the communications infrastructure in the central business district is underground, there are obstacles to adding communications infrastructure, such as fiber, to serve downtown businesses and residents. Upcoming major infrastructure projects being planned by the City in the central business district may provide an opportunity for internet service providers and the City to install additional communications infrastructure.

The Chair of the Broadband Task Force, Councilor Baldacci, City Engineer, John Theriault and I would like to review those infrastructure projects with the Committee and discuss the opportunity they provide for the improvement of broadband services.

COUNCIL ACTION

Item No. 16-013

Date: November 9, 2015

Item/Subject: **ORDINANCE**, Amending Chapter 165, Land Development, of the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR & A) District

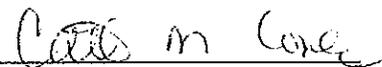
Responsible Department: Legal

Commentary: This ordinance amendment would define and regulate landscaping service businesses as a use in the Rural Residence and Agricultural District. The City has traditionally included landscaping businesses under the umbrella of agricultural uses in the RR&A District. Recently concerns have been raised about the impact of such businesses and their proximity to residential properties. After a number of meetings with the public, the Planning Board, and the Business and Economic Development Committee, these proposed ordinance amendments have been drafted.

The attached ordinance is intended to address these concerns by providing a definition of landscaping, separate provisions for small and large landscaping businesses, and setback and buffer requirements. Landscaping businesses currently operating legally within the district will be grandfathered.

Department Head

Manager's Comments:



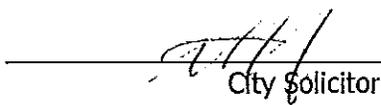
City Manager

Associated Information: Ordinance

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

Passage

First Reading

Referral to the B&ED Committee and the Planning Board on November 17, 2015



Assigned to Councilor Baldacci

CITY OF BANGOR

(TITLE.) Ordinance, Amending Chapter 165, Land Development, or the Code of the City of Bangor, By Defining and Regulating Landscaping as a Use in the Rural Residence and Agricultural (RR & A) District

WHEREAS, landscaping service businesses have traditionally been considered as an agricultural use in the Rural Residence and Agricultural District (RR&A);

WHEREAS, concerns have been raised regarding the proximity of such businesses to residences in the RR&A District; and

WHEREAS, the needs of landscaping businesses must be balanced with the concerns of residential property owners;

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS:

That Chapter 165, Land Development of the Code of the City of Bangor be 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:

...

LANDSCAPING SERVICES

Onsite and offsite business activities related to planting, bed preparation, installation of landscape materials, and attendant maintenance activities. A small landscaping services business may have no more than four employees, including the owner, while a large landscaping services business may have any number of employees. Landscaping includes:

- A. Raising, planting, and caring for plants, shrubs, and trees;
- B. Mowing, irrigation, raking, rolling and reseeding of lawns;
- C. The application of fertilizers, pesticides, herbicides, and disease control agents;
- D. Construction and maintenance of landscaping features, such as flower beds, patios, fountains, and decorative pools; and
- E. Snow removal.

...

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

- A. Statement of purpose. The Rural Residence and Agricultural District is established to preserve in agricultural use lands where urban development is generally not feasible because of the absence of public utilities and community facilities. As these utilities and facilities become available within the urban development boundary and a demand for urban land use develops, a change of zoning from agricultural to other districts may be made. Minimum lot sizes in this district are also intended to preserve the quiet, rural atmosphere and to conserve property values.
- B. Basic requirements. Buildings or land used or occupied and buildings or structures erected, constructed, reconstructed, moved or structurally altered, whether permitted uses or conditional uses, shall comply with the requirements of this section, Articles II through XII and the specific development standards of Article XIX of this chapter.
- C. Permitted uses. The following uses are permitted in this district:
- (1) Agriculture.
 - (2) The sale of farm, nursery, dairy or poultry products within a structure having a gross floor area of not more than 500 square feet.
 - (3) Sale of farm products where:
 - (a) The retail area shall not exceed 2,500 square feet.
 - (b) The property is located on a major arterial street.
 - (c) The property is a working farm.
 - (4) One-family dwellings and one-family detached manufactured housing units.
 - (5) Home occupation or profession (subject to the requirements of Article IV).
 - (6) Municipal uses.
 - (7) Public utility and public service uses.
 - (8) Community living arrangements, in accordance with 30-A M.R.S.A. § 4357-A, as may be amended.
 - (9) Cluster subdivision for detached single-family dwellings, provided that:
 - (a) Such project has a minimum of five acres.

- (b) Provision is made for the maintenance in perpetuity of open space areas in such a project.
 - (c) Such project receives approval under Article XVI of this chapter.
- (10) Cellular telecommunication towers, provided that:
- (a) They do not exceed 195 feet in height, or the minimum height required under federal law, whichever is greater.
 - (b) They are set back from property lines a minimum of 100% of the tower height.
 - (c) They conform to the requirements of § 165-80.1.
- (11) Bed-and-breakfasts, provided that:
- (a) Meals provided are limited to patrons and their guests.
 - (b) It is limited to a maximum of 10 guest rooms.
 - (c) It provides, at a minimum, an A Buffer Yard or an equivalent of existing woody vegetation to buffer neighboring properties.
 - (d) The applicant demonstrates compliance with the State Plumbing Code for the proposed number of units.
- (12) Small landscaping services business, provided that:
- (a) The landscaping services use is accessory to the primary use of the parcel as a residence.
 - (b) Facilities, equipment, and storage areas are located at least 50 feet from the property line of any other parcel.
 - (c) At least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment, and storage areas and the property line of any adjacent parcel.
 - (d) No more than four people, including the owner, may be employed or used as independent contractors by the landscaping services business.
 - (e) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel.
- (13) Accessory uses on the same lot and customarily incidental to and subordinate to the above uses and any use approved 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) Excavations of soil or loam, provided that they meet the requirements of Article VI.
 - (2) Animal pounds, kennels, animal hospitals, animal clinics, and animal crematoria, provided that such facilities are located at least 100 feet from any residential district and at least 150 feet from any residential building on an adjoining parcel.
 - (3) Tenting and camping areas, golf courses and driving ranges (except miniature golf courses), provided that:
 - (a) They are located on the following arterial highways: Route 15 (Broadway) and Route 222 (Union Street).
 - (b) Such facilities are set back at least 50 feet from the street right-of-way line.
 - (c) Access drives are so located and designed to provide free, unobstructed views of vehicles from the drives and from the street and adequate stopping sight distances to such drives are available on the street.
 - (4) Reconstruction of mobile home parks established prior to 1971, provided that:
 - (a) They have water service from the Bangor Water District sewer service from the City of Bangor and a minimum of 25 mobile home spaces.
 - (b) The reconstruction is done consistent with the requirements of § 165-121C.
 - (5) Places of worship, provided that such site development is located on a major arterial street.
 - (6) Cemeteries, provided that they meet the requirements for access drives in Subsection D(3)(c) above and conform to state statutes.
 - (7) Large landscaping services business, provided that:
 - (a) The property is five acres or larger in area.
 - (b) The property is on a major arterial street.
 - (c) Facilities, equipment, and storage areas are located at least 150 feet from the property line of any other parcel.
 - (d) A stockade fence at least six feet in height must enclose any storage or parking area on any side not facing a building on the parcel or a street adjacent to the parcel, or, in the alternative, at least 50 feet of existing or planted woody vegetation creating an effective visual barrier must be provided between facilities, equipment, and storage areas and the property line of any adjacent parcel.

MEMORANDUM



TO: Business & Economic Development Committee
FROM: Tyler Collins, Community & Economic Development Officer
DATE: November 10, 2015

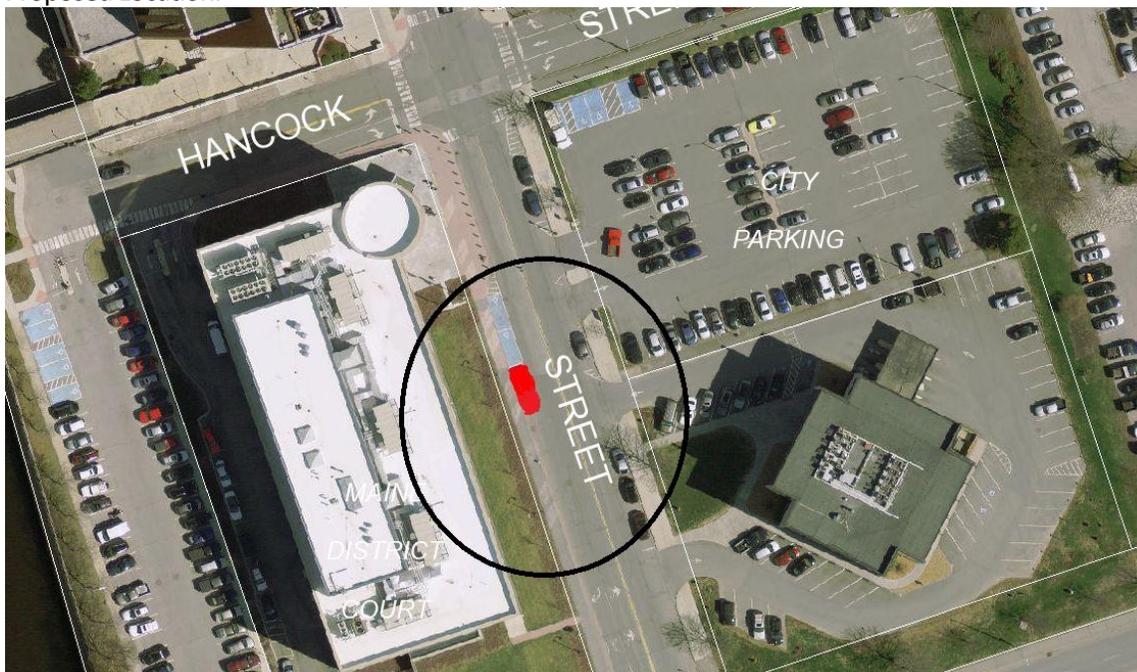
Request for Additional Handicap Accessible Parking Space on Exchange Street

The City was approached by representatives from the Penobscot Judicial Center (PJC) located at 78 Exchange St. about the addition of one handicapped parking space in the front of the building (see below) . Although they have parking across the street and two handicapped spaces out front, they would like to add an additional spot to accommodate persons with disabilities. PJC is working on a long term plan to improve their parking needs and is interested in seeing this happen before snow and ice have a chance to buildup.

City staff verified with Public Works that there is room to fit the additional handicap space in front of the fire hydrant located in the area.

City staff recommends Council approval of the requested additional handicap accessible space on Exchange St.

Proposed Location:



MEMORANDUM

TO: Business & Economic Development Committee
FROM: Stephen A. Bolduc, Executive Manager
RE: Extending Tentative Developer Status of Sheldon Hartstone
DATE: November 17, 2015

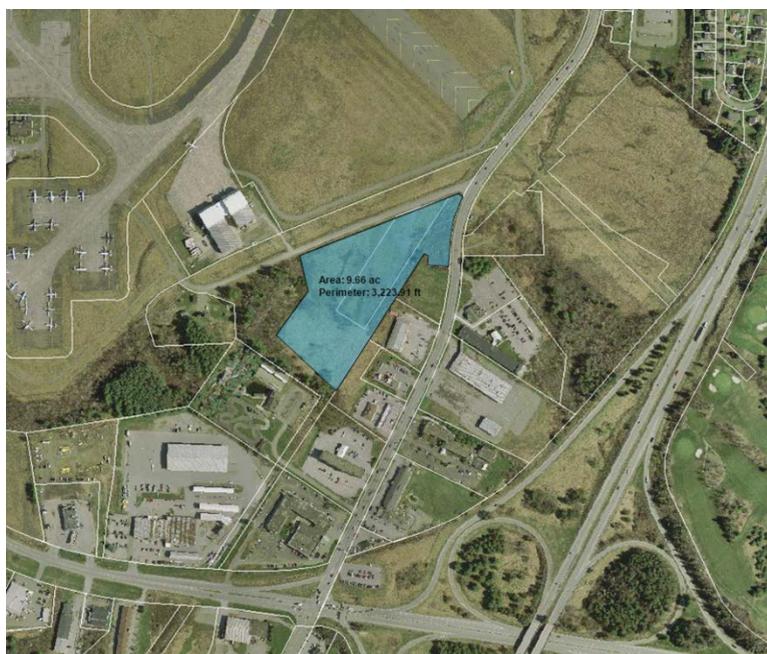
Action:

To recommend to the City Council the extension of the tentative developer status of Sheldon Hartstone on a parcel of land at 233 Odlin Road to January 29, 2016.

Background:

The Bangor City Council on August 24, 2015 approved Council Order 15-293 designating Sheldon Hartstone Tentative Developer of parcel of land of approximately 9.66 acres owned by the City of Bangor and located on the Odlin Road, Bangor. This designation granted Mr. Hartstone exclusive status as developer of the site until November 25, 2015.

Since that time Mr. Hartstone has diligently pursued development opportunities for the property. Because of the interest expressed by several potential commercial projects, Mr. Hartstone has requested additional time to deal with the interested parties.





PROPERTY MANAGEMENT & DEVELOPMENT

- Operator of Foreign Trade Zone No. 58
- Operator of the Bangor International Enterprise Center

Memorandum

To: Members of the Business & Economic Development Committee
From: Stephen A. Bolduc, Executive Manager
Date: November 17, 2015
Subject: Approval of an Amendment to the Lease Agreement with the Bangor Water District

Issue

The Bangor Water District requests the City's approval of an amendment to a sublease with Portland Cellular Partnership d/b/a Verizon Wireless as required in the lease between the City of Bangor and the Bangor Water District for land around the water tower on Venture Way.

Background

The Bangor Water District leases space on the water tower to wireless communication companies for use as a communications tower. The Bangor Water District also leases the ground area around the water tower from the City and subleases it to the companies for equipment shelters. The City of Bangor receives 50% of lease payments received by the Bangor Water District under these leases.

This amendment allows Portland Cellular Partnership d/b/a Verizon Wireless to modify its equipment on the tower. There will be an increase in rent which is shared with the Bangor Water District.

Recommendation

Staff recommends approval of the sublease of the lease agreement under the terms and conditions outlined above.