
CHAPTER 280 ZONING

Article 11 section 5: Residential Development Zone (RD) Amended: 1/16/2024 City Council Order No. 23-517-01

Article XI Zone Requirements

§ 280-11-5 **Residential Development Zone (RD).**

[Amended 1/16/2024 by City Council Order #: 23-517-01]

- A. Purpose. The purpose of the Residential Development (RD) Zone is to provide areas in the City for the extension of a compact pattern of residential development in areas where public sewer and water service can be extended.
- B. Permitted uses. Uses shown on the Table of Land Uses as being permitted uses shall be permitted by right in the RD Zone.
- C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being permitted with site plan review in the RD Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the provisions of Article **XVI**.
- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the RD 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 RD Zone shall be prohibited within the RD Zone.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the RD Zone shall be used in accordance with the following standards.
 - (1) Space and bulk standards.
 - (a) Maximum net residential density.
 - [1] Basic: six (6) dwelling units per net acre.
 - [2] With density bonus: ten (10) dwelling units per net acre.

(b) Minimum lot size. **[Amended 1/16/2024 by City Council Order #: 23-517-01]**

[1] ~~Single-family dwellings~~ Seven-thousand-five-hundred (7,500) square feet.

[2] ~~Other uses: ten-thousand (10,000) square feet.~~ With density bonus: six-thousand (6,000) square feet.

(c) Minimum street frontage: ~~eighty (80)~~ sixty-five (65) feet.

(d) Minimum front setback (principal and accessory buildings): twenty-five (25) feet. Where the 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]**

(e) Minimum side and rear setbacks: ten (10) feet.

(f) Maximum height: ~~thirty-five (35) feet.~~ **[Amended 1/16/2024 by City Council Order #: 23-517-01]**

[1] Thirty-five (35) feet.

[2] With density bonus: fifty (50) feet.

(2) Development standards. In addition to the space and bulk standards set forth in § 280-11-5F(1), the following standards shall apply as indicated: **[Amended 1/16/2024 by City Council Order #: 23-517-01]**

(a) Connection to public sewerage system. Any new development other than the construction of a new single-family home on an existing lot shall be connected to the public sewerage system operated by the Sewerage District. Any change in use and/or expansion of an existing building or expansion or change in use of a parcel of land which increases the design sewage flow as determined by the Maine State Plumbing Code by more than twenty-five percent (25%) shall be permitted only if the use is connected to the public sewerage system.

(b) Density bonus. ~~The maximum net residential density shall be increased to ten (10) dwelling units per net acre for any project which the Planning Board finds in conformance with the following standards:~~ Space and bulk standards may be altered with review by the Planning Board to allow for increased density in conformance with the following standards:

[1] The maximum net residential density shall be increased to ten (10) dwelling units per net acre. The overall layout of the streets, lots, and buildings creates a neighborhood which has an urban character with a pedestrian orientation.

[2] The buildings are oriented to the streets in an urban fashion with buildings fronting on the streets. The minimum lot size may be decreased to six-thousand (6,000) square feet.

[3] ~~Parking and service areas are located to the side and rear of the buildings.~~ The maximum building height may be increased to 50 feet for residential structures having two (2) or more dwelling units within the primary structure.

[4] ~~The layout provides for varying lot frontages and side setbacks.~~ In review of proposed space and bulk standards stated in 280-11-5 F(2)(b), the Planning Board shall consider the following standards.

[a] The overall layout of the streets, lots, and buildings creates a neighborhood which has an urban character with a pedestrian orientation.

[b] The buildings are oriented to the streets in an urban fashion with buildings fronting on the streets.

[c] Parking and service areas are located to the side and rear of the buildings.

[d] The layout provides for varying lot frontages and side setbacks.

~~[5]~~[e] Provisions are made for sidewalks or other pedestrian ways linking the neighborhood.

[f] The proposed development will be connected to the public water system operated by the Sanford Water District and the public sewerage system operated by the Sanford Sewerage District.

[g] The proposed development is compatible in building scale and mass with the neighboring buildings fronting on the same street. This includes 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, and the nature of any proposed parkland or recreational amenities; while still allowing for a variety of building forms and styles within a neighborhood.

(c) Accessory office and retail uses. Projects meeting the standards of § 280-11-5F(2)(b) may provide for low-intensity nonresidential use of not more than five percent (5%) of the total lot area of the project. These nonresidential uses shall be designed as part of the overall project and shall be limited to business and professional offices, business and personal services, and limited retail stores as defined in this chapter, subject to the granting of a conditional use permit by the Planning Board. These types of uses shall not otherwise be permitted within the zone.

(d) 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:

[1] The vehicle is parked on the same lot as the residential use;

[2] The vehicle is regularly driven by a resident of the premises; and

[3] The commercial vehicle is not over one (1) ton in size.

(e) Use of front yard. Parking of motor vehicles 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 be allowed only on driveways. No other parking of vehicles shall be permitted in this area.

(f) Reduced side and rear setbacks for accessory structures. The required side and rear setback for accessory buildings and structures may be reduced to not less than two (2) feet subject to the following:

[1] The relationship of the structure to the side and/or rear lot line shall conform to the established pattern on abutting residential lots;

[2] The accessory structure shall be located at least ten (10) feet from any other structure on the same or an abutting lot;

[3] The owners of the abutting lots adjacent to the encroachment approves of the reduced setback in writing; and

[4] The Fire Department approves of the reduced setback in writing.

(3) Performance standards. Uses within the RD 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) § 280-15-4: Residential cluster development standards.

(d) § 280-15-5: Manufactured housing.

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

(f) § 280-15-10: Marijuana standards. [Amended 5-5-2020 by Order No. 19-874-01]

G. Overlay districts. Areas within the RD Zone ~~are~~ may be located within overlay districts and shall comply with the standards and requirements of those districts as specified, including but not limited to the following: [Amended 11-23-2021 by Order No. 21-494-01] [Amended 1/16/2024 by City Council Order #: 23-517-01]

(1) 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.~~

(2) ~~Within the Residential Development Overlay (RDO) Zone as defined by this Chapter. All use of land within the RDO shall comply with the standards and requirements of this Chapter~~ The Airport Protection Overlay Zone or Airport Clear Zone as defined in § 280-11-10.

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

CHAPTER 280 ZONING, ATTACHMENT 1A & 1B

Amended: 1/16/2024 City Council Order No. 23-517-01

ZONING

280 Attachment 1A & 1B

Table of Land Use

~~[Repealed and replaced 11/24/2020; Amended 1-19-2021]~~
[Repealed and replaced 01/16/2024]

The following table of land uses identifies which uses of land, buildings, or structures are permitted by right, permitted subject to review, or permitted subject to the issuance of a conditional use permit in the various zones. Uses permitted by right are indicated by a “P” in the appropriate column. Uses permitted only with approval from the appropriate authority are indicated by a “PR” in the appropriate column. Use permitted only with the issuance of a conditional use permit are indicated by a “CU.” A use which is not designated as a use permitted by right, a use permitted only with review, or a use permitted only with a conditional use permit in any zone is deemed to be a prohibited use in that zone.

Uses identified by a numerical code are identified in the North American Industry Classification System, 2002 (NAICS) as defined in Chapter 280.

When a use appears in more than one category of uses, all listed uses are allowed, except when specifically excluded.

Category of Uses			NAICS #	RR	RMU	RD	U	IB	AD	IR
I	Rural Uses									
	A	Principal Uses								
	1	Abattoir		PR	PR			PR		
	2	Agriculture, commercial, including animal husbandry	11	P	P	CU	CU, except for animal husbandry, which is not allowed	P		
	3	Keeping of pigs, chickens, and fowl for commercial purposes		PR	PR			PR		

Category of Uses										
			NAICS #	RR	RMU	RD	U	IB	AD	IR
	A	Principal Uses								
		1	Adult day service center with thirteen (13) or more clients	624110		CU	P	PR		p ^b
		2	Cemetery	812220	PR	PR	PR			
		3	Child care center or nursery school with thirteen (13) or fewer children	624110	PR	PR	PR	P	PR	p ^b
		4	Child care center or nursery school with thirteen (13) or more children	624110	CU	CU	CU	P	PR	p ^b
		5	Church, including accessory residential use	813110	PR	PR	PR			p ^b
		6	Horse show	7113	CU	CU				
		7	Hospital	622110						
		8	Library	519120	PR	PR		P		p ^b
		9	Municipal use		PR	PR	PR			PR
		10	Museum	712110	PR	PR		P		p ^b
		11	Nonprofit club and lodge				PR			CU
		12	Nonprofit service organization		CU	CU	CU	P		CU
		13	School and college, private				PR	P		p ^b
		14	School and college, public				PR	P		p ^b
IV	Recreation Uses									
	A	Principal Uses								
		1	Amusement	7131			P	PR		P
		2	Archery range	713990	PR	PR				
		3	Campground	721211	PR	PR				
		4	Firearms range, fully enclosed		CU	CU				
		5	Firearms range, open							
		6	Golf course	713910	PR	PR	PR			

Category of Uses											
				NAICS #	RR	RMU	RD	U	IB	AD	IR
		7	Government and nonprofit park and outdoor recreation		PR	PR	PR	PR	PR	PR	PR
		8	Horse ring, indoor	115210	PR	PR					
		9	Recreation, for-profit, nonmotorized outdoor recreation		PR	PR	PR				
		10	Recreation, fully enclosed place of recreation	713940				P	PR		p ^b
Arts, Entertainment, and Recreation				71				All P	All P	All P	
V	Utility Uses										
	A	Principal Uses									
		1	Communication tower, alternative		PR	PR		CU, except P when proposed use meets ^a below	PR		PR
		2	Essential service		P	P	P	P	P	P	P
		3	Public utility		PR	PR	PR	PR	PR	PR	PR
		4	Solar energy system, commercial		P	P	P	Roof-mounted is P	P	P	P
		5	Solar energy system, ground-mounted		CU			CU			CU
		6	Solar energy system, utility		CU	P		Roof-mounted is P	P	P	P
		7	Transmitter tower within designated transmitter tower overlay zone		CU				CU		
		8	Wind generator	221119	CU	CU			CU		
Utilities				22				All CU, except P when proposed use meets ^a below Roof-mounted commercial and utility solar systems are P	All P	All P, not including 2211, except 221119, which is P	

Category of Uses										
			NAICS #	RR	RMU	RD	U	IB	AD	IR
VI	Commercial and Industrial Uses									
	A	Principal Use								
		1	Antique store		CU	CU	P			P
		2	Contractor	2361		PR				PR, except not allowed on first floor of mixed use building
		3	Drinking place	722410			P			p ^b
		4	Eating place				P			p ^b
		5	Eating place, drive-through				CU			
		6	Eating place, takeout	722211			P			p ^b
		7	Excavating and general contractor	238910			CU, except when proposed use meets ^a below	All P	All P but 2211, except 221119 which is P	PR, except not allowed on first floor of mixed use development
		8	Financial institution				P			p ^b
		9	Financial institution with a drive-through				CU			
		10	Funeral home	812210			P, except for crematories			
		11	Health service facility				P	P	P	P
		12	Hotel or motel	7211			P	P	P	p ^b
		13	Inn or bed-and-breakfast	7211	PR	PR	PR	P	P	p ^b
		14	Manufacturing, light on first floor of mixed use development							CU, except P when < 5,000 sf & retail sales of items manufactur

Category of Uses											
				NAICS #	RR	RMU	RD	U	IB	AD	IR
											ed on the premises
		15	Manufacturing, light	332431				CU, except when proposed use meets ^a below			PR
		16	Marina	713930	PR	PR		P			
		17	Marine sales and service		PR	PR					PR
		18	Marijuana production facility			P			P	P	
		19	Motor vehicle repair facility					CU, except when proposed use meets ^a below	P		
		20	Motor vehicle sales and service					P	P		
		21	Motor vehicle service						P		
		22	Motor vehicle service, repair, or sales facility, small-scale		CU	PR		CU, except when proposed use meets ^a below	All P	All P but 2211, which is not allowed except for 221119 which is P	
		23	Office, business on first floor of mixed use development					P			PR
		24	Office, business				CU	P			p ^b
		25	Office, mental health practitioner					P	P	P	P
		26	Office, professional on first floor of mixed use development								PR
		27	Office, professional				CU	P			p ^b

Category of Uses										
			NAICS #	RR	RMU	RD	U	IB	AD	IR
	28	Parking, commercial facility	238990			PR	CU for freestanding businesses not associated with another use or structures			PR
	29	Petroleum product storage						<u>CU</u>		
	30	Power sport vehicle sales and service			PR		CU, except when proposed use meets ^a below	P	All P but 2211, except 221119 which is P	
	31	Repair service not involving motor vehicles	8112		PR		CU except when proposed use meets ^a below			p ^b
	32	Research and development facility	541710				P	P	P	CU
	33	Retail store					P			p ^b
	34	Retail store, limited			PR	PR				p ^b
	35	School, commercial					P			p ^b
	36	Service, business, on the ground floor of mixed use development								p ^b , up to 5,000 sf
	37	Service, business	561439			CU	P			p ^b
	38	Service, personal				CU	P			p ^b
	39	Storage of unregistered cars, junk cars, or junked car parts, unenclosed		CU	CU					
	40	Studio of artisan		PR	PR		P			p ^b
	41	Testing facility	3345				CU, except when	PR		PR

Category of Uses											
				NAICS #	RR	RMU	RD	U	IB	AD	IR
								proposed use meets ^a below			
		42	Tradesman, on the ground floor of mixed use development								CU
		43	Tradesman		PR	PR	PR	P			p ^b
		44	Trucking and distribution facility					P	P	P	PR
		45	Veterinary clinic/grooming	541940 /8129	PR	PR		P for grooming/CU for clinics, except when proposed use meets ^a below			P for grooming
		46	Warehousing and storage on first floor of mixed use development								CU
		47	Warehousing and storage	493110							p ^b
		48	Warehousing, mini storage on first floor of mixed use development								CU
		49	Warehouse, mini storage			PR		CU, except when proposed use meets ^a below	P		CU
		50	Wholesale sale on first floor of mixed use development								CU
		51	Wholesale sale	423110							p ^b
Construction				23				All CU except P when proposed use meets ^a below	All P	P 2362, 2382, 2383	
Manufacturing				31-33				All CU, except when proposed use meets ^a below	P 3111-3115, 3117-3159, 321-3219, 3222,	P 3111-3115, 3117-3119, 312-316 (not	

Category of Uses									
	NAICS #	RR	RMU	RD	U	IB	AD	IR	
						323, 3254, 3256, 326, 327, 332, 337, 339	including 3161), 321-322 (not including 321114), 323, 325411, 326, 332, 334, 337, 339		
Wholesale Trade	42					All P	All P		
Retail Trade	44-45				All P	P 441-446, 448-454	P 442-446, 448, 451-454 (not including 45431)		
Transportation and Warehousing	48-49				P 485, 4862, 491-492/CU 484, 4862, 487, 493, except P when proposed use meets ^a below	P 482-493	P 481, 484, 485, 4871, 4879, 4881, 4884, 4885, 4899		
Information	51				All P	All P	All P		
Finance and Insurance	52				All P	All P	All P		
Real Estate and Rental and Leasing	53				All P	All P	All P		
Professional, Scientific, and Technical Services	54				All P	All P	All P		
Management of Companies and Enterprises	55				All P	All P	All P		
Administrative and Support and Waste Management and Remediation Services	56				All P (except for 562, which is not allowed)	All P	All P		
Educational Services	61				All P	All P (except for 6111)	All P (except for 6111)		
Health Care and Social Assistance	62				All P, except 62322 is prohibited and nonprofit medical	All P, except marijuana dispensary is not allowed	All P, except nonprofit medical marijuana		

Category of Uses		NAICS #	RR	RMU	RD	U	IB	AD	IR
						marijuana dispensary is not allowed		dispensary is not allowed	
Accommodation and Food Services		72				All P	All P	All P	
Other Services (except Administration)		81				All P	All P	All P	
Public Administration		92				All P, except for 92214 for long term incarceration	All P	All P	
B	Accessory Uses								
	1	Cafeteria and food service not open to the public				P			p ^b
	2	Drive-through service in conjunction with an allowed principal use				CU			
	3	Gasoline sale, accessory to a retail use		PR		PR			
	4	Offices associated with an allowed use	P	P	P	P	P	P	P
	5	Outdoor display of aboveground swimming pools, sheds, gazebos and fences in conjunction with an allowed principal use				PR			
	6	Outdoor display of retail goods during business hours in conjunction with an allowed retail use				P			PR
	7	Outdoor eating place chairs, tables				P			p ^b

Category of Uses											
				NAICS #	RR	RMU	RD	U	IB	AD	IR
			or umbrellas to serve patrons in an adjacent eating place								
		8	Outside storage of materials, equipment and products in conjunction with an allowed principal use		P	P		PR			PR
		9	Retail sales of items manufactured on the premises				P	P			p ^b
VII	Accessory Uses										
		1	Accessory building and structure		P	P	P	P	P	P	P
		2	Off-street parking accessory to a permitted use		P	P	P	P	P	P	P
		3	Off-street parking accessory to a use permitted with review or a conditional use		PR	PR	PR	PR	PR	PR	p ^b
		4	Sign		P	P	P	P	P	P	P
		5	Yard sale		P	P	P	P	P	P	P

^a Change in use within an existing developed site shall be permitted if it:

- expands the existing structure no more than a five-hundred square foot,
- expands impervious cover no more than five-hundred (500) square feet,
- expands parking by no more than five (5) spaces,
- does not appreciably increase traffic to and from the site,
- screens service vehicles from view from a public right-of-way or adjacent properties, and
- provides new or expanded planting of street trees along street frontages.

^b The Directors of the Planning & Development or Code Enforcement may ask the Planning Board to review the request if she/he finds that the scale, complexity, or other elements of the proposal warrants review by the Board.