

# Mandatory Shoreland Zoning Update Public Meeting August 25, 2016

Roby Fecteau

Director of Code Enforcement

& Emergency Management

207-284-9236

[roby.fecteau@bpd.net](mailto:roby.fecteau@bpd.net)

Greg Tansley, AICP

City Planner

207-284-9115

[gtansley@biddefordmaine.org](mailto:gtansley@biddefordmaine.org)



# Mandatory Shoreland Zoning Update

## Public Meeting Agenda

### August 25, 2016

1. Why Are We Here?
2. Shoreland Zoning Overview
3. Chapter 1000: Mandatory Shoreland Zoning Guidelines
4. Shoreland Zoning Changes
5. Nonconforming Structures
6. Q & A
7. Next Steps

# Why Are We Here?

- January 26, 2015 – Maine DEP Adopted Revised “Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances”
- Spring 2016 – Staff began revising the Biddeford Shoreland Zoning Ordinance to become consistent with State Guidelines
- April 2016 – Planning Board Workshop
- May, June, and July 2016 – Planning Board Public Hearings
- August 2, 2016 – City Council 1<sup>st</sup> Reading (passed 7-2)
- August 16, 2016 – City Council 2<sup>nd</sup> Reading – tabled to allow additional public outreach on the pending changes, particularly regarding non-conforming structures expansions

# Shoreland Zoning Overview

## Purpose(s):

- Control water pollution
- Protect wildlife habitat
- Protect against flooding and erosion
- Protect commercial fishing and maritime industries
- Protect coastal wetlands
- Control building sites and the placement of structures and land uses
- Conserve shore cover and points of access to waters
- Conserve natural beauty and open space
- To anticipate and respond to the impacts of development in shoreland areas

# Shoreland Zoning Overview

## Applicability:

- All land areas within 250' of the Saco River and the upland edge of coastal wetlands (including all areas affected by tidal action)
- All land areas within 100' of defined streams
- All land areas within 250' of Swan Pond Brook

## Primary Shoreland Zones in the Coast:

- Limited Residential (LR)
- Resource Protection (RP)

# Shoreland Zoning Overview

## Land Use Standards:

- LR:
  - Single-family houses permitted
  - 100' setback from the resource
  - Existing structures within 100' are considered “non-conforming”
  - *Currently*, non-conforming structures in existence as of January 1, 1989 can be expanded (or replaced) with an allowed 30% structure volume and/or floor area once in the lifetime of the structure

# Shoreland Zoning Overview

## Land Use Standards:

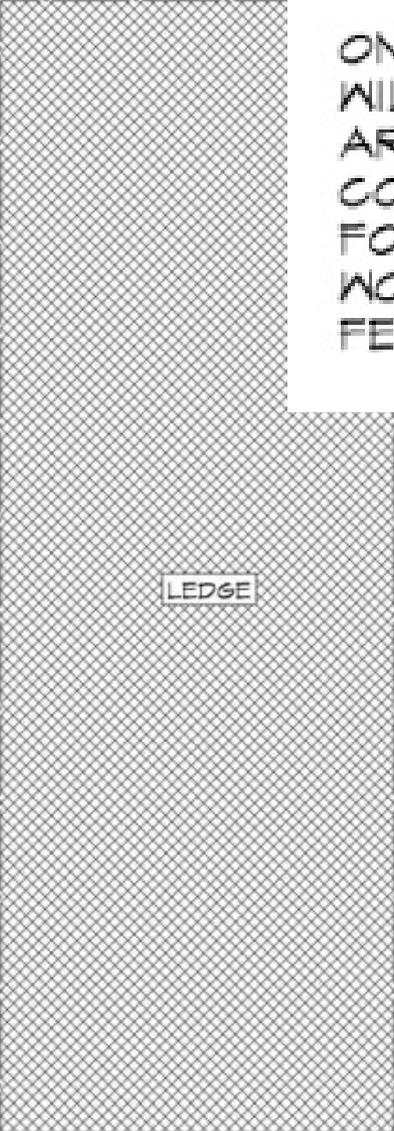
- RP:
  - Single-family houses NOT permitted
  - *Effectively* a 250' setback from the resource
  - Existing structures within 250' are considered “non-conforming”
  - *Currently*, non-conforming structures in existence as of January 1, 1989 can be expanded (or replaced) with an allowed 30% structure volume and/or floor area once in the lifetime of the structure
  
- Both LR and RP:
  - Maximum 20% maximum non-vegetated surface lot coverage restriction

# Chapter 1000: Guidelines for Municipal Shoreland Zoning Ordinances

- Mandatory Shoreland Zoning Act “The Act” - MRS Chapter 38, Article 2-B
  - Requires municipalities to adopt Shoreland Zoning consistent with the legislation and Chapter 1000
  - Requires the State Board of Environmental Protection to review and update Chapter 1000 every 4 years
  - Municipalities must have ordinances consistent with, or no less stringent than, Chapter 1000 - Commissioner of Maine DEP approval required
  - Chapter 1000 was amended January 26, 2015 and new legislation added in 2015 related to walkways
  - In order to adopt the new exemption provisions, we have been told we must be entirely consistent with the new Chapter 1000 Guidelines

# Shoreland Zoning Changes

- Primary Changes Include:
  - Changes to rules regarding non-conforming structures
  - The allowance for decks and cantilevered walkways to extend over the Saco River in Biddeford's Mill District/Downtown
  - Restrictions on the number of residential piers and docks on a single lot
  - The exemption of naturally occurring ledge and rock from being included in the non-vegetated lot coverage calculations for lots in the Shoreland Zone
  - Standards regarding the removal of hazard trees, storm damaged trees, and dead trees in the Shoreland Zone
  - New clearing and removal of vegetation standards (and re-vegetation standards)

A diagram of a lot with a ledge. The lot is represented by a cross-hatched pattern. The top portion of the lot is a rectangle, and the bottom portion is a larger rectangle. A small rectangular area at the top of the bottom portion is labeled "LEDGE".

ON LOTS WITH LEDGE, THE LEDGE AREA WILL BE REMOVED FROM THE OVERAL LOT AREA WHEN DETERMINING ACTUAL LOT COVERAGE. FOR EXAMPLE, AN 80,000 SQUARE FOOT LOT WITH 20,000 SQUARE FEET OF LEDGE WOULD NET A NEW LOT AREA OF 60,000 SQUARE FEET.

ON LOTS WITH LEDGE, THE LEDGE AREA WILL BE REMOVED FROM THE OVERAL LOT AREA WHEN DETERMINING ACTUAL LOT COVERAGE. FOR EXAMPLE, AN 80,000 SQUARE FOOT LOT WITH 20,000 SQUARE FEET OF LEDGE WOULD NET A NEW LOT AREA OF 60,000 SQUARE FEET.

**KRA** | KENNEBUNK  
RIVER  
ARCHITECTS

[WWW.KENNEBUNKRIVERARCHITECTS.COM](http://WWW.KENNEBUNKRIVERARCHITECTS.COM)

1662 POST ROAD, SUITE 206  
PELLS, MAINE 04070  
207-216-4690

# Non-conforming Structures Rule Changes

- Primary Changes Include:
  - Eliminating the 30% structure volume and/or floor expansion rule
  - Replacing it with footprint expansion rules and height limitations

0' TO 25'

25' TO 75'

75'-100'

100'-250'

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:  
50% OF THE EXISTING FOOTPRINT OR 500 SQUARE FEET (WHICHEVER IS GREATER)  
HEIGHT LIMITED TO 15' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX)



EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:  
50% OF THE EXISTING FOOTPRINT OR 1000 SQUARE FEET (WHICHEVER IS GREATER)  
HEIGHT LIMITED TO 20' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX)



EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:  
50% OF THE EXISTING FOOTPRINT OR 1000 SQUARE FEET (WHICHEVER IS GREATER)  
HEIGHT LIMITED TO 25' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX)



RESOURCE PROTECTION

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:  
50% OF THE EXISTING FOOTPRINT OR 500 SQUARE FEET (WHICHEVER IS GREATER)  
HEIGHT LIMITED TO 25' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: IN ZONES DELINEATED AS RESOURCE PROTECTION 50% OF THE EXISTING FOOTPRINT OR 500 SQUARE FEET (WHICHEVER IS GREATER) IS ALLOWABLE

LIMITED RESIDENTIAL

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:  
NO EXPANSION LIMITATIONS  
35' MAX. HEIGHT LIMIT

NOTE: 20% LOT COVERAGE MAY APPLY IN THIS ZONE



0' TO 25'

0' TO 25'

75'-100'

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 800 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 15' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 800 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 15' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 1000 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 25' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)

THE 20% LOT COVERAGE APPLIES TO THE WHOLE LOT AREA THAT IS WITHIN THE 250' SHORELAND ZONE

**KRA** | KENNEBUNK RIVER ARCHITECTS

WWW.KENNEBUNKRIVERARCHITECTS.COM  
1662 POST ROAD, SUITE B6  
WELLS, MAINE 04090  
207-216-4850

0' TO 25'

25' TO 75'

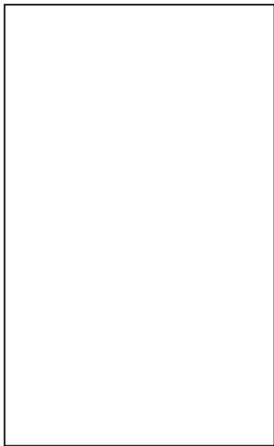
75' TO 15'

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 800 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 15' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)

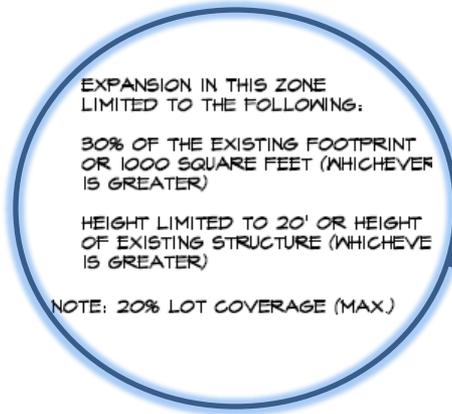


EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 1000 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 20' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)



EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 1000 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 20' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)

THE 20% LOT COVERAGE APPLIES TO THE WHOLE LOT AREA THAT IS WITHIN THE 250' SHORELAND ZONE

**KRA** | KENNEBUNK RIVER ARCHITECTS

WWW.KENNEBUNKRIVERARCHITECTS.COM  
1662 POST ROAD, SUITE B6  
WELLS, MAINE 04090  
207-216-4850

0' TO 25'

75'-100'

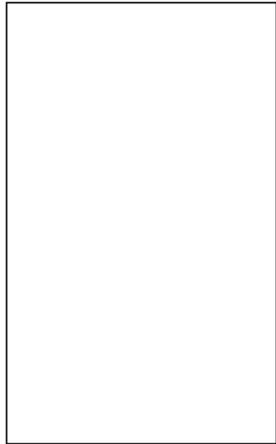
75'-100'

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 800 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 15' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)

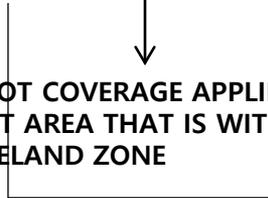


EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 1000 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 25' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)



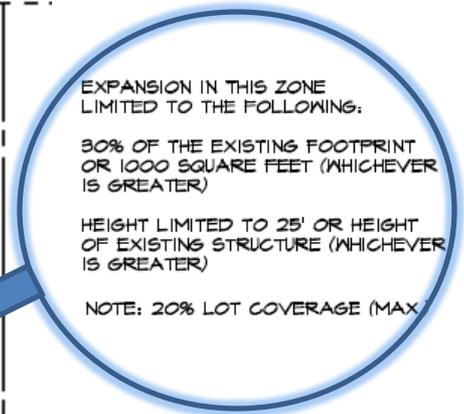
THE 20% LOT COVERAGE APPLIES TO THE WHOLE LOT AREA THAT IS WITHIN THE 250' SHORELAND ZONE

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 1000 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 25' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: 20% LOT COVERAGE (MAX.)



**KRA** | KENNEBUNK RIVER ARCHITECTS

WWW.KENNEBUNKRIVERARCHITECTS.COM  
1662 POST ROAD, SUITE B6  
WELLS, MAINE 04090  
207-216-4850

100'-250'

RESOURCE PROTECTION

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 1500 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 25' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: IN ZONES DELINEATED AS RESOURCE PROTECTION 30% OF THE EXISTING FOOTPRINT OR 1500 SQUARE FEET (WHICHEVER IS GREATER) IS ALLOWABLE

LIMITED RESIDENTIAL

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

NO EXPANSION LIMITATIONS

35' MAX. HEIGHT LIMIT

NOTE: 20% LOT COVERAGE MAY APPLY IN THIS ZONE

100'-250'



RESOURCE PROTECTION

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

30% OF THE EXISTING FOOTPRINT OR 1500 SQUARE FEET (WHICHEVER IS GREATER)

HEIGHT LIMITED TO 25' OR HEIGHT OF EXISTING STRUCTURE (WHICHEVER IS GREATER)

NOTE: IN ZONES DELINEATED AS RESOURCE PROTECTION 30% OF THE EXISTING FOOTPRINT OR 1500 SQUARE FEET (WHICHEVER IS GREATER) IS ALLOWABLE

LIMITED RESIDENTIAL

EXPANSION IN THIS ZONE LIMITED TO THE FOLLOWING:

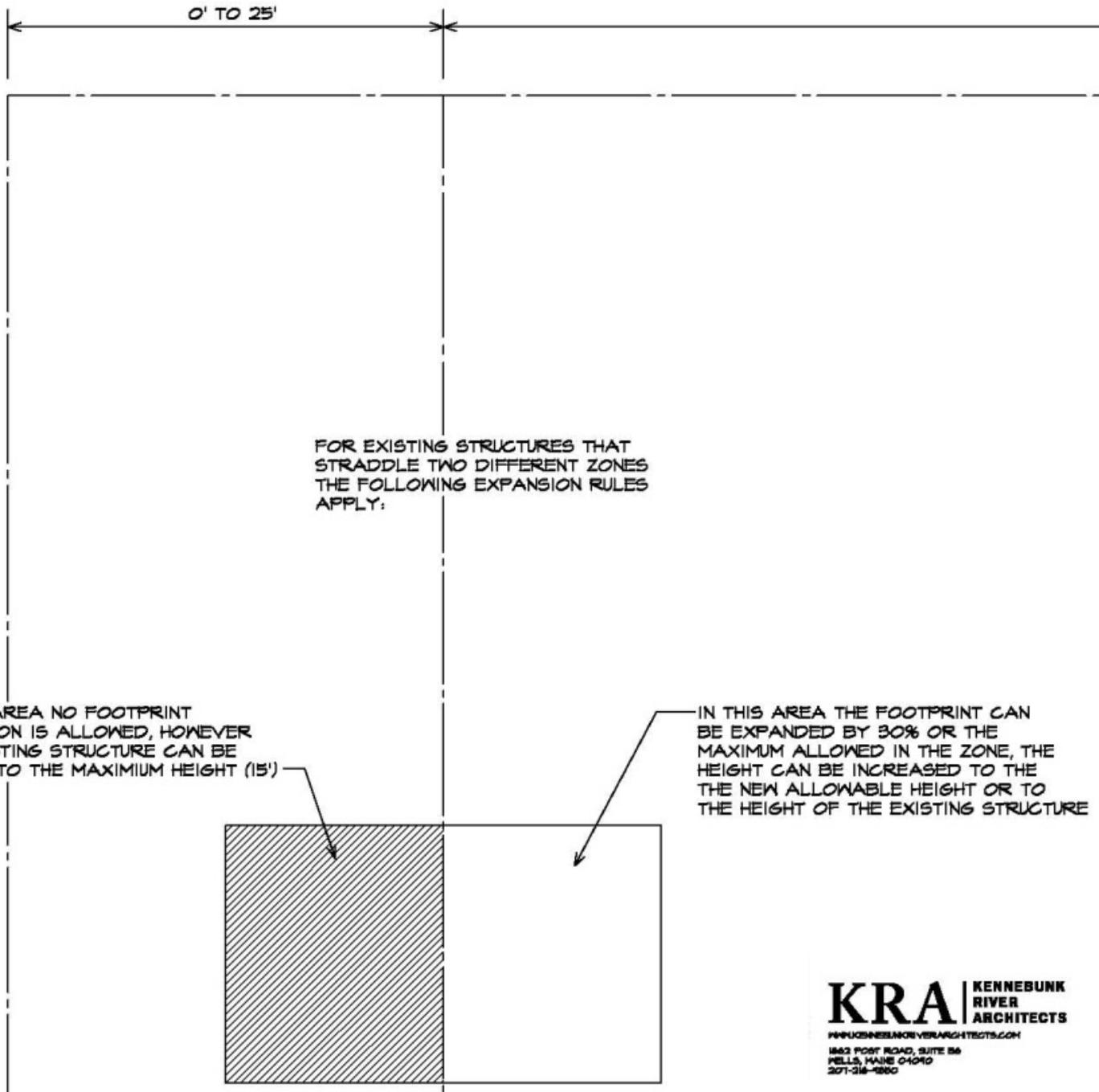
NO EXPANSION LIMITATIONS

35' MAX. HEIGHT LIMIT

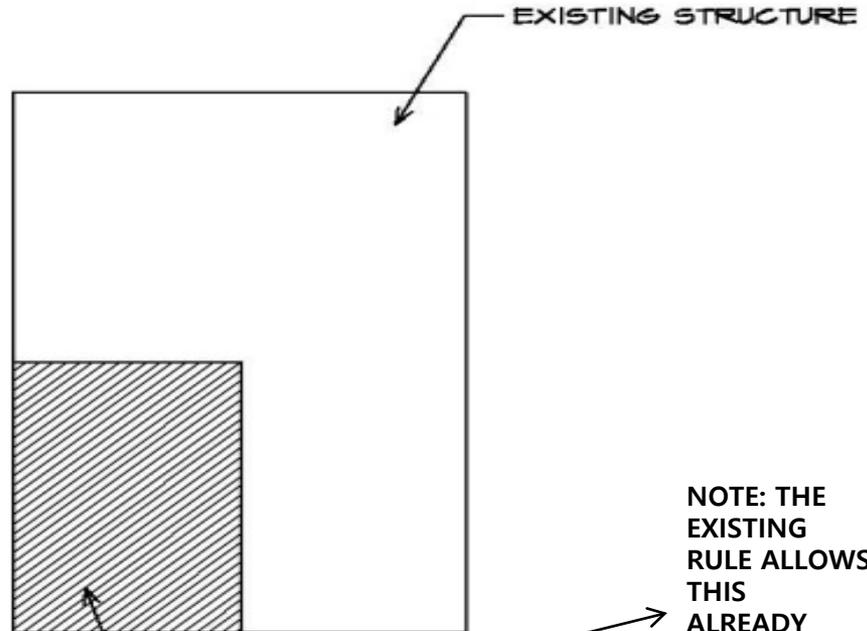
NOTE: 20% LOT COVERAGE MAY APPLY IN THIS ZONE



THE 20% LOT COVERAGE APPLIES TO THE WHOLE LOT AREA THAT IS WITHIN THE 250' SHORELAND ZONE



OCEAN SIDE



UNDER THE NEW RULING THE EXISTING STRUCTURE CAN BE "INFILLED" TO 30% OF THE EXISTING FOOTPRINT OR THE MAXIMUM ALLOWABLE EXPANSION IN THAT ZONE PROVIDED THE NEW EXPANSION DOES NOT EXTEND PAST THE FACE OF THE EXISTING STRUCTURE AND IS LIMITED TO THE NEW ALLOWABLE HEIGHT OR THE HEIGHT OF THE EXISTING STRUCTURE

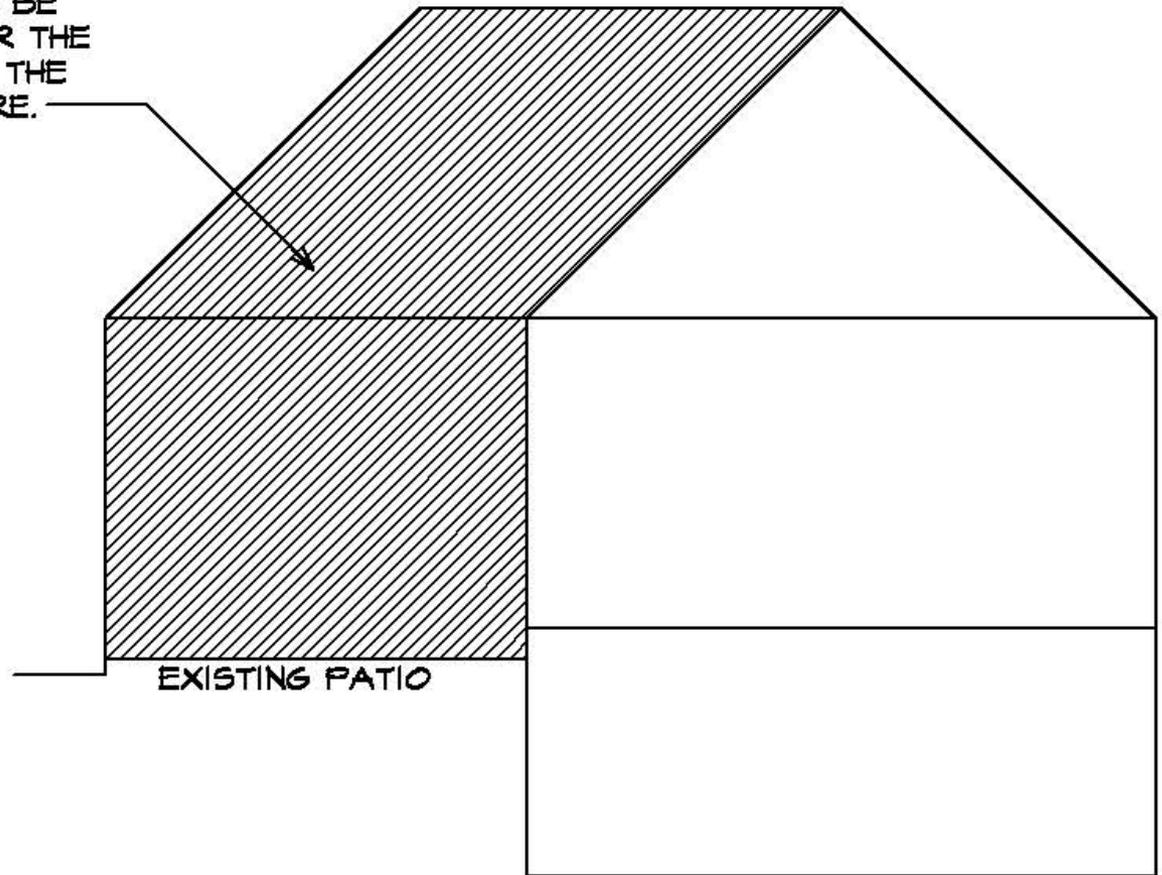
**KRA** | KENNEBUNK RIVER ARCHITECTS

WWW.KENNEBUNKRIVERARCHITECTS.COM

1842 POST ROAD, SUITE 8A  
MILLS, MAINE 04040  
207-216-1980

IN SITUATIONS WHERE THE LOT HAS BEEN COMPLETELY DEVELOPED AREAS SUCH AS DECKS AND PATIOS CAN BE VERTICALLY EXPANDED TO EITHER THE MAXIMUM ALLOWABLE HEIGHT OR THE HEIGHT OF THE EXISTING STRUCTURE.

NOTE: THE LOT DOES NOT NECESSARILY NEED TO BE FULLY DEVELOPED. THIS CAN OCCUR REGARDLESS OF HOW DEVELOPED THE LOT IS, BUT IF THE LOT IS ABOVE THE 20% LOT COVERAGE, THIS IS AN OPTION FOR A PROPERTY OWNER



**KRA** | KENNEBUNK  
RIVER  
ARCHITECTS

[WWW.KENNEBUNKRIVERARCHITECTS.COM](http://WWW.KENNEBUNKRIVERARCHITECTS.COM)

1662 POST ROAD, SUITE B6  
WELLS, MAINE 04090  
207-216-1880

Q & A

# Next Steps

- Roby Fecteau will be available following the Biddeford Pool Improvement Association (BPIA) Meeting on Saturday, August 27, 2016 (at the Fire Station) to speak with people one-on-one.

**Please email Roby in advance if you would like to meet with him – [robby.fecteau@bpd.net](mailto:robby.fecteau@bpd.net)**

- Staff will assess outreach progress early in the week of August 29 to determine what, if anything else, formally needs to be done.
- Staff (Roby and Greg) are available to meet with people/groups one-on-one between now and October 16. October 16 is the date that the 2<sup>nd</sup> Reading of the Ordinance was tabled to by the City Council.