



Memo

Number: 24-17-01
To: City Council
From: Erin Moriarty
Date: 2024-05-21
Subject: Ordered, to approve proposed amendment to Chapter 280 of the Sanford City Ordinances for a revision to §280-11-6 Urban Zone (U). (This item must be read on two separate occasions. This is the second reading.)

RECOMMENDATION

Vote on proposed ordinance amendment.

Background Information:

The existing text for §280-11-6 Urban Zone (U) is recommended to be revised to the text herein, with proposed text being underlined for clarity. Proposed changes are limited to a minor text change to 280-11-6F(2) and the addition of 280-11-6 F(7) Solid Waste. These are necessitated by the recent change to the front setback to a maximum of 20ft. The proposed changes restrict dumpsters from being located within 20ft from a street and allow the use of smaller bins in place of dumpsters, which is a trend the Planning Department has noted in recent applications. A minor text change to §280-11-6F(2) will allow accessory buildings to be located outside of the 20ft maximum front setback.

Legal Review Status:

N/A

Administrative or Department Review:

Financial Impact or Review:

ATTACHMENT(S):

[280-11-6 Urban Zone_Ordinance Revision_City Council_20240521.pdf](#)

CITY OF SANFORD

Ordinance Revision

SanfordMaine.org



Planning Department
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Memo: Proposed Language for Ordinance Revision

Proposed Ordinance: §280-11-6 Urban Zone (U)

For Review by: Sanford City Council

Meeting: May 7, 2024; May 21, 2024

The following document dictates proposed changes to Sanford Code of Ordinances Chapter 280. The existing text for §280-11-6 Urban Zone (U) is recommended to be revised to the text herein, with proposed text being underlined for clarity. Proposed changes are limited to a minor text change to 280-11-6F(2) and the addition of 280-11-6 F(7) Solid Waste. These are necessitated by the recent Ordinance revision changing the front setback to a maximum of 20ft. The proposed changes restrict dumpsters from being located within 20ft from a street and allow the use of smaller bins in place of dumpsters, which is a trend the Planning Department has noted in recent applications.

§ 280-11-6 Urban Zone (U).

A. Purpose. The purpose of the Urban (U) Zone is to provide areas for urban commercial centers within the built-up areas of the City which promote an urban rather than a suburban character of development. The development is characterized as vertical mixed use which emphasizes mixed uses in a structure, typically having two (2) or more stories, with a streetscape that encourages reduced traffic speeds and increased walkability.

B. Permitted uses. Uses, shown on the Table of Land Uses [1] as being permitted uses shall be permitted by right in the U Zone.

[1] Editor's Note: The Table of Land Uses is included as an attachment to this chapter.

C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being permitted with site plan review in the U Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the guidelines and provisions of Article XVI.

D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the U Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles XIII and XVI.

E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review, or a conditional use in the U Zone shall be prohibited.

F. Standards.

- (1) All land and non-residential structures, except for single-family and two (2) family dwellings, and their accessory structures, shall be erected, structurally altered, enlarged, moved and used in accordance with the provisions of Article XVI.
- (2) Front setback (principal ~~and accessory~~ buildings):
 - (a) Where existing buildings have a uniform setback relationship to the street, any new building shall maintain the existing relationship. The setback of an expansion and/or addition to an existing structure shall not vary from the existing setback by more than eight (8) feet, except when the expansion or addition brings the existing building into greater conformance with the uniform setback relationship for the lot.
[Amended 9-20-2022 by Order No. 22-440-01]
 - (b) Where a uniform setback relationship does not exist, or abutting lots are not residentially developed, the maximum front yard setback shall be twenty (20) feet.
 - (c) Notwithstanding § 280-11-6F(2)(b), an attached, unenclosed porch may be added to a legally existing nonconforming principal and accessory structures that does not meet the setback requirement of this section if such addition or expansion:
 - [1] Does not further encroach on the setback than other portions of the existing nonconforming principal and accessory structures; and
 - [2] Is added to or enlarged in such a manner to maintain the existing relationship to the street.
- (3) Reuse of existing residential structures.
[Amended 12-3-2019 by Order No. 19-168-01]
 - (a) Any residential dwelling unit created under this provision complies with the following minimum floor area requirements based on the type of unit:
 - [1] One (1)-bedroom unit: not less than five-hundred-thirty-five (535) square feet.
 - [2] Two (2)-bedroom unit: not less than seven-hundred-twenty (720) square feet.
 - [3] Three (3)-bedroom unit: not less than nine-hundred-twenty (920) square feet.
 - [4] Four (4)-or more bedroom unit: not less than one-thousand-one-hundred-twenty (1,120) square feet.
- (4) Design standards. Any proposal involving the change of use of an existing building, expansion of the gross floor area of an existing building, construction of a new building or structure, or exterior modification of an existing structure or site in the Sanford Downtown or Springvale Village Design District Overlay Zones, except for a single family home or demolition of an existing structure, shall conform to the design standards of § 280-15-11 and solicit review and comment by the Design Review Committee in conformance with §§ 280-16-4C and 280-16-5D prior to final review by the Planning Board, Site Plan Review Committee, Planning Director,

and/or Code Enforcement Officer.

[Amended 10-2-2018 by Order No. 18-426-01]

(5) For the construction of new single-family or two-family units the Code Enforcement Officer shall review and approve the application subject to any and all applicable state or local construction and/or fire codes, and the following:

(a) Off-street parking. Any new off-street parking shall be located to the side or rear of the principal building. No new off-street parking for a nonresidential use shall be located in the area between the front property line and the wall of the building or structure closest to the street and running the full width of the property.

(b) Lighting. Illumination from exterior lighting shall be shielded, directed downward, and contained on the property, except as otherwise provided for in §§ 280-15-11B and 280-15-11H(8)(b), Design District standards.

(c) Building design.

[1] The architectural design of any new buildings shall be compatible with the architectural style of neighboring buildings fronting on the same street. In determining the compatibility of any new building with the Design District Standards, the Code Enforcement Officer, Planning Director, Planning Board or Site Plan Review Committee shall consider the recommendations of the Design Review Committee on the scale and massing of the structure, the setback and orientation of the building to the street, the relative proportion of the height and width of the building as seen from the street, the overall height of the building, the roof style and pitch, the location and sizes of windows, and the exterior surface materials.

[2] Use of the front yard. In addition to the provision in § 280-11-6F(5)(a) dealing with the location of nonresidential off-street parking, parking of motor vehicles for all other uses in the area between the front property line and the wall of the building or structure closest to the street and running the full width of the property shall only be allowed on driveways with a maximum width of twenty (20) feet. No other parking of vehicles shall be permitted in this area.[2]

[2] Editor's Note: Subsection F(5)(c)[3], reduced side and rear setbacks for accessory structures, which immediately followed, was repealed 9-20-2022 by Order No. 22-440-01.

(6) Commercial vehicle parking accessory to an allowed residential use. Overnight parking of not more than one (1) commercial vehicle shall be permitted in conjunction with an allowed residential use, provided that:

(a) The vehicle is parked on the same lot as the residential use;

(b) The vehicle is regularly driven by a resident of the premises; and

(c) The commercial vehicle is not over one (1) ton in size.

(7) Solid Waste. Receptacles for solid waste may be in the form of dumpsters or smaller bins, provided that:

(a) All solid waste receptacles shall adhere to the regulations stated in § 220-26 Dumpster requirements. For the use of smaller bins, the storage area must follow all requirements.

(b) The minimum front setback shall be twenty (20) feet for all solid waste receptacles. The required setback may be reduced if site constraints prohibit the full twenty (20) feet with approval from the reviewing body as authorized under §280-16-5.

(8) Performance standards. Uses within the U Zone shall conform to all applicable performance standards of this chapter, including but not limited to the following:

(a) § 280-15-1: Groundwater protection standards.

(b) § 280-15-2: Watershed performance standards.

(c) § 280-15-3: Industrial performance standards.

(d) § 280-15-7: Archaeological and historic resources.

(e) § 280-15-10: Marijuana standards.

[Amended 5-5-2020 by Order No. 19-874-01]

G. Overlay districts. Areas within the U Zone may be located within the Shoreland Overlay Zone as defined by Chapter 270: Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter 270.

H. Flood management. Areas of the U Zone which are located within flood hazard areas as defined by Chapter 265: Floodplain Management, shall additionally comply with the terms of that chapter.

I. Urban overlay district. Marijuana uses in areas of the U Zone which are located within the Urban Overlay District shall additionally comply with the standards and requirements of § 280-15-10.

[Amended 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01]