

City of Biddeford

Planning Board

March 31, 2021 6:00 PM Zoom: Mar 31, 2021 06:00 PM Eastern Time (US and Canada)

Topic: Planning Board

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1. DECLARATION OF QUORUM/VOTING MEMBERS

2. ADJUSTMENTS TO THE AGENDA

3. PLANNER'S BUSINESS

4. NEW BUSINESS

- 4.A. 2021.20 Residential Zoning Amendments: For Discussion - Proposed Amendments to better facilitate and encourage additional housing, especially more affordable housing, in Biddeford

[Residential Amendments PB Memo 033121.pdf](#)

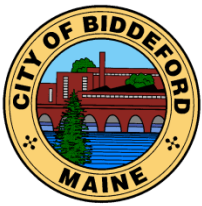
[Residential Amendments DRAFT for 033121.pdf](#)

[Proposed Affected Area for Note B - Affordable Housing Bonus.pdf](#)

5. OTHER BUSINESS

6. ADJOURN

The Board reserves the right to halt official business at 9:30 p.m. Items not heard at tonight's meeting shall be rescheduled to the next meeting of the Board. All materials pertaining to items on the agenda are available for public review at the Biddeford Planning Department, second floor, Biddeford City Hall during normal business hours.



CITY OF BIDDEFORD

Planning and Development Department

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PLANNING BOARD MEMO

TO: William Southwick, Chair & Members of the Biddeford Planning Board

FROM: Greg Tansley, AICP, City Planner
Mathew Eddy, Planning and Development Director

DATE: March 26, 2021

RE: **Residential Amendments Proposal – For Discussion March 31, 2021**

The City Council (Order 2021.9).has requested the Board revisit the Density Bonus provisions for the MSRD-2 Zone with a specific desire to incorporate affordability into the program as well to look for other zones it could be expanded to.

Further, the City Council (Order 2021.10) asked that we explore allowing additional unit(s) in other areas surrounding the Downtown, suggesting that lots within 90% of the required lot size be provided an additional unit for being “close” so long as the new units are kept affordable. Staff have been unable to find a way for this to work both in a *practical* and a *legal* sense, but are providing a proposal that we think largely accomplishes the same, and possibly more.

Not specifically requested by the City Council, but supported by Staff who feel this is consistent with the Council goals for housing, are also amendments to streamline the creation of two-family/duplexes in the RF and SR-1 Zones, to clarify and refine the OR zone requirements, and to expand Accessory Dwelling Units (ADUs) to those areas in the CR Zone along Route 9/Pool Road.

In summary, the amendments presented provide the following:

- Encourages additional residential units in Biddeford between West Brook and Interstate-95, from Downtown to the Industrial Parks. See Note B in the DRAFT amendments. The focus has now been transitioned into affordability and would apply to the R-1-A, R-1-B, R-2, R-3, MSRD-2, and OR Zones. To make this approach work for the R-1-A and R-1-B, need to allow duplex/two-family which they currently do not.
- Relaxes (and clarifies) the dimensional requirements in the OR Zone along Route 1 between Downtown and Five-Points. This is an issue Code Enforcement and Planning have dealt with for some time, and we believe that the amendments will create an OR more reflective of its intent and the intent of the council with respect to housing.
- Allow ADU’s in the CR Zone ONLY along Route 9/Pool Road.

- Simplifies the review process for Duplex/Two-family in the RF and SR-1 Zones by changing them from Conditional Uses (“C”) to Permitted Uses (“P”).

We believe that the proposal before generally represents a move forward towards the goals of the City Council with respect to Housing, while at the same time addressing some specific concerns raised regarding ADU’s along Pool Road and clarifying/refining the OR Zone requirements.

We look forward to discussing these amendments with you on March 31st. When comfortable with the amendments, we ask the Planning Board to schedule a Public Hearing to move this amendment to the next step in the process to move it to the City Council for its consideration.

SAMPLE MOTIONS:

Motion to schedule a public hearing for _____, 2021

ATTACHMENTS

1. Draft Residential Amendments.

Part III (Land Development Regulations), Article V (Establishment of Zones), Section 2 (General description of zones and allowed uses):

The following section provides a brief general description and philosophy for each specific zone or district.

- b. Coastal Residential Zone (CR): This zone was created to identify coastal areas with significant environmental or visual significance. The area is limited to single-family residential uses, [accessory dwelling units in close proximity to Route 9/Pool Road](#), and some home offices under special circumstances. The zone is characterized by varying lot sizes dependent upon soils types.
- c. Residential Zones:
 - R-1-A: These areas are limited to single-family [and duplex/two-family](#) residential uses ~~similar to the SR-1 Zone. The lot size is smaller.~~ These areas are served by water and sewer. These districts are best characterized as in-town single-family [and duplex/two-family](#) neighborhoods.
 - R-1-B: These areas are limited to single-family [and duplex/two-family](#) residential uses ~~similar to the R-1-A Zone. The lot size and setbacks are generally smaller.~~ These areas are served by water and sewer. These districts are best characterized as in-town single-family [and duplex/two-family](#) neighborhoods.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table A (Table of Land Uses):

- Add “Duplex/2-Family” as a Permitted Use (“P”) in the R-1-A and R-1-B zones.
- Change “Duplex/2-Family” from a Conditional Use (“C”) to a Permitted Use (“P”) in the SR-1 and R-F zones.
- Add “Accessory dwelling units* 27)” as a Permitted Use (“P”) in the C-R Zone and amend Footnote 27 for Table A as follows:

27. [Accessory dwelling units are only permitted in the C-R Zone within five-hundred feet \(500’\) of the edge of right-of-way of Route 9/Pool Road.](#) Accessory dwelling units may also be permitted in nonresidential zones where there exists a nonconforming (as to use) single-family dwelling on a lot that was in existence as of January 1, 2017. See Article VI, Section 78.

Part III (Land Development Regulations), Article V (Establishment of Zones), Table B (Dimensional Requirements):

Zoning District	Minimum Lot Size, Square Feet Per Unit A			
	Water and Sewer	Water, No Sewer	Sewer, No Water	Neither Water Nor Sewer
R-1-A, single family <u>B</u>	10,000 <u>B</u>	20,000	10,000	20,000
R-1-B, single family <u>B</u>	5,000 <u>B</u>	20,000	5,000	20,000
R-2 <u>B</u>	4,500 <u>B</u>	N/A	N/A	N/A
R-3, duplex <u>B</u>	7,500 <u>B</u>	30,000	N/A	N/A
MSRD-2	2,000 B	N/A	N/A	N/A

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	Frm Major R.O.W.	From other R.O.W.	Side	Rear	Stories	Feet
OR	See Note Q				See Note Q			See Note Q				See Note Q	
OR	<u>4,500</u> <u>B</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>75</u>	<u>N/A</u>	<u>N/A</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>3</u>	<u>35</u>

- B. In order to promote ~~higher quality housing facilities,~~ condominium forms of housing, and affordable 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 the ~~minimum~~ density requirements may be relaxed as follows:
1. Redevelopment of existing structures:
 - a. The Planning Board, or other appropriate approval authority, shall consider granting a density bonus of one residential unit for every 650 square feet of living space within an existing structure, provided the applicant present redevelopment/renovation plans to the Code Enforcement Officer demonstrating how the redevelopment project will result in the number of residential units with two or more bedrooms being at least, if not more than, the number of units with two or more bedrooms before the density bonus was granted.
 - b. If the project is provided a density bonus, the Code Enforcement Officer shall document the allowable density and number of units, in writing, for the Code Enforcement Office files.
 - c. An applicant provided a density bonus for rental housing shall enter into a contractual agreement with the City of Biddeford requiring obligating that at least thirty percent (30%) of the units created shall be leased such that they do not exceed eighty percent (80%) of the Fair Market Rent (FMR) per bedroom size, as established annually by the U.S. Department of Housing and Urban Development (HUD). ~~them to complete the project in accordance with Maine housing quality standards and that those units are certified as such prior to granting an occupancy permit.~~ The contractual agreement shall be recorded at the York County Registry of Deeds, a copy of which provided to the Code Enforcement Office, prior to the issuance of any building permits. Rent restricted units will be annually monitored by the Planning and Development Department for contract compliance.
 2. Condominium conversions/development:
 - a. A property may be proposed for redevelopment/renovation from apartments into condominiums in accordance with 1. above.
 - b. An applicant provided a density bonus for condominiums shall 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 provided to the Code Enforcement Office, prior to the issuance of any building permits.
 - c. The applicant agrees that if the project is converted to condominiums said units shall not be sold for a price that exceeds 125% of the York County median home price affordable to median income households as set annually by HUD for the City of Biddeford.

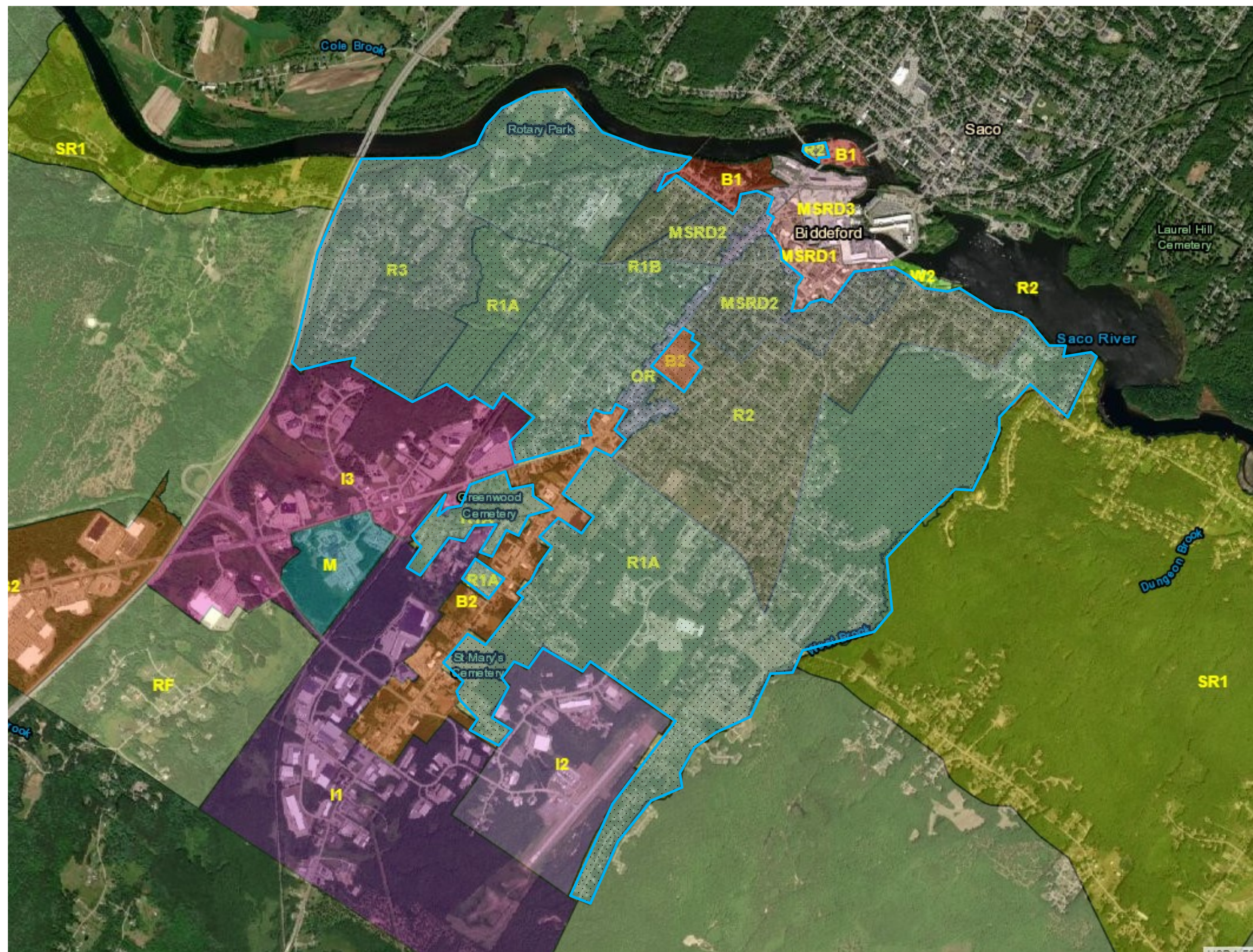
- Q. ~~Lots in existence prior to the effective date of this ordinance are regarded as existing lots of record. In many cases, minimum lot size, road frontage and setbacks are not consistent with current standards. It is the intent of this section that properties in the OR Zone for which non-residential conversion is proposed shall not be handicapped by the nonconforming nature of such a lot or structure. Therefore, existing lots or structures that are nonconforming under the provisions of, Article IV Existing non-conforming 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.~~

~~The following minimum standards shall apply for newly created lots within the OR Zone~~

- ~~1. Minimum lot size: 10,000 square feet.~~
- ~~2. Minimum frontage: 75 feet.~~
- ~~3. Minimum setbacks:~~
 - ~~Front: 10 feet.~~
 - ~~Side: 10 feet.~~
 - ~~Rear: 10 feet.~~
 - ~~From other streets: 15 feet.~~
- ~~4. Maximum setbacks: Front: 25 feet.~~
- ~~5. Maximum height: 35 feet~~

Part III (Land Development Regulations), Article VI (Performance Standards), Section 78 (Accessory dwelling units (ADUs):

- B. Procedural requirements.
1. Review procedure:
 - a. One ADU is permitted per residentially zoned parcel identified in (See Article V, Table A, Table of Land Uses.), except within ~~the Coastal Residential (CR) Zone, including~~ the RP and LR shoreland zoning overlay districts ~~within the CR Zone~~, where ADUs are not permitted. ADUs are also permitted on nonresidentially zoned parcels containing a single nonconforming (as to use) dwelling unit which was in existence as of January 1, 2017. A permit for an ADU may be issued by the Code Enforcement Office so long as all of the standards in this section are met.



Proposed Zones for Note B:
Affordable Housing Bonus
Density