

CONDITIONAL USES

*VII Attachment 1*

**City of Biddeford**

**Conditional Use Review Sheet  
[Amended 2-2-2010 by Ord. No. 2009.98]**

1. Applications for conditional use permits must meet the standards specified in Article VI of this ordinance as well as the standards of subdivision (Chapter 66 of the Biddeford Code of Ordinances), or site review (Article XI, of this ordinance). In addition, because of the unique nature and particular concern that the general public may have relating to a conditional use in a particular zone, the Planning Board shall consider each of the applications in light of the guidelines presented below.
2. The Planning Board shall approve, approve with conditions, or deny all applications for a conditional use permit. The applicant shall have the burden of proving that his or her application is in compliance with the requirements of this ordinance and that none of the conditions listed below would result from the approval of the conditional use permit. Failure of the applicant to submit required information shall constitute a basis for denial without a review of the remainder of the application. After the submission of a complete application and a review of the required submissions, the Planning Board shall approve the application or approve with conditions if the application meets the following standards:

<b>Standards for Conditional Use Permit</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Remark</b>
A. The proposed use meets specified requirements set forth in compliance with state or federal laws;				
B. The proposed use would not create fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles and would not create hazards through the storage of chemicals and wastes;				
C. The proposed exterior lighting, where allowed, would not create hazards to motorists traveling on adjacent public streets or is adequate for the safety of occupants or users of the site or would not damage the value and diminish the usability of adjacent properties;				
D. The provisions for buffers and on-site landscaping provide adequate protection to neighboring properties from detrimental or unsightly features of the development;				
E. The proposed use would not have a significant detrimental effect on the use				

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and peaceful enjoyment of abutting property as the result of noise, vibrations, fumes, odor, dust, glare, hours of operation, or other causes;				
F. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets would not create hazards to public safety or traffic congestion;				
G. The proposed use would generate a volume of traffic that can reasonably be accommodated by the existing road network, or would not create unreasonable traffic hazards or would not exacerbate an existing traffic hazard, or would not create unreasonable traffic congestion (example: decrease existing level of service);				
H. The proposed use would not have a significant, detrimental effect on the value of adjacent properties which could be avoided by reasonable modification of the proposal;				
I. The proposed use would not have an adverse impact on the privacy of the residents of the immediate area (within 500 feet) which could be avoided by reasonable modification of the proposal;				
J. The proposed use would be in compliance with Biddeford's Comprehensive Plan;				
K. The proposed use would not have an adverse impact on the community relative to architectural design, scale, bulk and building height, identity and historical character, or visual integrity, which could be avoided by reasonable modification of the proposal;				
L. The design of the site would not result in significant flood hazards or flood damage or would be in conformance with applicable flood hazard protection requirements;				
M. Adequate provision has been made for disposal of wastewater or solid waste or				

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for the prevention of ground or surface water contamination;				
N. Adequate provision has been made to control erosion or sedimentation;				
O. Adequate provision has been made to handle stormwater runoff or other drainage problem on the site; and the proposed development will not unduly burden off-site surface water system;				
P. The proposed water supply would meet the demands of the proposed use for fire protection purposes;				
Q. Adequate provision has been made for the transport, storage, and disposal of hazardous substances and materials as defined by state law;				
R. The proposed use would not have an adverse impact on scenic vistas or significant wildlife habitat or wetland areas and water bodies which could be avoided by reasonable modification of the proposal;				
S. When located in the Shoreland Zone, the proposed use would meet the purposes of Shoreland Zoning as identified in Article XIV, Section 1 (Purposes) of this Ordinance.				

The Planning Board may attach such conditions in addition to those required elsewhere in this ordinance, that would mitigate any adverse effects on adjoining or neighboring properties which might otherwise result from the proposed use. These conditions may include but are not limited to, specifications for:

- a. Type of vegetation for landscaping;
- b. Increased setbacks and yards;
- c. Specified sewage disposal and water supply facilities;
- d. Landscaping and planting screens;
- e. Periods of operation;

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- f. Operational controls;
- g. Professional inspection and maintenance;
- h. Sureties;
- i. Deed restrictions;
- j. Locations of piers, docks, parking and signs;
- k. Type of construction; or
- l. Any other conditions, restrictions, or safeguards that would uphold the spirit and intent of this ordinance or further review by the Biddeford Planning Board.