

ESTABLISHMENT OF ZONES

*V Attachment 2*

**City of Biddeford**

**Table B  
Dimensional Requirements**

**[Amended 4-16-2013 by Ord. No. 2013.24; 1-16-2018 by Ord. No. 2018.2; 10-2-2018 by Ord. No. 2018.110; 11-8-2018 by Ord. No. 2018.123; 3-5-2019 by Ord. No. 2019.13; 6-1-2021 by Ord. No. 2021.43; 12-19-2023 by 2023.142; 12-19-2023 by 2023.147; 5-7-2024 by Ord. No. 2024.49; 5-7-2024 by Ord. No. 2024.52; 11-7-2024 by Ord. No. 2024.171]**

Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W.	Side	Rear	Stories	Feet
SR-1	15,000 C	20,000 C	20,000 C	40,000 C	100	100	200	40	25	10	10	3	35
CR	See Table C below				150	150	150	40	25	25	25	3	35
R-1-A	10,000 B	20,000	10,000	20,000	100	100	100	40	25	10	10	3	35
R-1-B	5,000 B	20,000	5,000	20,000	50	50	50	25	10	5	5	3	35
R-2	4,500 B	N/A	N/A	N/A	45	N/A	N/A	25	15	5	5	3	35
R-3, single-family	10,000	20,000	20,000	40,000	100	120	200	40	25	10	10	3	35
R-3, duplex	7,500 B	30,000	N/A	N/A	120	120	120	40	25	15	15	3	35
R-3, multifamily	15,000 1st 2 units, then 6,000/unit D	N/A	N/A	N/A	150	N/A	N/A	40	40	25	25	3	35

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	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W.	Side	Rear	Stories	Feet
R-3, all other	10,000	N/A	N/A	N/A	100	120	200	40	25	10	10	3	35
B-1 O	1,000	N/A	N/A	N/A	None	N/A	N/A	10	10	10	10	6	60
B-2 O	10,000 J	20,000	20,000	40,000	150	150	150	30	25	10	10	3	35
I-1 O	None	None	None	N/A	50	50	N/A	40 S	30 S	25 E, S	25 E, S	6	60
I-2 O	None	None	None	N/A	50	50	N/A	40 S	30 S	25 E, S	25 E, S	6	60
I-3 O	None	None	None	N/A	50	50	N/A	40 S	30 S	25 E, S	25 E, S	6	60
W-1	15,000 C	20,000 C	20,000 C	40,000 C	100	100	100	40	25	25	25	3	35
W-2	7,000	N/A	N/A	N/A	50	50	50	0	0	10	10	3	35
R-F, single-family M	20,000	20,000	20,000	40,000	120	120	200	40 H	25 H	25	25	3	35
R-F, duplex M	20,000	20,000	20,000	40,000	120	120	200	40 H	25 H	25	25	3	35
R-F, all other	40,000	40,000	40,000	40,000	200	200	200	40 H	25 H	25	25	3	35
Medical	10,000	10,000	10,000	10,000	100	100	100	40	40	25	25	6	60 K
LR-F	80,000	80,000	80,000 *N	80,000 *N	100	100	100	40	30	25	25	6	60
Institutional	See Note P				See Note P			See Note P				See Note P	
OR Q	4,500 B	N/A	N/A	N/A	75	N/A	N/A	10	10	10	10	3	35

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Zoning District	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer	Water and Sewer	Water or Sewer	Neither Water Nor Sewer	From Major R.O.W.	From Other R.O.W.	Side	Rear	Stories	Feet
MSRD-1	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet; Max. 60 feet	
MSRD-2	2,000 B	N/A	N/A	N/A	50	N/A	N/A	15 R	15 R	None	None	3	35
MSRD-3	None	N/A	N/A	N/A	None	None	None	None	None	None	None	Min. 2 stories or 26 feet	

**NOTES for Table B:**

N/A: Not allowed.

\* A new structure may be permitted to be built with less than the required setback, provided that the following are met:

1. The setback will be equal to the average front yard setback of the existing houses on the immediately adjacent lots; and
2. The setback shall be at least 15 feet; and
3. These provisions shall apply only along existing residential streets which were developed prior to the enactment of the present front yard setback requirements.

\*\* The Building Inspector may allow a lessening of setback requirement for access structures, as necessary, to facilitate reasonable handicapped accessibility. This provision shall apply to existing structures only. Any access structure built under this provision shall be temporary to facilitate the handicapped or disabled occupant and shall be removed when no longer needed.

+ Maximum height is exclusive of chimneys, antennae, and roof-mounted, building-integrated, building-mounted or architectural wind systems when attached to a structure. Chimneys and antennae shall not be higher than 12 feet above the structure. Roof-mounted, building-integrated, building-mounted or architectural wind systems shall not be higher than 15 feet above the maximum allowed building height in the zone.

A. Minimum land area per dwelling unit.

B. In order to promote affordable forms of ownership and rental housing in close proximity to downtown and services, in the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, an Affordable Housing Development Density Bonus may be granted as follows:

1. Redevelopment of Existing Structures.

- a. The Planning Board, or other appropriate approval authority, shall consider granting an Affordable Housing Development Density Bonus of either 2.5 times the base density otherwise allowed in the zone or one residential unit for every 500 square feet of gross building living space floor area, excluding unfinished basements, within an existing structure, whichever yields a greater number of affordable units, provided the applicant presents redevelopment/renovation plans to the Code Enforcement Officer for review and approval.
- b. If the project is an Affordable Housing Development Density Bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
- c. The proposed developer provides capacity to serve verification in writing from public water and city sewer utilities, if applicable.

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- d. The developer provides in writing certification that at least 51% of the total units resulting from the project will have Long-Term Affordability as follows:
  - (1) Prior to granting a certificate of occupancy or other final approval of the Affordable Housing Development, the owner of the Affordable Housing Development shall: (a) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (b) record the restrictive covenant in the York County Registry of Deeds to ensure that for at least thirty (30) years after completion of construction:
    - (i) For Rental Housing, occupancy of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy and the amount of rent (including utilities) will not exceed 30% of the household's monthly income; and
    - (ii) For Owned Housing, occupancy of all units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy and the amount of housing costs (mortgage payments including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes) will not exceed 30% of the household's monthly income.
- e. Deed-restricted units will be annually monitored by the Planning and Development Department for affordability compliance.
- f. For projects proposing to demolish and rebuild an existing building, the existing approved density may be re-utilized within the redevelopment.
- 2. Affordable Housing Development Density Bonus Review Process. Applications for an Affordable Housing Development Density Bonus will be reviewed as follows:
  - a. Where use of the Affordable Housing Development Density Bonus results in a maximum of eight or fewer units being created, the review and approval will be performed by the City's Staff Review Committee (SRC). Projects exceeding eight units shall be reviewed by the Planning Board for site plan and subdivision review.
  - b. Parking standards for Affordable Housing Developments shall be no more than two parking spaces for every three housing units created. For units that are not deed restricted for long-term affordability, parking shall be provided as required within the City's parking standards.
- 3. Vacant Land Development. For vacant lots located within the R-1-A, R-1-B, R-2, R-3, OR, and MSRD-2 Zoning Districts, utilizing the Affordable Housing Development Density Bonus, the standards within Section B.1 and B.2 above apply.
- 4. The developer may elect to utilize either the 500 square feet of gross building living space floor area calculation outlined in subsection B.1.a, or increase the base density by up to a multiple of 2.5, as outlined in subsection B.3, providing it equates to more affordable housing being provided.
- 5. Condominium Conversions/Development.
  - a. A property may be proposed for redevelopment/renovation from apartments into condominiums utilizing the Affordable Housing Development Density Bonus in accordance with B.1 above.
  - b. An applicant provided an Affordable Housing Development Density Bonus for condominiums shall meet the standards set forth in B.1.d(1)(ii) above. The applicant will also enter into a contractual agreement with the City of Biddeford obligating them to complete the project as condominiums to be offered for sale upon or before completion of the project in return for receiving the Density Bonus. The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which shall be provided to the Code Enforcement Office prior to the issuance of any building permits.
- C. Applies only to dwelling units. All other uses shall have a minimum of 10,000 square feet.
- D. (Reserved)
- E. All buildings and structures shall be set back at least 50 feet from any zone in which residential dwellings are an allowed use, except as otherwise provided in this table.
- F. (Reserved)
- G. (Reserved)

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- H. Roadside stands may be 10 feet from the major access road.
- I. This is the density limit for the expansion of existing residential dwelling units.
- J. Applies to all uses.
- K. Hospital height limit shall be 110 feet.
- L. Does not apply to cluster development.
- M. The number of accessory structures shall meet setback requirements; and shall be limited to no more than three per lot; and shall not exceed the height of the primary structure; and any plumbing, if necessary, shall be limited to a utility sink. Structures associated with bona fide working agricultural uses are not subject to these limits.
- N. Any use not serviced by a public water supply must show evidence that it is serviced by a potable water supply meeting minimum state standards for safe drinking water.
- O. Any residential structures in existence prior to December 20, 1990, may be expanded or added to as long as they meet minimum setbacks (from major access, 40 feet; from other streets, 25 feet; from side and rear property lines, 10 feet).
- P. The location of new or expanded buildings and structures including the replacement of existing buildings in the Institutional Zone shall conform to the approved Institutional Master Plan and the following dimensional standards:
  - 1. *Maximum Height.* The maximum height of buildings in the Institutional Zone shall be 35 feet, 50 feet, or 65 feet depending upon in which building height subdistrict the building is located. The building height subdistricts and maximum building heights are shown on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance.

Notwithstanding the maximum building height provision, the tallest point of any building or structure, including appurtenant structures, in the Institutional Zone shall not exceed 115 feet above sea level based upon the national geodetic vertical datum (NGVD), unless a higher elevation is mandated as part of a state or federal environmental approval or permit.
  - 2. *Minimum Building Setbacks From Public Streets.* All buildings in the Institutional Zone shall conform to the following minimum setbacks from public streets:
    - South side of Hills Beach Road from intersection with Old Pool Road east to a point 250 feet west of the zone boundary/property line: 25 feet.
    - South side of Hills Beach Road from a point 250 feet west of the zone boundary/property line east to the zone boundary: 50 feet with a provision that it can be reduced to 25 feet if replacement buildings at the housing park are located further from the wetland.
    - North side of Hills Beach Road from intersection with Old Pool Road east to the zone boundary: 50 feet.
    - Both sides of Hills Beach Road from intersection with Old Pool Road west to the zone boundary at Route 9: 50 feet with a provision that it can be reduced to 25 feet when a Hills Beach bypass is built that conforms to the following standards and is approved as part of the Institutional Master Plan.
    - Both sides of Old Pool Road: 50 feet.
    - Both sides of Pool Road (Route 9): 50 feet.
    - Both sides of Newtown Road: 40 feet.
    - Both sides of the Hills Beach bypass road when built: 50 feet.

The reduced setback along the westerly portion of Hills Beach Road shall be effective only if a Hills Beach bypass road has been constructed that meets the following standards:

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- a. The road shall be designed and located to allow traffic to Hills Beach to travel directly from Route 9 to the approximate vicinity of the intersection of Old Pool Road and Hills Beach Road without using campus roads.
  - b. The intersection with Route 9 will be located at an appropriate location for this use.
  - c. The road shall be designed as a limited access facility with not more than one curb cut on each side providing campus access through internal campus streets. These curb cuts shall be in addition to any intersections with public streets or roads.
  - d. No buildings or parking lots shall have direct access to or from the bypass road.
  - e. A landscaped street buffer shall be established as provided for in Section 43 of Article VI.
3. *Minimum Building Setback from the Perimeter of the Institutional Zone.* All buildings shall be setback a minimum of 50 feet from the external boundary of the Institutional Zone where such zone boundary abuts a Suburban Residential (SR-1), Coastal Residential (CR), or Rural-Farm (R-F) Zone. The area along the zone boundary shall be maintained as a landscaped buffer in accordance with the provisions of Article VI, Section 12.
4. *Maximum Lot Coverage.* The maximum lot coverage shall be as follows:
- a. Within the area south of Route 9 and west of the Newtown Road: 10%.
  - b. Within the area South of Route 9 and east of the Newtown Road: 30%.
  - c. Within the area North of Route 9: No maximum except as provided for in 5, Restricted Development Areas.
5. *Restricted Development Areas.* Within the areas identified as “No Build Zones” on the Institutional Zone Subdistrict Map dated September 6, 2001, and described in boundary descriptions prepared by an independent registered land surveyor licensed to practice in the State of Maine which are made a part of this ordinance, the following additional requirements shall apply:
- a. No new buildings, parking, roads, or access drives shall be constructed except for the construction of a Hills Beach bypass road and connections to the bypass road from existing public streets.
  - b. Existing buildings, parking, roads, and access drives may be maintained and may be improved with Planning Board approval but may not be relocated or expanded except as provided for in a.
  - c. The existing student housing park located on the south side of the Hills Beach Road may be replaced with new low-impact academic or support facilities. Low-impact is defined as meeting the following standards:
    1. The replacement has been approved as part of the institutional master plan.
    2. The total footprint area of all replacement buildings and structures shall not exceed 14,400 square feet.
    3. The amount of nonvegetated area after redevelopment shall be not more than the amount of nonvegetated area existing at the time of adoption of this provision.
    4. No buildings, structures, parking, or other impervious surfaces shall be located closer to any adjacent wetland or the external boundary of the Institutional Zone than the existing facilities being replaced and, where possible, the setback from wetlands shall be increased.
    5. The architectural design of the low-impact academic or support facilities shall be compatible with the adjacent residential character, consistent with the approved University Master Plan Architectural Design Standards, and shall be limited to a maximum height of 35 feet.
    6. The low-impact academic or support facilities shall have no greater impact on the adjacent wetlands, than did the development existing at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a wetlands delineation plan and stormwater management plan submitted as part of the application for site plan approval.

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7. The low-impact academic or support facilities shall have no greater light intrusion, noise or traffic impact (both vehicular and pedestrian) on adjacent residential properties, than did the development existing on the site at the time of the approval of the 2003-2007 Master Plan (approved May 7, 2003), as demonstrated by a noise mitigation plan and traffic study submitted as part of the application for site plan approval.
  - d. No new athletic fields or athletic facilities shall be constructed.
  - e. Existing athletic fields may be maintained and improved but may not be expanded. Improvements to the existing fields shall be limited to items such as fencing, buffering, portable grandstands, scoreboards, lighting, temporary rest room facilities, storage sheds with less than 300 square feet of floor area, and similar facilities.
  - f. The areas not currently used for athletic fields, parking or the student housing park shall be maintained as naturally vegetated areas and shall not be converted to lawns or other improved open space. Existing vegetation shall be maintained subject to sound management practices relative to cutting, thinning, pruning, and similar activities.
- Q. Existing nonconforming lots or structures may be considered for conversion to nonresidential uses allowed in the OR Zone, provided that neither structure nor lot are made more nonconforming as a result of the conversion.
- R. The setback may be reduced to the average of the lots immediately adjacent to the lot, as determined by the Code Enforcement Officer.
- S. The Building Inspector may allow a lessening of setback requirements, to no less than 10 feet, for utility buildings and structures to facilitate utility infrastructure improvements. Any such buildings or structures built under this provision shall be removed when no longer used for such necessary utility infrastructure.
- T. Street Frontage Reduction Ordinance: Street frontage requirements may be relaxed in the Suburban Residential 1 (SR1), R1-A, R1-B, R-2 and R-3 Zoning Districts, providing the following:
  1. Existing lots of record in existence prior to December 19, 2023, may be divided, one time, to create an additional buildable lot, providing both lots meet at least 90% of the required street frontage requirements for the particular zoning district.
  2. Both properties shall meet all other dimensional requirements within the particular zoning district where the lot is located.
  3. This ordinance does not apply to any new subdivisions where three or more lots are being created.