



# CITY OF SACO, MAINE

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## CITY COUNCIL APPROVED CODE SUPPLEMENT

**Approved on January 11, 2021 with an effective date on April 11, 2021**

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**AMENDMENTS TO ZONING ORDINANCE, ZONING MAP, SITE PLAN REVIEW ORDINANCE, SUBDIVISION ORDINANCE – (FINAL READING) – (Video recording 37:16 minute mark)**

Councilor Johnston moved, Councilor Purdy seconded to “A. to repeal the existing Zoning Ordinance, Subdivision Regulations and Zoning Map; B. to replace these by the enactment of the Zoning Ordinance, Site Plan Ordinance, and Subdivision Ordinance and Zoning Map, all dated December 2, 2020, as recommended by the Planning Board and as first read in this Council on December 14, 2020 as in Exhibits 1, 2, 3 and 4, and heard at public hearing on January 4, 2021, without the proposed amendments to said Ordinances and Zoning Map as described in Exhibits 7, 8 and 9 to: 1) reinstate the R5MU District, to be consistent with the Comprehensive Plan; 2) reinstate Master Planned Development in the Route 1 Corridor, to be consistent with the Comprehensive Plan; and 3) change LDR zoned parcels to Industrial, to allow access to Industrial zoned parcels.

Amendment – Councilor MacPhail moved, Councilor Purdy seconded to amend the motion to include, “and establish the effective date of the new Zoning Ordinance, Site Plan Ordinance, and Subdivision Ordinance, and Zoning Map to 90 days from enactment, pursuant to City Charter Section 2.09 C”. The motion passed with seven (7) yeas.

Amendment – Councilor Archer moved, Councilor Purdy seconded to amend the main motion to refer these proposed amendments to the Planning Board for public hearing and report pursuant to Section 230-1401 B. of the Saco Code of Ordinances. This is to be added after “Industrial Zone Parcels”. The motion passed with six (6) yeas and one (1) nay – Councilor Johnston.

Mayor Doyle called for a vote on the main motion as amended. The motion passed with seven (7) yeas.

**City of Saco, Maine**  
**City Code Chapter 230**  
**ZONING ORDINANCE**

Final

December 2, 2020

**Adopted [DATE]**

**Chapter 230 Zoning Ordinance**

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## Article I. Purpose

### § 11. Authority

This chapter was first enacted in 1985 pursuant to authority set forth in 30 M.R.S. §4953, and was subsequently amended from time to time pursuant to that authority set forth in the following statutes, 30-A M.R.S. §3001 (Home Rule), 30-A M.R.S. §3003 (Adoption of Codes by Reference), 30-A M.R.S. §4352 (Zoning Ordinances), 30-A M.R.S. §4301 *et seq.* (Planning and Land Use Regulation), and 30-A M.R.S. §4401 *et seq.* (Subdivision Regulations).

### § 12. Purpose

This chapter is intended to encourage the most appropriate use of land throughout the City; to promote traffic safety; to provide safety from fire and other hazards; to provide adequate light and air; to prevent overcrowding; to promote a wholesome home environment; to conserve natural resources; and to provide for adequate public services.



## Article II. **Title**

### § II1. **Title**

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Saco, Maine," and will be referred to herein simply as "this chapter."

## Article III. District Regulations

### § III1. Official Zoning Map

- A. Adoption. A map entitled "City of Saco, Zoning Map" and dated [insert date 2020] is hereby adopted as part of this chapter and hereafter shall be referred to as the "Official Zoning Map."
- B. Exceptions. The Official Zoning Map shall be the final authority as to the boundaries of zoning districts, except in regard to the Shoreland Zoning Overlay Districts, which are more particularly described in Article VIII herein.
- C. Copies of the Zoning Map. Representative maps which may be appended to this chapter are for reference only and shall not be construed to be the Official Zoning Map.

### § III2. District Boundaries

- A. Uncertainty of boundaries.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries depicted as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries depicted as approximately following well-established lot lines shall be construed as following such lot lines.
3. Boundaries depicted as approximately following municipal limits shall be construed as following municipal limits.
4. Boundaries depicted as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline.
5. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
6. Boundaries depicted as following or measured from natural features such as the upland limit of wetlands or the limit of floodplains shall be construed to follow or be measured from the actual limit of the natural resource as located on the face of the Earth even if such location is at variance with the location shown on the Official Zoning Map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, except as provided in Subsection A(1) through (6) above, or in circumstances where the items covered by Subsection A(1) through (6) above are not clear, the Board of Appeals shall interpret the district boundaries.

- B. The district boundaries located on the Zoning Map represent the City of Saco's ordinance. In addition, areas along the Saco River are also governed by the Saco River Corridor Commission. Separate, and in some cases more-restrictive, regulations exist for this area and must be consulted when development is contemplated.
- C. Division of lots by district boundaries. Where a zoning district boundary line divides a lot, the regulations applicable to either lot may be extended up to one hundred (100) feet into the other lot.

### § III3. Zoning Districts

The City is divided into the districts stated and described in this chapter and as shown by the district boundary lines on the Official Zoning Map. The district classifications are shown in Tables 3-1 and 3-2:

**Table 3-1 Conventional Zoning Districts**

Type	Current District Name	Former District Name <sup>a</sup>	
Residential Districts	RC	Rural Conservation District	C-1
	LDR	Low Density Residential District	R-1a
	SR	Seaside Residential District	R-1c
	WR	West Residential District	R-1d
	MDR	Medium Density Residential District	R-2, R-4, R-1b, MU-4
	HDR	High Density Residential District	R-3
	D	Downtown District	B-3, MU-1, R-3
Business and Mixed-Use Districts	GB	General Business District	B-1
	MB	Main and Beach District	B-7
	HB	Highway Business District	B-2c & B-2d
	SI	Saco Island District	B-4
	CE	Camp Ellis District	B-5
	PR	Portland Road District	MU-3, B-2a, B-2b, B-6, B-8
	BI	Business-Industrial District	B-8, I-2
Industrial Districts	I	Industrial District	I-1, I-3

**Table 3-2 Zoning Overlay Districts**

<b>Type</b>	<b>Current District Name</b>		<b>Former District Name<sup>a</sup></b>
Shoreland Zoning Overlay Districts	RPOD	Resource Protection Overlay District	RPOD
	SLOD	Shoreland Overlay District	SO
	CDOD	Coastal Development Overlay District	CDOD
Mobile Home Park Overlay District	MHPOD	Mobile Home Park Overlay District	MHPOD
Historic Preservation Overlay District	HPOD	Historic Preservation Overlay District	Historic District

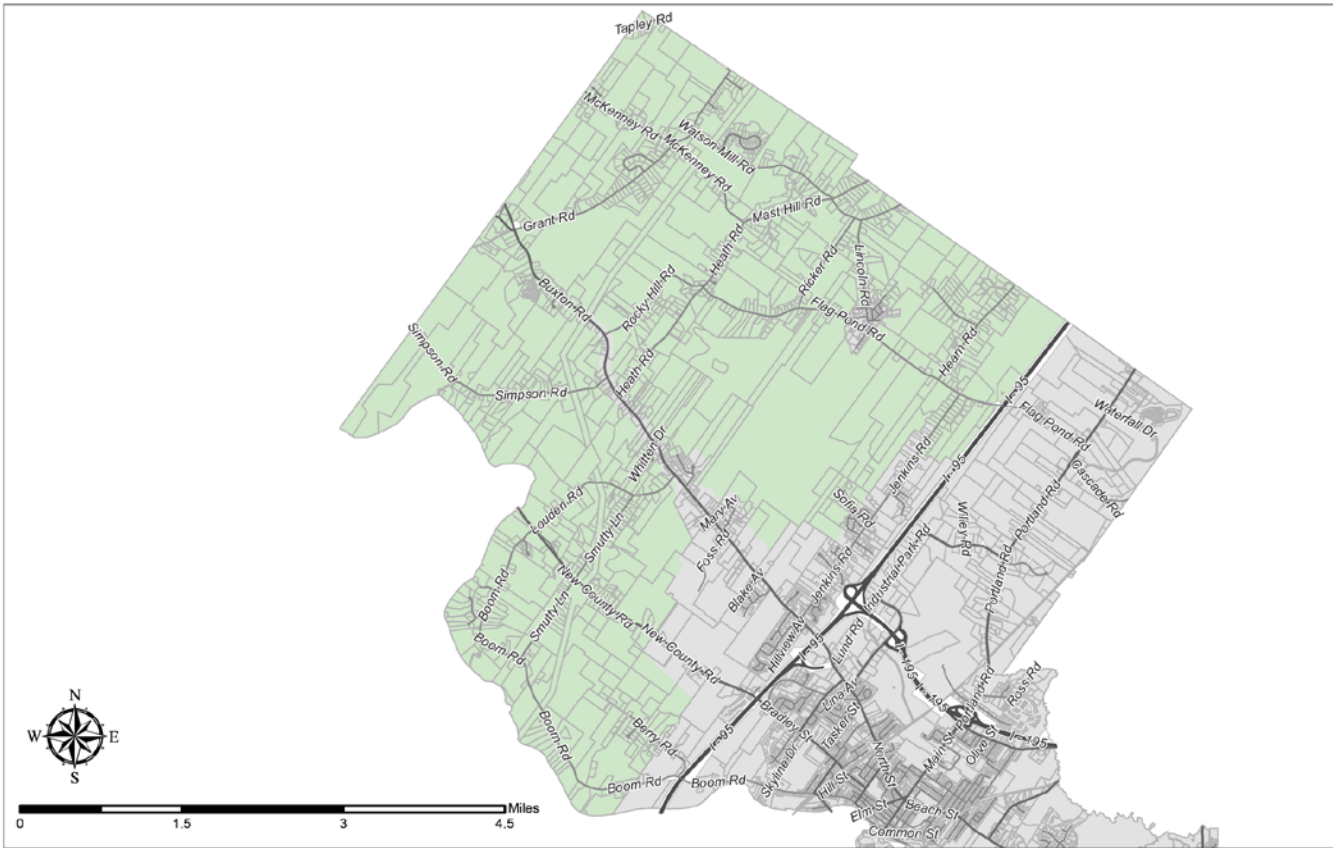
a. Name of zoning district prior to adoption of amended Zoning Ordinance on [DATE of Adoption].

**§ III4. District Purpose and Summary**

The following pages contain the purpose statement, general description of the location, and an overview of dimensional standards for each district and overlay district.



# RURAL CONSERVATION (RC) DISTRICT



## PURPOSE

The Rural Conservation (RC) District is designed to promote and preserve agriculture, agricultural soils, and open space, while permitting low-density residential uses that do not conflict with the rural character of this area of Saco. The RC District has protected conservation land and plays an important role in establishing greenways and preserving wildlife habitat.

## LOCATION

The RC District is located to the west of Interstate 95 and bounded by Saco River and the towns of Buxton and Scarborough. Portions of this district abut the Saco Heath in the Resource Protection District.

## DIMENSIONAL STANDARDS

Minimum lot area (sf)	
Sewered	40,000
Unsewered	80,000
Minimum lot area per dwelling unit (sf)	
Sewered	40,000
Unsewered	80,000
<b>Street frontage, minimum (ft)</b>	200
<b>Front setback, minimum (ft)</b>	30
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	25
<b>Lot coverage, maximum (%)</b>	20
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	35

PERMITTED USES: Refer to Zoning Ordinance Table 3-3

# LOW DENSITY RESIDENTIAL (LDR) DISTRICT



## PURPOSE

The Low Density Residential (LDR) District is designated predominately for single-family residential development. This district allows for greater density than the RC District by permitting smaller lot sizes that reflect the existing residential character of established neighborhoods. Portions of this district are sewered. It is intended that new land uses in this district are restricted to those that are compatible with the character of existing residential development.

## LOCATION

- The LDR District is located in four areas of the City including:
- A 600 foot wide corridor along Buxton Road / Route 112 to the west of Loudon Road
  - Along Flag Pond Road and Cascade Road to the east of I-95
  - The neighborhoods off of the Ferry Road in southeast Saco and to the east of Ferry Beach State Park.

## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	20,000
Unsewered	40,000
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	10,000
Unsewered	20,000
<b>Street frontage, minimum (ft)</b>	100
<b>Front setback, minimum (ft)</b>	30
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	20
<b>Lot coverage, maximum (%)</b>	25
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	35

PERMITTED USES: Refer to Zoning Ordinance Table 3-3



# SEASIDE RESIDENTIAL (SR) DISTRICT



## PURPOSE

The Seaside Residential (SR) District comprises two residential neighborhoods along Saco’s Atlantic coastline, Ferry Beach and Kinney Shores. These neighborhoods are dense, low-lying areas that serve year round and seasonal residents and provide access to the waterfront. New development and redevelopment along the coastal areas should be designed to withstand future sea-level rise and storm surge.

## LOCATION

The SR District comprises the neighborhoods between Seaside Avenue and Surf Street, excluding the area to the east of Ferry Beach State Park, which is located in the LDR District.

## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	7,500
Unsewered	40,000
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	7,500
Unsewered	20,000
<b>Street frontage, minimum (ft)</b>	75
<b>Front setback, minimum (ft)</b>	25
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	15
<b>Lot coverage, maximum (%)</b>	30
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	35

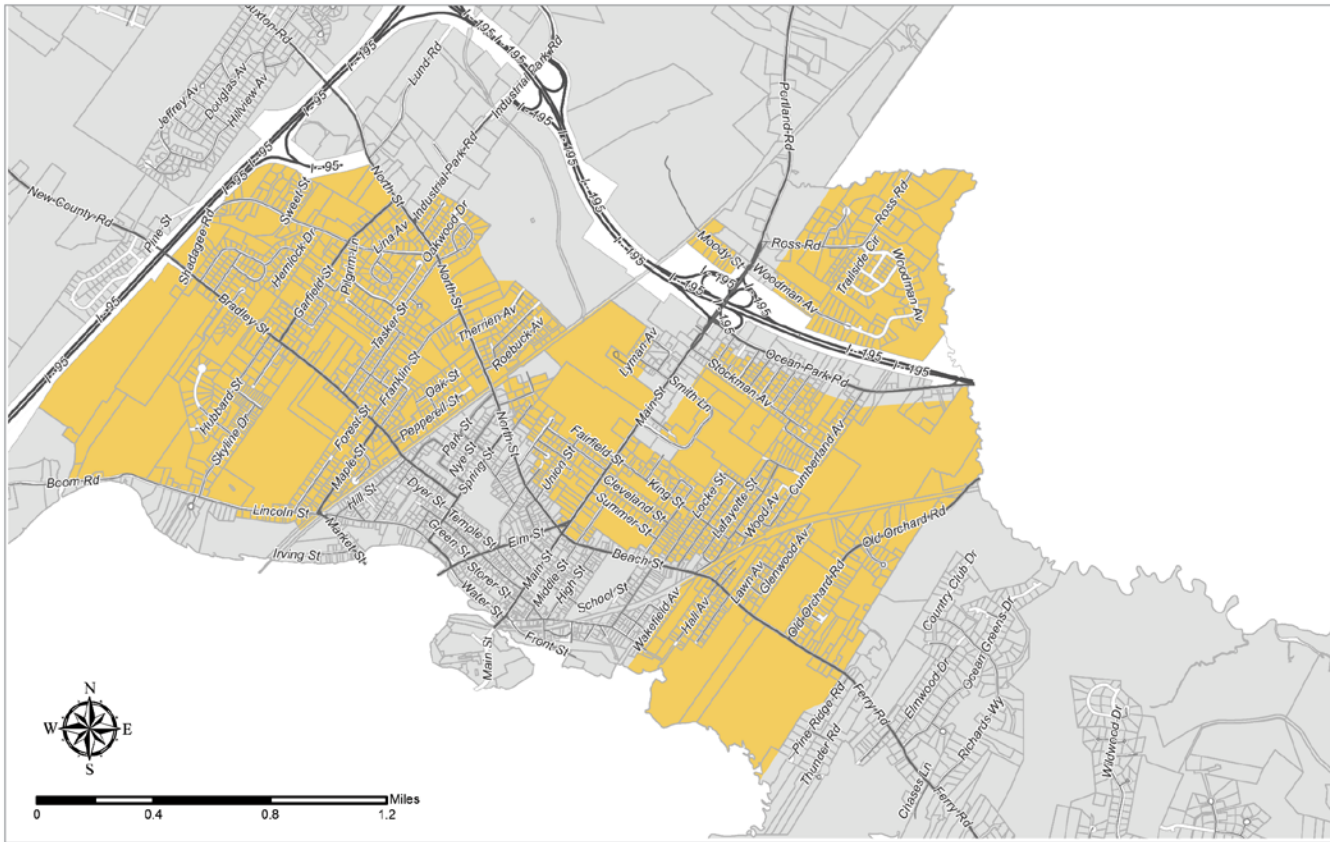
PERMITTED USES: Refer to Zoning Ordinance Table 3-3







# MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT



## PURPOSE

The Medium Density Residential (MDR) District provides a harmonious mix of residential uses within existing neighborhoods where central water and sewer facilities are available or where the installation of these facilities is feasible. The character of the neighborhood is urban, higher density/intensity of use.

## LOCATION

MDR is located to the east of I-95 and surrounds the downtown and urban neighborhoods. The district is located between commercial areas in the downtown and along Route I to the north and south of I-195. An area zoned MDR is also located on Flag Pond Road to the north of the Heath.

PERMITTED USES: Refer to Zoning Ordinance Table 3-3

## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	7,500
Unsewered	20,000
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	5,000
Unsewered	17,500
<b>Street frontage, minimum (ft)</b>	75
<b>Front setback, minimum (ft)</b>	25
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	10
<b>Lot coverage, maximum (%)</b>	35
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	35



# HIGH DENSITY RESIDENTIAL (HDR) DISTRICT



## PURPOSE

The High Density Residential District (HDR) is intended for dense residential development. Proximity to Saco’s Downtown and central business area, access to sewer and water, and existing residential developments contribute to the character of this district.

## LOCATION

HDR is located just outside of the core downtown along and south of Routes 112 and Route 9 and to the east of the railroad tracks.

## DIMENSIONAL STANDARDS

Minimum lot area (sf)	
Sewered	6,000
Unsewered	n/a
Minimum lot area per dwelling unit (sf)	
Sewered	3,000
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	75
<b>Front setback, minimum (ft)</b>	5
<b>Front setback, maximum (ft)</b>	15
<b>Side and rear setbacks, minimum (ft)</b>	10
<b>Lot coverage, maximum (%)</b>	45
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	50

PERMITTED USES: Refer to Zoning Ordinance Table 3-3



# DOWNTOWN (D) DISTRICT



## PURPOSE

The Downtown (D) District is intended as a vibrant, urban, mixed use area of Saco. Downtown is characterized by older residential neighborhoods, diverse residential housing types, and small scale retail, services, restaurants, business and professional offices, especially on the first floor of mixed-use buildings. This district provides high value businesses and services that are within walking distance of high-density residential dwellings and surrounding neighborhoods.

## LOCATION

The Downtown District surrounds Main Street. It is adjacent to the Saco River to the south of Elm Street / Route 1. The Downtown District extends as far east as Hobson Lane.

PERMITTED USES: Refer to Zoning Ordinance Table 3-3

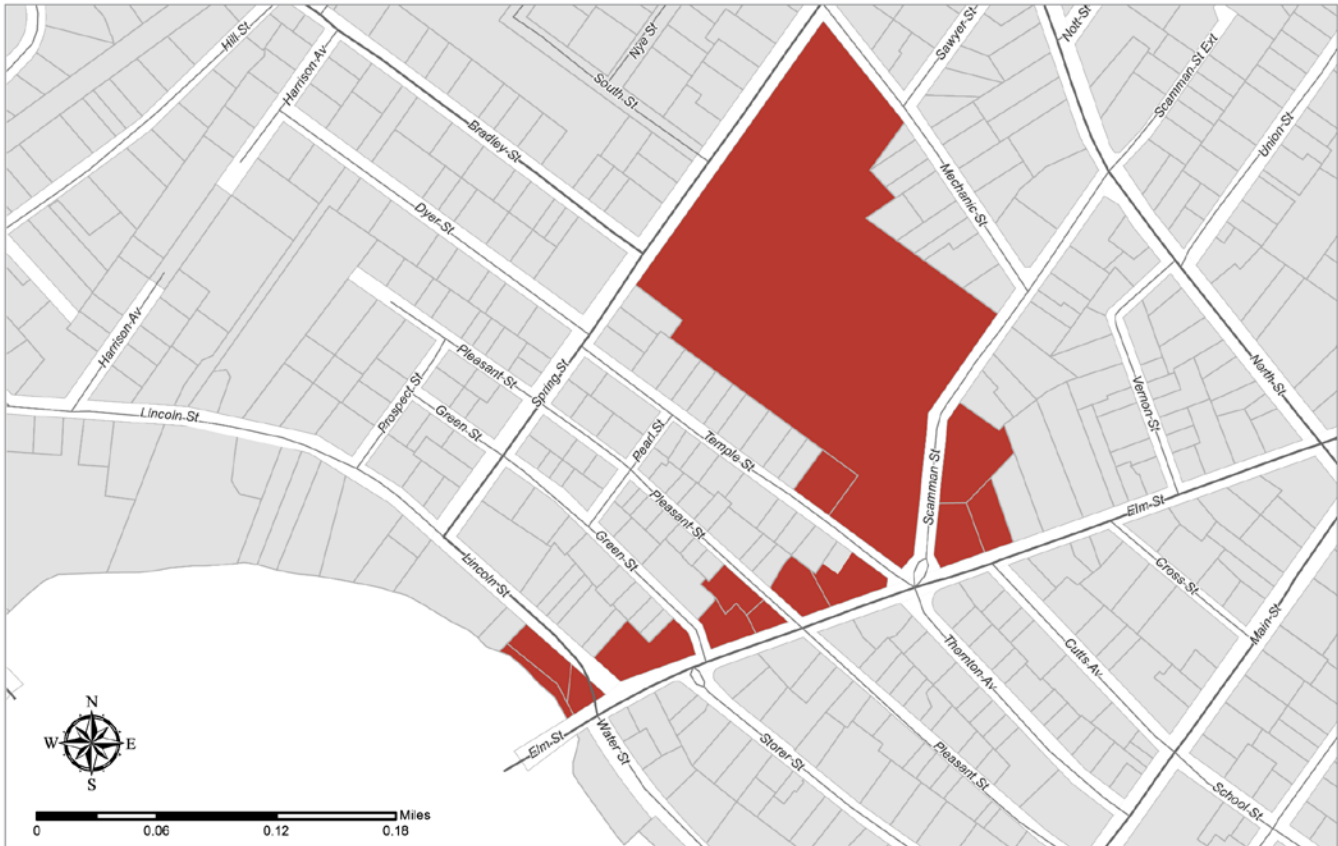
## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	2,000
Unsewered	n/a
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	1,500
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	30
<b>Front setback, minimum (ft)</b>	0
<b>Front setback, maximum (ft)</b>	10
<b>Side and rear setbacks, minimum (ft)</b>	10 / 0 <sup>a</sup>
<b>Lot coverage, maximum (%)</b>	100
<b>Height, minimum (ft)</b>	35 <sup>b</sup>
<b>Height, maximum (ft)</b>	60

- a. A 0 ft setback is permitted for party (shared) wall
- b. Minimum height requirements do not apply to single-family and 2-family dwellings.



# GENERAL BUSINESS (GB) DISTRICT



## PURPOSE

The General Business (GB) District permits uses which would normally require more space than is available in an urban core area. The purpose of this district is to encourage desirable businesses in proximity to the urban core where they may be readily accessible and to provide a variety of lot sizes and building types not generally available in the central business district

## LOCATION

The GB District is located to the west of downtown Saco between Elm Street / Route 1 and Spring Street.

## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	7,500
Unsewered	n/a
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	5,000
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	
50	
<b>Front setback, minimum (ft)</b>	
15	
<b>Front setback, maximum (ft)</b>	
30	
<b>Side and rear setbacks, minimum (ft)</b>	
15 / 0 <sup>a</sup>	
<b>Lot coverage, maximum (%)</b>	
50	
<b>Height, minimum (ft)</b>	
n/a	
<b>Height, maximum (ft)</b>	
50	

a. A 0 ft setback is permitted for party (shared) wall

PERMITTED USES: Refer to Zoning Ordinance Table 3-3



# MAIN AND BEACH (MB) DISTRICT



## PURPOSE

The Main and Beach (MB) District is designated for business uses and is limited to business, public, and certain residential uses. By establishing a compact district for such uses, better fire and police protection and less-costly utility networks may be provided. The purpose of this district is to provide an area for a mix of residential and low-impact business uses appropriate to a traditionally residential area adjacent to the central business district.

## LOCATION

The MB District is located along Main Street and Beach Street / Route 9.

## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	6,000
Unsewered	n/a
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	3,000
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	
75	
<b>Front setback, minimum (ft)</b>	
5	
<b>Front setback, maximum (ft)</b>	
25	
<b>Side and rear setbacks, minimum (ft)</b>	
10	
<b>Lot coverage, maximum (%)</b>	
40	
<b>Height, minimum (ft)</b>	
n/a	
<b>Height, maximum (ft)</b>	
35	

PERMITTED USES: Refer to Zoning Ordinance Table 3-3



# HIGHWAY BUSINESS (HB) DISTRICT



## PURPOSE

The Highway Business (HB) District is designated for business uses and is limited to business, public, and certain residential uses. By establishing a compact district for such uses, better fire and police protection and less-costly utility networks may be provided. HB permits business uses which require large areas or volumes of automobile traffic. The purpose of this district is to locate these high traffic generators away from the downtown core, along the major arterial traffic routes.

## LOCATION

HB is located in three areas:

- Along Main Street / Route 1 north of King Street and Ocean Park Road / Route 5 to the south of I-195.
- North of North Street / Route 112 and south of the railroad tracks.
- Off North Street / Route 112 to the north of Industrial Park Road.

PERMITTED USES: Refer to Zoning Ordinance Table 3-3

## DIMENSIONAL STANDARDS

Minimum lot area (sf)	
Sewered	7,500
Unsewered	20,000
Minimum lot area per dwelling unit (sf)	
Sewered	4,000
Unsewered	17,500
<b>Street frontage, minimum (ft)</b>	100
<b>Front setback, minimum (ft)</b>	15
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	10
<b>Lot coverage, maximum (%)</b>	50
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	50



# SACO ISLAND (SI) DISTRICT



## PURPOSE

The Saco Island (SI) District is intended to allow for large-scale, innovative, comprehensively designed, mixed development and redevelopment of property in the area known as "Factory Island." This classification recognizes the unique features of this area, including proximity to downtown, frontage on the Saco River, and its past intensive industrial use, and is meant to encourage flexible, but carefully thought-out, reuse of the land and its building.

## LOCATION

Saco Island is located in the Saco River between Saco and Biddeford. Route 9 bisects the SI District.

PERMITTED USES: Refer to Zoning Ordinance Table 3-3

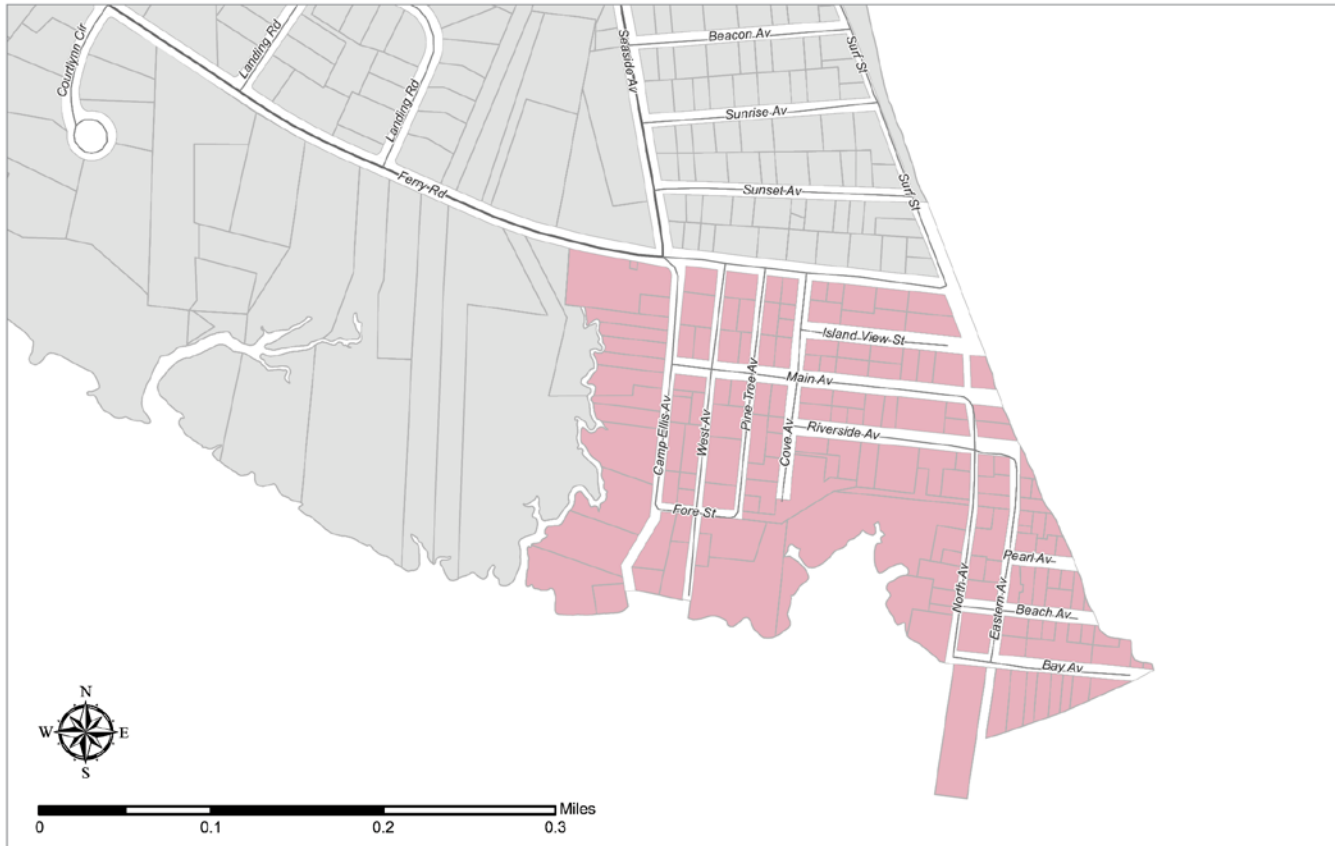
## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	20,000
Unsewered	n/a
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	*
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	
50	
<b>Front setback, minimum (ft)</b>	
0	
<b>Front setback, maximum (ft)</b>	
n/a	
<b>Side and rear setbacks, minimum (ft)</b>	
10	
<b>Lot coverage, maximum (%)</b>	
60	
<b>Height, minimum (ft)</b>	
n/a	
<b>Height, maximum (ft)</b>	
60	

\* Master planned development standards apply.



# CAMP ELLIS (CE) DISTRICT



## PURPOSE

The Camp Ellis (CE) District is intended to encourage a mix of marine-oriented uses, public access to waterfront, residential uses, and small-scale tourist facilities in the Camp Ellis area.

## LOCATION

The CE District is located at the southeast tip of Saco at the mouth of the Saco River.

## DIMENSIONAL STANDARDS

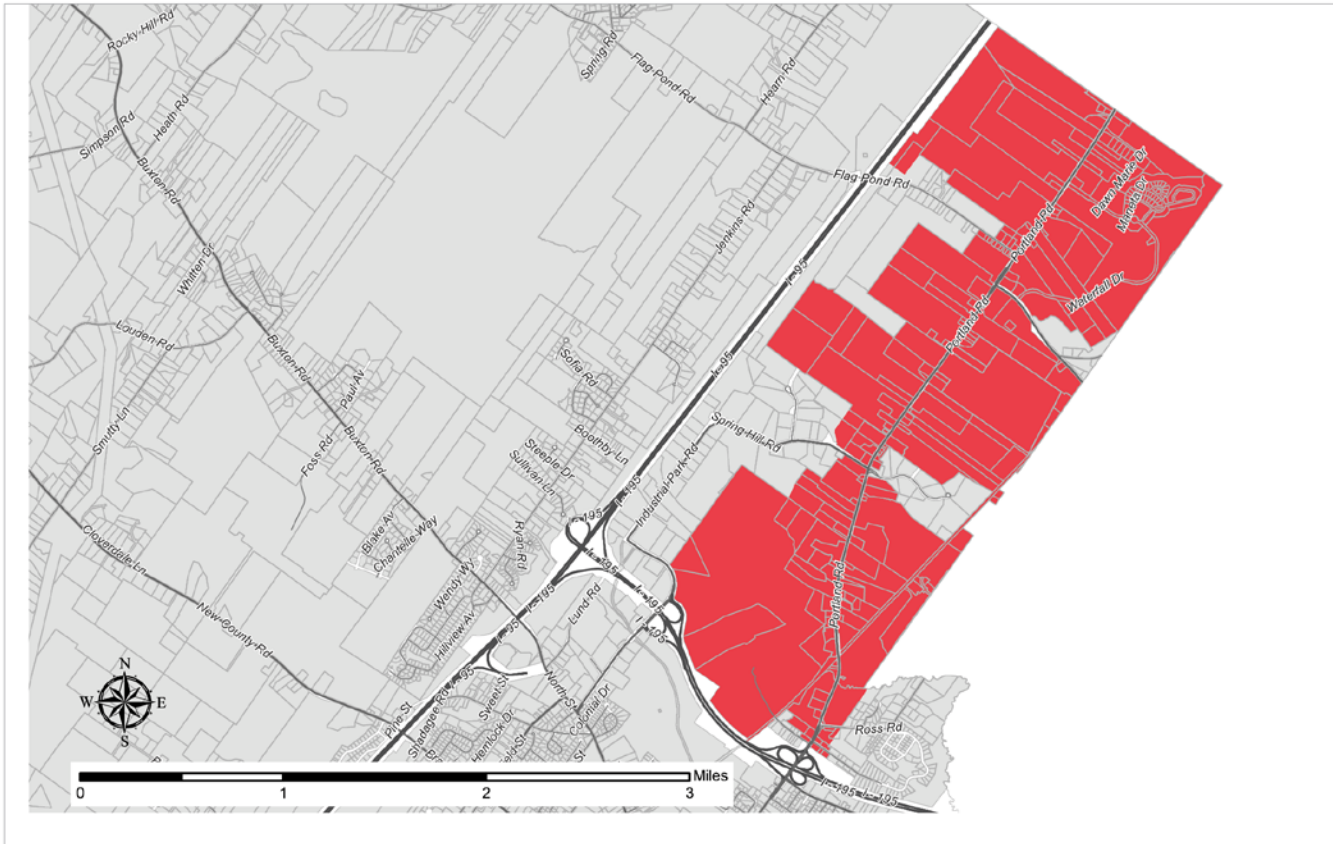
<b>Minimum lot area (sf)</b>	
Sewered	7,500
Unsewered	n/a
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	7,500
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	50
<b>Front setback, minimum (ft)</b>	15
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	10
<b>Lot coverage, maximum (%)</b>	40
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	35

PERMITTED USES: Refer to Zoning Ordinance Table 3-3





# PORTLAND ROAD (PR) DISTRICT



## PURPOSE

The Portland Road (PR) District is a highway commercial and mixed use corridor that permits diverse businesses as well as high-quality multi-family residential uses. Residential development is intended to be of urban character. It is intended that pedestrian amenities and safety will be prioritized in residential and commercial developments. The Portland Road district is an attractive location for economic growth in close proximity to the Maine Turnpike as well as Route 1. This area provides office parks, mixed-use residential development, and a range of hotels, entertainment, and related services. Preservation of natural features and connectivity with trails should be provided.

## LOCATION

The PR District is located along Portland Road / Route 1 to the east of I-95 and north of I-195.

## DIMENSIONAL STANDARDS

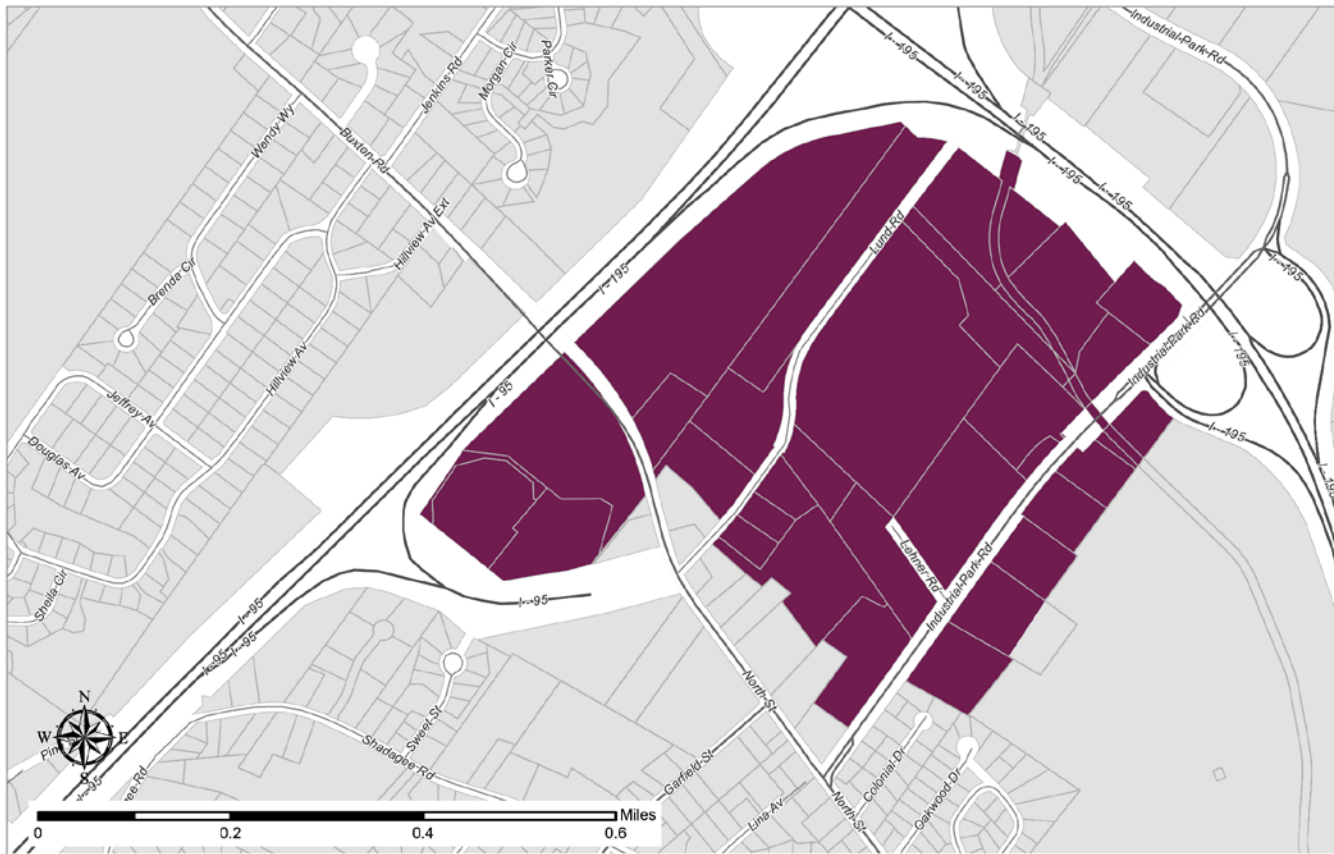
Minimum lot area (sf)	
Sewered	20,000
Unsewered	20,000
Minimum lot area per dwelling unit (sf)	
Sewered	7,500
Unsewered	30,000
<b>Street frontage, minimum (ft)</b>	200 / 50 <sup>a</sup>
<b>Front setback, minimum (ft)</b>	40 / 25 <sup>b</sup>
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	20
<b>Lot coverage, maximum (%)</b>	60
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	60

- a. The minimum street frontage on Route 1 is 200 feet. For all other roads, the minimum street frontage is 50 feet.
- b. The minimum front setback on Route 1, Cascade Road, and Flag Pond Road is 40 feet. For all other roads, the minimum front setback is 25 feet.

PERMITTED USES: Refer to Zoning Ordinance Table 3-3



# BUSINESS-INDUSTRIAL (BI) DISTRICT



## PURPOSE

The Business-Industrial (BI) District is intended to serve as a transitional zone between business and industry, allowing a mix of certain commercial uses and manufacturing uses. This area is an attractive location for high-quality economic growth in close proximity to the Turnpike. Office parks, hotels, and related services are among the intended uses in this district. Compatibility with adjacent, existing neighborhoods should be prioritized.

## LOCATION

BI is located southeast of the I-95 and I-195 interchange.

## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	10,000
Unsewered	10,000
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	n/a
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	
	50
<b>Front setback, minimum (ft)</b>	
	50
<b>Front setback, maximum (ft)</b>	
	n/a
<b>Side and rear setbacks, minimum (ft)</b>	
	25
<b>Lot coverage, maximum (%)</b>	
	50
<b>Height, minimum (ft)</b>	
	n/a
<b>Height, maximum (ft)</b>	
	60

PERMITTED USES: Refer to Zoning Ordinance Table 3-3



# INDUSTRIAL (I) DISTRICT



## PURPOSE

The Industrial (I) District is intended for light industry that provides high-value jobs and supports the growth of tech and R&D businesses. Commercial uses and services are generally not permitted in these districts. Performance standards ensure safe industrial development that is compatible with adjacent uses. Campus-like industrial park development is encouraged.

## LOCATION

The I District is adjacent to I-95 to the north of I-195. Portions of land zoned I are located on the south side of I-195 to the west of the HB district as well as surrounding Mill Brook Road.

## DIMENSIONAL STANDARDS

<b>Minimum lot area (sf)</b>	
Sewered	40,000
Unsewered	80,000
<b>Minimum lot area per dwelling unit (sf)</b>	
Sewered	n/a
Unsewered	n/a
<b>Street frontage, minimum (ft)</b>	150
<b>Front setback, minimum (ft)</b>	50
<b>Front setback, maximum (ft)</b>	n/a
<b>Side and rear setbacks, minimum (ft)</b>	25
<b>Lot coverage, maximum (%)</b>	40
<b>Height, minimum (ft)</b>	n/a
<b>Height, maximum (ft)</b>	60

PERMITTED USES: Refer to Zoning Ordinance Table 3-3

# RESOURCE PROTECTION OVERLAY DISTRICT (RPOD)



## PURPOSE

The Resource Protection Overlay (RPO) District is designed to protect sensitive shoreline and other ecological systems. These areas protect water resources, provide and enhance wildlife and aquatic habitat, natural flood protection, and storage of stormwater. This district is intended to encourage uses that can be appropriately and safely located within the vicinity of wetland areas.

## DIMENSIONAL STANDARDS

<b>Minimum lot width (ft)</b>	100
<b>Minimum street frontage (ft)</b>	
Lots in RC or LDR districts	200
Lots in all other districts	200
<b>Minimum setback to water bodies (ft)</b>	
Normal high water line of a stream	75
Normal high water line of a Great Pond classified GPA or river flowing to a great pond classified GPA	100
<b>Minimum setback to water bodies for functionally-dependent water uses (ft)</b>	0
<b>Maximum height (ft)</b>	35

## LOCATION

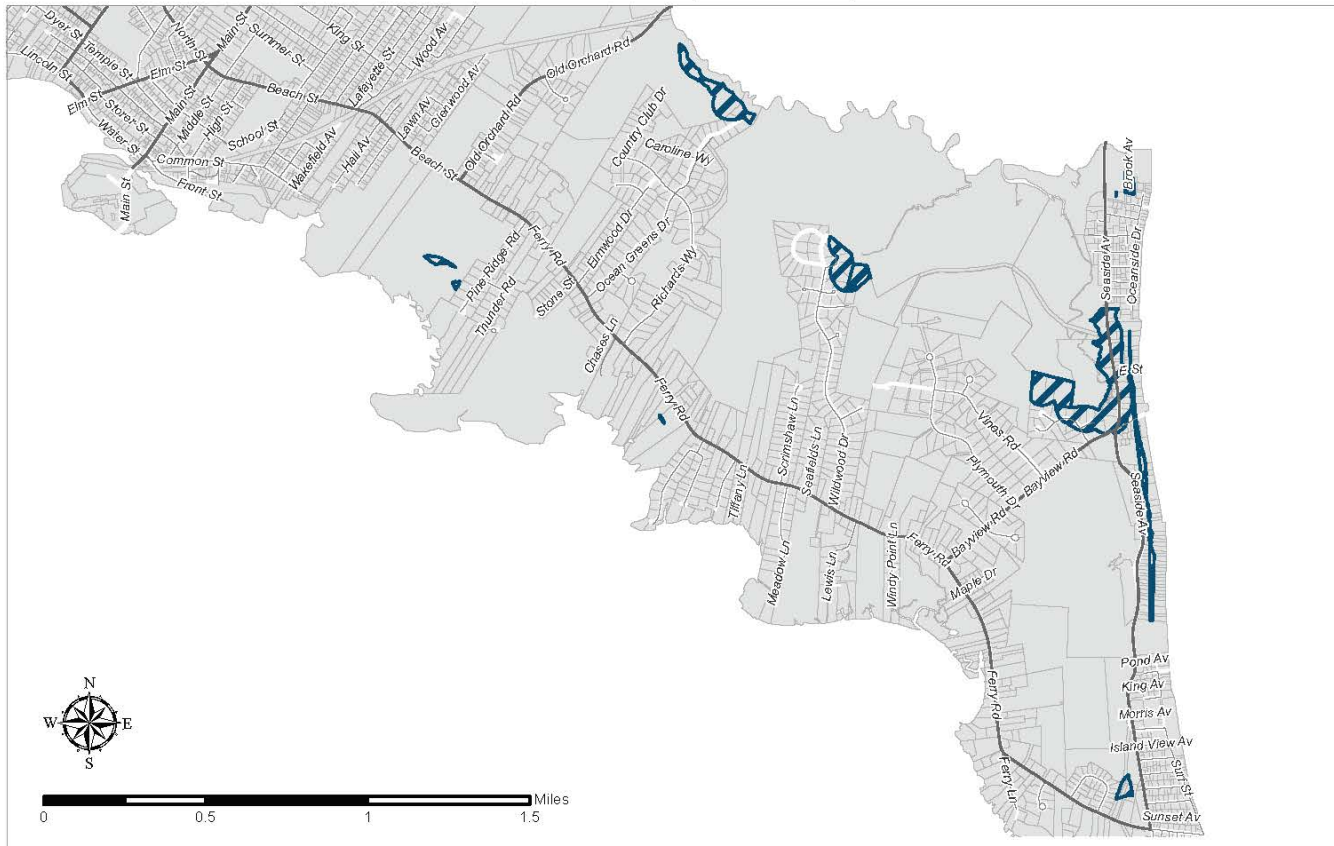
PERMITTED USES: Refer to Zoning Ordinance Table 3-3

The Resource Protection Overlay District (RPOD) shall include the areas shown as RPOD on the Official Zoning Map and the following areas when they occur within the limits of the Shoreland Zone as mandated by the State of Maine Mandatory Shoreland Zoning Act, 38 M.R.S.A. §435 et seq, except that areas which are currently developed need not be included within the Resource Protection Overlay District:

- (a) Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows that are rated “moderate” or “high” value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973; and areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with rivers which are rated “moderate” or “high” value waterfowl and wading bird habitats, including nesting and feeding areas, by the MDIF&W, that are depicted on a GIS data layer maintained by either MDIF&W or the DEP as of December 31, 2008, and the area within 100 feet, horizontal distance, of the upland edge of the unrated mapped freshwater wetlands along Stackpole Creek and the Nonesuch River.
- (b) Land areas within the one-hundred-year floodplains adjacent to tidal waters as shown on FEMA’s Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
- (c) Areas of two or more contiguous acres with sustained slopes of 20% or greater
- (d) Areas of two or more contiguous acres with hydric soils and supporting wetland vegetation that are not part of a fresh water or coastal wetland, as defined, and that are not superficially connected to a water body during the period of normal high water.
- (e) Land areas adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs
- (f) All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream
- (g) All land areas within 250 feet, horizontal distance, from the following natural features: Cascade Brook Falls; Nonesuch River Fault; Saco Heath
- (h) All land area known as Stratton Island, Bluff Island, Ram Island, and Eagle Island
- (i) All land area currently being used as general public access to tidal beaches or the Saco River
- (j) All land area within 100 feet, horizontal distance, of Philips Spring, Seal Rock Spring, Heath Road Spring and Jenkins Road Spring
- (k) Areas designated by federal, state or municipal government as natural areas of significance to be protected from development including: Ferry Beach State Park; Rachel Carson Wildlife Preserve.



# SHORELAND OVERLAY DISTRICT (SLOD)



## PURPOSE

The Shoreland Overlay District (SLOD) is intended to assure that activities that occur within close proximity of water bodies subject to state-mandated shoreland zoning are carried out in a manner that protects water quality, promotes wildlife movement, and preserves the scenic quality of these shorelands. Standards of the overlay district apply in addition to the standards of the underlying district.

## LOCATION

The SLOD includes all lands subject to shoreland zoning as mandated by the State of Maine Mandatory Shoreland Zoning Act, 38 M.R.S.A. § 435 et seq., that are not included in the Resource Protection Overlay District or the Saco River Overlay District.

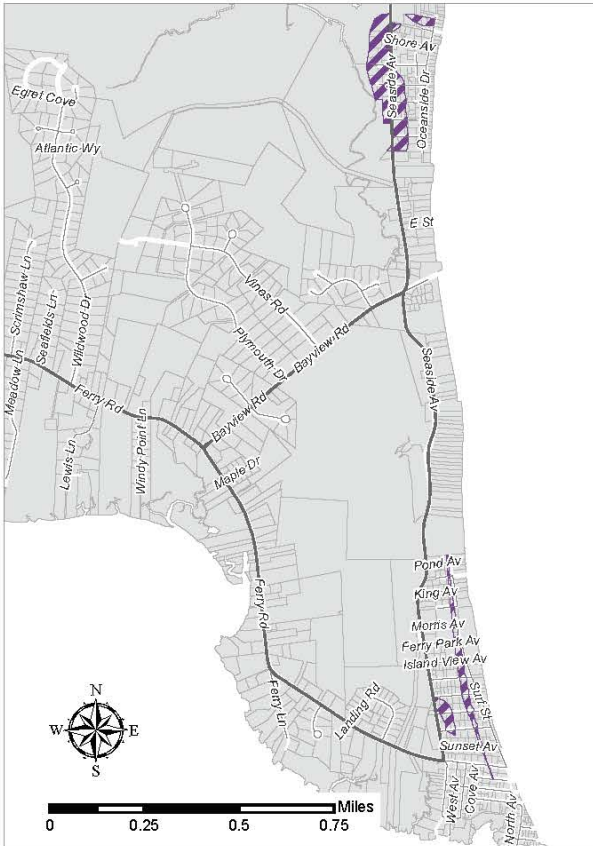
This section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland. In addition, this section applies to various areas listed on the State Register of Critical Areas. The provisions of this article are in addition to the provisions of the underlying zone.

## DIMENSIONAL STANDARDS

<b>Minimum lot width (ft)</b>	100
<b>Minimum street frontage (ft)</b>	
Lots in RC or LDR districts	150
Lots in all other districts	100
<b>Minimum setback to water bodies (ft)</b>	
Normal high water line of a stream	75
Normal high water line of a Great Pond classified GPA or river flowing to a great pond classified GPA	100
<b>Minimum setback to water bodies for functionally-dependent water uses (ft)</b>	0
<b>Maximum height (ft)</b>	35



# COASTAL DEVELOPMENT OVERLAY DISTRICT (CDOD)



## DIMENSIONAL STANDARDS

<b>Minimum lot width (ft)</b>	100
<b>Minimum street frontage (ft)</b>	
Lots in RC or LDR districts	150
Lots in all other districts	100
<b>Minimum setback to water bodies (ft)</b>	
Normal high water line of a stream	75
Normal high water line of a Great Pond classified GPA or river flowing to a great pond classified GPA	100
<b>Minimum setback to water bodies for functionally-dependent water uses (ft)</b>	0
<b>Maximum height (ft)</b>	35

## PURPOSE

The District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district and other areas which are suitable for functionally water dependent uses, taking into consideration such factors as this district has previously received special dispensation from the Maine DEP Shoreland Zoning division.

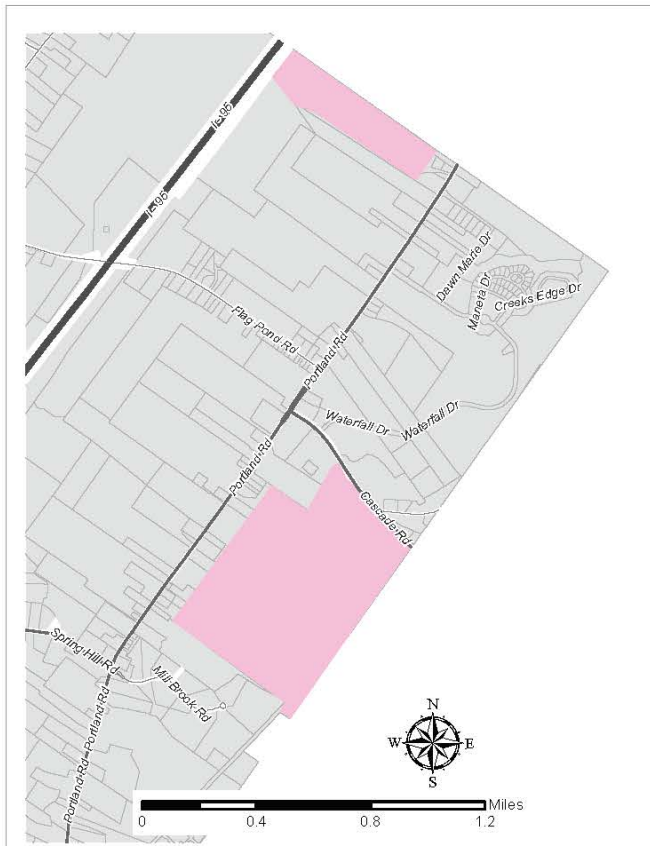
## LOCATION

The Coastal Development Overlay District includes all lands subject to shoreland zoning as mandated by the State of Maine Mandatory Shoreland Zoning Act, 38 M.R.S.A. § 435 et seq., that are not included in the Resource Protection Overlay, Stream Protection Overlay, General Development Overlay, General Development Urban Compact, or Saco River Corridor Commission Overlay Districts.

This section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland. In addition, this section applies to various areas listed on the State Register of Critical Areas. The provisions of this article are in addition to the provisions of the underlying zone.



# MOBILE HOME PARK OVERLAY DISTRICT (MHPOD)



## DIMENSIONAL STANDARDS

### Minimum site area (sf)

Sewered	6,500
Unsewered	20,000
With central system approved by Maine Department of Human Services, Saco Plumbing Inspector and Planning Board*	12,000

### Minimum street frontage (sf)

Sewered	65
Unsewered	100
With central system approved by Maine Department of Human Services, Saco Plumbing Inspector and Planning Board*	75

### Minimum depth of front yard on private streets (ft)

Sites smaller than 10,000 sf	10
Sites larger than 10,000 sf	15

### Minimum depth of front yard on public streets (ft)

	20
--	----

### Width of side and rear yards (ft)

Sites smaller than 10,000 sf	10
Sites larger than 10,000 sf	15

### Maximum lot coverage

	30%
--	-----

### Maximum height (ft)

	35
--	----

\* The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet. Lots within any Shoreland Zoning District shall meet the space and bulk standards for that district.

## PURPOSE

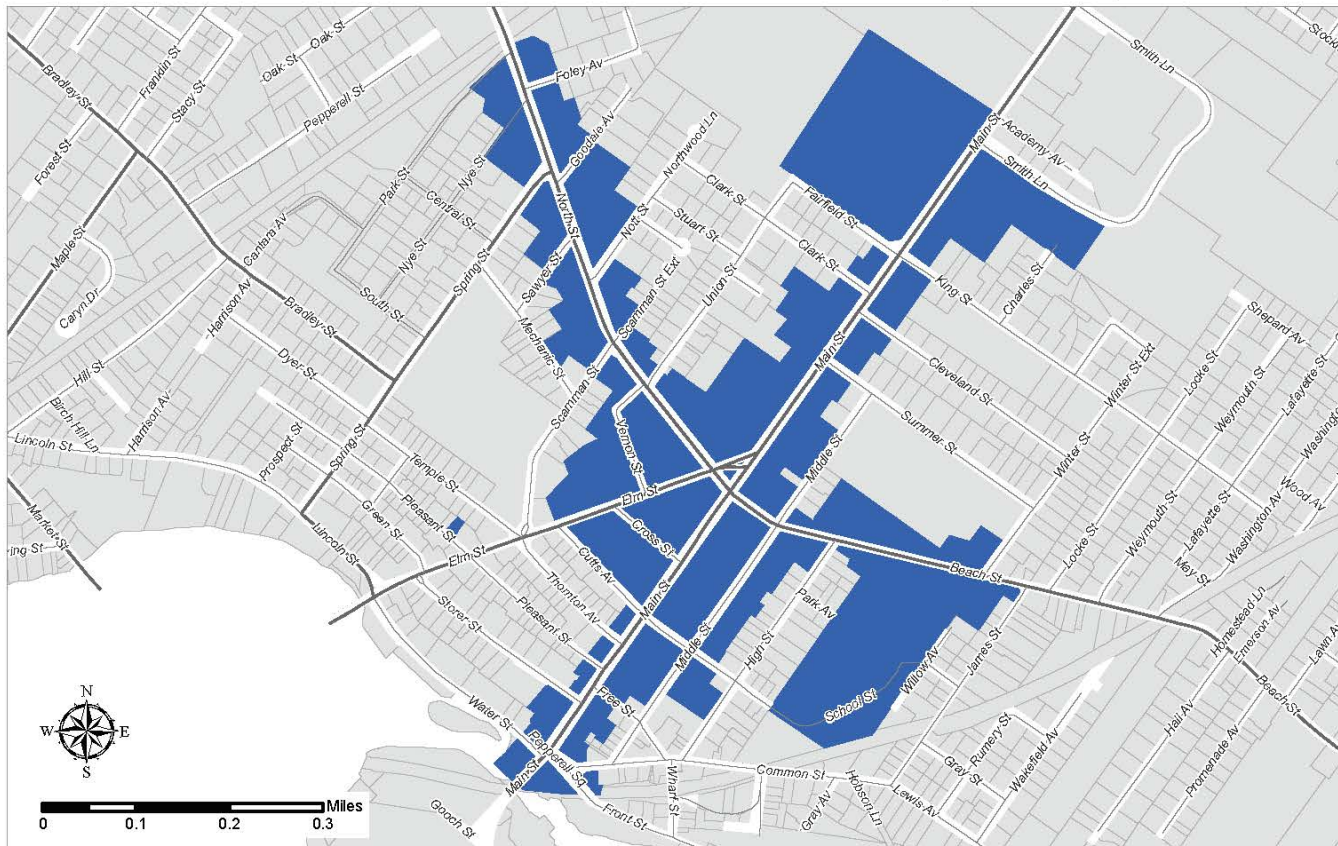
The Mobile Home Park Overlay District (MHPOD) provides a location for mobile home parks in the City of Saco.

## LOCATION

The Mobile Home Park Overlay District (MHPOD) includes two locations, both in the northern part of the City in the Portland Road District.



# HISTORIC PRESERVATION OVERLAY DISTRICT (HPOD)



## PURPOSE

- A. Protect Saco’s historic, architectural and cultural heritage. The economic well-being of the City will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the public.
- B. Assist property owners with maintaining the architectural integrity of the district.
- C. Protect, preserve and enhance the outward appearance and architectural features of structures.
- D. Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks.
- E. Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.
- F. Accept new buildings and structures which are designed and built in a manner which is compatible with the character of the district.
- G. Promote the educational, cultural, economic and general welfare of the people of the City.

## LOCATION

The HP Overlay District is located along Main Street, including portions of Route 1 and Route 9, and along Bradley Road / Route 112 and Beach Street / Route 9. The HP Overlay District includes areas shown on adopted Historic Preservation Map.



### § III5. Coordination of Permitting and Reviews within the Saco River Corridor

- A. Saco River Corridor: The Saco River Corridor Commission has been established by the Maine Legislature to regulate development within in the Saco River Corridor. The Saco River Corridor includes all lands adjacent to the Saco River to a distance of 500 feet, as measured on a horizontal plane, from the mean high-water line of the river or to the edge of the one-hundred-year floodplain if the floodplain extends beyond 500 feet, up to a maximum of 1,000 feet.
- B. Activities within the Saco River Corridor are subject to the jurisdiction of both the City of Saco and the Saco River Corridor Commission (SRCC). Construction, development, and some other activities require approval from both the City and the Corridor Commission. Refer to Title 38 M.R.S. §951 thru 969 for Saco River Corridor Act, and contact the Saco River Corridor Commission for applicable performance standards.
- C. Activities within the Saco River Corridor must conform to the applicable City regulations as well as to the Commission's regulations.
- D. To coordinate the review and permitting process, applicants or potential applicants should first determine if the proposed activity is allowed under the City's regulations. The applicant should then obtain a permit for the activity from the Saco River Corridor Commission. Once the SRCC permit has been obtained, the applicant should apply for City permits or approvals needed for the project. Obtaining a permit from the SRCC does not absolve the applicant of the requirement to obtain City permits and approvals.

### § III6. Prohibited Industrial Uses

The following uses and similar uses are not included under the definition of "heavy industry" or any other use in this chapter and are excluded from all districts because they have strong potential to be injurious, noxious, or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, radioactivity, noise or other by-products and are deemed to be unacceptable for one or more of the above causes:

- A. Blast furnace, metal or ore reduction or smelting.
- B. Coke manufacturing.
- C. Petroleum refining.
- D. Animal rendering plants.
- E. Nuclear power production facilities.
- F. Industries with high-level radiation hazards.
- G. Nuclear waste disposal.
- H. Petroleum and petroleum product tank farms.

- I. Ammonia, chlorine manufacturing, or the refining of hydrochloric, nitric, picric, sulfuric, sulphurous or similar acid manufacturing.

#### § III7. Table of Permitted and Conditional Uses

- A. Permitted and conditional uses in residential, business, mixed use, and industrial districts are listed in Table 3-3.
- B. Permitted and conditional uses in the Resource Protection Overlay District are included in Table 3-4.
- C. Refer to **Articles IV and VI** for general standards for all uses. Additional performance standards for specific uses are found in **Article VII**, as well as the Site Plan Review Ordinance. Standards for uses in Shoreland Zoning Overlay Districts can be found in **Article VIII**.

TABLE 3-3 PERMITTED &amp; CONDITIONAL USES (PAGE 1 OF 4)

	RC	LDR	SR	WR	MDR	HDR	D	GB	MB	HB	SI	CE	PR	BI	I
<b>AGRICULTURE RELATED</b>															
Agriculture	P												P		P
Agriculture, excluding livestock	P	P	P	P	P								P		P
Agriculture related business	C												C		C
Commercial greenhouse & nursery	P	C	C	C	C								P		
<b>BUSINESS</b>															
Accessory retail sales of goods manufactured on the premise													P	P	P
Art studio							P	P	P	P	P	P	P		
Automobile dealer													C		
Automotive, repair & fuel services										C			C	C	
Bed & breakfast Inn	C				C-HPD	C	P	P	P	P		P	P		
Business/Professional Office					C	C	P	P	P	P			P	P	
Commercial fisheries, wholesale fish & seafood sales							C					P			
Contractor or tradesperson	C									P			P		P
Convenience store										C			C		
Drive-through window service										P			P		
Fast Food Restaurant							C	C							
Food and drink							P	P	P	P	P	P	P		
Financial institution							P	P	C	P			P	P	P
Financial institution – drive-thru window serv.							C	C	C	P			P	P	P
Home occupation	C	C	C	C	C	C	C		P	P		P	P		
Home-based retail use					C	C	C								
Hotel or motel							P	P		P	P		P	P	
Medical marijuana caregiver														P	P
Neighborhood convenience store	C	C	C	C	C	C	C	C							
Outdoor sales associated with principal use							P						P		P
Personal services							P	P	P	P			P		
Registered dispensary							C	C						C	C
Repair services							P	P		P			P		
Research & development							P			P	P		P	P	P

Retail							P	P	C	P		P	P		
Self-service storage facility													C	C	

P=PERMITTED, P\*=PERMITTED AS PART OF MASTER PLANNED DEVELOPMENT REVIEW, C=CONDITIONAL, NP=NOT PERMITTED, BLANK=NOT PERMITTED

TABLE 3-3 PERMITTED & CONDITIONAL USES (PAGE 2 OF 4)

	RC	LDR	SR	WR	MDR	HDR	D	GB	MB	HB	SI	CE	PR	BI	I
<b>COMMUNITY</b>															
Cemetery	P	C	C	C	C									P	
Funeral home					C	C	P	P	C	P			P	P	
Municipal uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C
Places of public assembly	C						P						P		
Places of worship	P	P	P	P	P	P	P	P		P		P	P	P	
Public uses		C	C	C	C	C	C	P	P	P	P	P	P	P	
<b>EDUCATION</b>															
Schools - Nursery	C	C	C	C	C	C	P	P	P	P		P	P		
Schools - Public and Private				P	P	P	P	P	P	P			P		
Small nonresidential facilities for educational, scientific or natural interpretation	C											P			
Schools - Commercial	C						P	P		P			P		
<b>HEALTH &amp; DAYCARE</b>															
Addiction treatment facility														C	C
Adult day-care center, Type 1	P	P	P	P	P	P	P	P	P		P	P	P	P	P
Adult day-care center, Type 2	C				C	C	P	P	P		P	P		P	
Childcare center	C	C	C	C	C	C	P	P	P	P	P	P	P		
Childcare facility, small	C	C	C	C	C	C	P	P	P	P	P		P	C	P
Family childcare provider	C	C	C	C	C	C	P	P	P	P	P		P	C	
Hospital	C				C	C	P	P		P			P		
Outpatient clinic services					C	C	P	P		P			P		
<b>INDUSTRIAL</b>															
Boat building & repair facilities												P			P
Brewery, small							C	C		C	C		C	C	C
Commercial processing of wood, including cutting, sawing, splitting, chipping	C														C
Distillery, small							C	C		C	C		C	C	C
Large commercial vehicle sales and service (10 acre minimum lot size)														P	
Light industry											P		C	P	P
Recycling center															P
Truck terminal														C	C

Supply yard											C				P			C
Warehouse and Distribution Facility											C				P	P		C
Waste composting center	C																	P

P=PERMITTED, P\*=PERMITTED AS PART OF MASTER PLANNED DEVELOPMENT REVIEW, C=CONDITIONAL, NP=NOT PERMITTED, BLANK=NOT PERMITTED

**TABLE 3-3 PERMITTED & CONDITIONAL USES (PAGE 3 OF 4)**

	RC	LDR	SR	WR	MDR	HDR	D	GB	MB	HB	SI	CE	PR	BI	I
<b>MISCELLANEOUS</b>															
Accessory uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult Businesses								P		P					
Any use permitted in the RPO District	P														
Parking lot, commercial							C	C							
Earth Removal	C														
Junkyard														C	C
Kennel	C	C	C	C	C					C			C		
Master Planned Development											P		P		
Passenger transportation terminal							P			C	P		P		P
Pet Care	P						C	P		P			P		
Timber harvesting	P														
Veterinarian							C	P		P	C		P	P	
<b>RECREATION</b>															
Amusement Park													C		
Campground													C		
Commercial Recreation										P			P	P	
Enclosed sports facility							C	C		C			C	C	
Club (private)					C	C	C	C		P			P		
Golf Course	C	C		C											
Health club							P	P		P	C		P	P	
Marina							C				P	P			
Outdoor recreational facility	C						C	C		C			C		
Park & playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreation & amusement centers							C	C		C			C		
Water recreation	C	C	C	C	C	C	C	C			C	C			

P=PERMITTED, P\*=PERMITTED AS PART OF MASTER PLANNED DEVELOPMENT REVIEW, C=CONDITIONAL, NP=NOT PERMITTED, BLANK=NOT PERMITTED

TABLE 3-3 PERMITTED & CONDITIONAL USES (PAGE 4 OF 4)

	RC	LDR	SR	WR	MDR	HDR	D	GB	MB	HB	SI	CE	PR	BI	I
<b>RESIDENTIAL</b>															
Accessory dwelling unit (ADU)	P	P	P	P	P	P	P		P	P		P			
Boardinghouse					C	C	C		C	C			P		
Caretaker dwelling unit								P	P	P			P	P	P
Community living arrangement	P	P	P	P	P	P	P		P	P		P			
Dwellings in mixed use building						P	P	P	P	P	C		P		
Elder/disability care facility					C	P	P	P	C	P	C		P		
Elder/disability housing		C	C	C	C	P	P	P	P	P	C		C		
Elder non-congregate, detached housing													P		
Multi-family dwellings (3 to 8 units)					C	C	P	P	C	C			C		
Multi-family dwellings (more than 8 units)						C	P	P		C			C		
Multi-unit residential project					C	C									
Single-family dwelling	P	P	P	P	P	P	P		P	P		P	C		
Two-family dwelling	P	P	P	P	P	P	P		P	P		P	P (NP Rt. 1)		
<b>UTILITIES</b>															
Commercial solar energy system	C												C		
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
High-voltage transmission lines	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Wireless telecommunication facility														C	C

P=PERMITTED, P\*=PERMITTED AS PART OF MASTER PLANNED DEVELOPMENT REVIEW, C=CONDITIONAL, NP=NOT PERMITTED, BLANK=NOT PERMITTED



**TABLE 3-4 PERMITTED & CONDITIONAL USES IN THE RESOURCE PROTECTION OVERLAY DISTRICT (RPOD)**

PERMITTED USES	CONDITIONAL USES
<ol style="list-style-type: none"> <li>1. The harvesting of any wild crop, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, but not including any extractive industry or activity</li> <li>2. Non-intensive recreational uses not requiring structures, such as hunting, fishing and hiking</li> <li>3. Wildlife management</li> <li>4. Hiking trails, snowmobile trails, bridle paths and similar facilities</li> <li>5. Parks and picnic areas of primarily undeveloped, natural character</li> <li>6. Motorized vehicular traffic on existing roads.</li> <li>7. Forest management activities, except for timber harvesting</li> <li>8. Clearing of vegetation for approved construction and other allowed uses</li> <li>9. Fire prevention activities</li> <li>10. Soil and water conservation practices</li> <li>11. Surveying and resource analysis</li> <li>12. Emergency operations</li> <li>13. Selective timber harvesting according to a plan approved by a forester registered in the State of Maine on a noncommercial basis<sup>a</sup></li> <li>14. Structures accessory to allowed uses</li> <li>15. Temporary piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland<sup>a</sup></li> <li>16. Private sewage disposal systems for allowed uses</li> <li>17. Service drops for allowed uses</li> <li>18. Filling and earthmoving of less than 10 cubic yards<sup>a</sup></li> <li>19. Agriculture<sup>b</sup></li> </ol>	<ol style="list-style-type: none"> <li>1. Small nonresidential facilities for educational, scientific or natural interpretation purposes</li> <li>2. Recreation uses involving minimal structural development, such as golf courses, tennis courts, playing fields and similar uses, where water quality would not be adversely affected and potential for flood damage could be minimal</li> <li>3. Small nonresidential structures accessory to permitted or conditional uses</li> <li>4. Essential services</li> <li>5. Water recreation facilities</li> <li>6. Aquaculture</li> <li>7. Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</li> <li>8. Parking facilities accessory to allowed uses</li> <li>9. Filling and earthmoving of more than 10 cubic yards (subject to a shoreland permit from the Planning Board)</li> <li>10. High-voltage transmission lines</li> </ol>

a. Subject to obtaining a shoreland permit from the Code Enforcement Officer.

b. Subject to obtaining a shoreland permit from the Code Enforcement Officer, to include submission of a management plan filed with either the Natural Resources Conservation Service or the York County Soil and Water Conservation District.

## Article IV. Dimensional Standards

### § IV1. Requirements

- A. No structure shall be erected, reconstructed or altered to exceed the height herein established for the districts in which such structure is located, as except as provided herein. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance.
- B. Refer to **Article VIII** for additional standards for lots in Shoreland Zoning Overlay Districts.

**TABLE 4-1 DIMENSIONAL STANDARDS FOR ALL ZONING DISTRICTS**

	Residential Districts						Business and Mixed-Use Districts						Industrial Districts		
	RC	LDR	SR	WR	MDR	HDR	D	GB	MB	HB	SI	CE	PR	BI	I
MINIMUM LOT AREA (SF)															
SEWERED	40,000	20,000	7,500	15,000	7,500	6,000	2,000	7,500	6,000	7,500	20,000	7,500	20,000	10,000	40,000
UNSEWERED	80,000	40,000	40,000	30,000	20,000	n/a	n/a	n/a	n/a	20,000	n/a	n/a	20,000	10,000	80,000
MIN. LOT AREA PER DWELLING UNIT (SF) <sup>d</sup>															
SEWERED	40,000	10,000	7,500	7,500	5,000	3,000	1,500	5,000	3,000	4,000	*	7,500	7,500	n/a	n/a
UNSEWERED	80,000	20,000	20,000	15,000	17,500	n/a	n/a	n/a	n/a	17,500	n/a	n/a	30,000	n/a	n/a
STREET FRONTAGE, MINIMUM (FT)	200	100	75	100	75	75	30	50	75	100	50	50	200/50 <sup>b</sup>	50	150
FRONT SETBACK, MINIMUM (FT)	30	30	25	25	25	5	0	15	5	15	0	15	40/25 <sup>c</sup>	20	50
FRONT SETBACK, MAXIMUM (FT)	n/a	n/a	n/a	n/a	n/a	15	10	30	25	n/a	n/a	n/a	n/a	n/a	n/a
SIDE AND REAR SETBACKS, MINIMUM (FT)	25	20	15	15	10	10	10/0 <sup>a</sup>	15/0 <sup>a</sup>	10	10	10	10	20	25	25
LOT COVERAGE, MAXIMUM (%)	20	25	30	25	35	45	100	50	40	50	60	40	60	50	40
HEIGHT, MINIMUM (FT)	n/a	n/a	n/a	n/a	n/a	n/a	35 <sup>e</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
HEIGHT, MAXIMUM (FT)	35	35	35	35	35	50	60	50	35	50	60	35	60	60	60

- a. A 0-foot minimum side setback is permitted for party (shared) wall.
- b. The minimum street frontage on Route 1 is 200 feet. For all other roads, the minimum street frontage is 50 feet.
- c. The minimum front setback on Route 1, Cascade Road, and Flag Pond Road is 40 feet. For all other roads, the minimum front setback is 25 feet.
- d. Density requirements are not intended to overrule state regulations.
- e. Minimum height requirements do not apply to single-family and 2-family dwellings.
- \* Master Planned Development Standards apply: The lot area per dwelling unit requirement for dwelling units that are part of an approved master planned development in accordance with site plan review/Subdivision requirements varies with the size of the unit. For dwelling units with not more than two bedrooms and less than 800 square feet of total floor area, the requirement is 1,000 square feet of lot area per unit; and for dwelling units with more than two bedrooms or more than 800 square feet of total floor area, regardless of the number of bedrooms, the requirement is 2,000 square feet of lot area per unit.
- n/a Not applicable / no requirement.

## § IV2. Dimensional Requirements

- A. Minimum lot and yard requirements. The minimum lot area, minimum lot area per dwelling unit, minimum street frontage, minimum and maximum depth of front yard, minimum width of side yard and rear yard, maximum lot coverage, and minimum and maximum height for each district shall be as shown in Table 4-1.
- B. Corner and double-frontage lots. Lots which abut public or private roads on more than a single side shall provide a required minimum and maximum depth for a front yard along at least two (2) of the abutting streets. Minimum rear yard depth shall be provided along all other sides.
- C. Net Commercial Acreage Requirement. The total gross available acreage less the areas of the site which are not suitable for development because of topography, natural drainage, or subsoil conditions. The net acreage shall be determined by subtracting unsuitable areas from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted from the gross acreage of the parcel:
1. Areas that are, because of existing land uses or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel.
  2. Areas within Zone V or VE, coastal flood with velocity hazard, a floodway or a one-hundred-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.
  3. Wetlands of special significance as defined by the Department of Environmental Protection.
  4. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high-water mark.
  5. Areas with sustained slope of 33% or more. Slope areas of 20% to 33% shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that the slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with the Maine State Plumbing Code.
- D. Net Residential Acreage Requirement. The total available gross acreage less the areas of the site which are not suitable for development because of topography, natural drainage, or subsoil conditions. The net residential acreage shall be determined by subtracting unsuitable areas in site plan and subdivision projects from the gross acreage of the parcel. The following original land areas shall be considered unsuitable and shall be deducted from the gross acreage of the parcel:

1. Areas that are, because of existing land uses or lack of access, isolated and unavailable for building purposes or for use in common with the remainder of the parcel.
2. Areas within Zone V or VE, coastal flood with velocity hazard, a floodway or a one-hundred-year flood hazard area, as shown on the Federal Flood Boundary and Floodway Map or Federal Flood Insurance Rate Map.
3. Wetlands
4. Stream channels, as measured from the top of banks, and other surface water bodies, as measured from the high-water mark.
5. Areas with a sustained slope of 33% or more. Slope areas of 20% to 33% shall also be deducted unless the developer can demonstrate to the Planning Board's satisfaction that the slopes will be used as part of the overall plan for the development, that they are stable for structures, if so utilized, and that any slope development will minimize soil erosion and comply with the Maine State Plumbing Code.

E. Maintenance of minimum and maximum yard setback requirements.

All structures, whether attached to principal structures or not, and whether open or enclosed, including porches, carports, balconies or platforms above normal grade level, shall not project into or otherwise lessen the required minimum front, rear or side yards. Driveways and parking spaces may be considered as part of side or rear yard setback requirements, provided that no vehicle is parked closer than five (5) feet from the lot line or as required in Table 4-1, whichever is greater.

F. Exceptions to minimum lot and yard setback requirements.

1. As of [redacted], 1985, unenclosed, roofed structures (such as porches and carports) that are lawfully existing shall be permitted to be enclosed, provided that the new walls will not extend closer to the lot line than the existing roof and that they shall be not less than five (5) feet from any lot lines.
2. Along existing residential streets which were developed prior to 1985, a single-family detached dwelling, a two-family dwelling, or an addition to either, other than a detached garage or carport, may be permitted to be built with a front setback equal to the average front setbacks of the existing houses on the immediately adjacent lots. However, new construction shall not be closer than 15 feet from the front lot line without a variance.

G. Exceptions to maximum height requirements. A height in excess of the height limit specified in Table 4-1 for the applicable zoning district may be permitted for certain structures, provided they do not constitute a hazard to an established airport or neighboring properties. Structures excepted from height limits in Table 4-1 include:

1. Church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lofts, amusement park rides, silos, cooling towers, ornamental towers,

- spires, chimneys, elevator bulkheads, smokestacks, conveyors, flagpoles, pools, windmills.
2. HVAC, and similar structures and utilities that does not exceed ten (10) feet in height, and is set back at least ten (10) feet from the edge of the structure's roof, and does not exceed thirty percent of the total roof area.
  3. Radio and television transmission towers, microwave transmission towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures. Also includes small wind energy system towers.
- H. Conversions of dwellings or structures to multi-family use. Notwithstanding provisions of **Article V** of this chapter, dwellings or structures converted to a multi-family use shall comply with the minimum lot area and minimum lot area per dwelling unit requirements in Table 4-1, regardless of whether the existing structure meets the district's dimensional requirements. If a building which is nonconforming with respect to any other standards of Table 4-1 is proposed for conversion to multifamily in any district where multifamily is permitted or conditional, the conversion shall be considered a conditional use, subject to the conditional use standards of **Article XIV** and subject to a finding by the Planning Board that this nonconformance does not cause the use to violate any of the conditional use standards or special standards of **Article XIV** for certain conditional uses.
- I. Back lots. One new back lot may be created from any lot of record that existed on July 17, 1989 and conforms to the lot requirements of Table 4-1 except for the lot frontage requirement, provided that:
1. Each will be limited to one (1) single or one (1) two-family dwelling.
  2. The back lot and front lot will conform to the minimum lot area and minimum lot area per dwelling unit required in the district.
  3. The back lot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district.
  4. The back lot has a deeded access to a publicly accepted street. This access may be obtained by:
    - a) A right-of-way that is a minimum of twenty (20) feet wide across the front lot that is deeded to the owner of the back lot; or
    - b) Extension of the back lot to the public street so that the back lot has at least twenty-five (25) feet of frontage on the street. The creation of the back lot shall not make the front lot more nonconforming in street frontage or make the front lot nonconforming with respect to street frontage if it is conforming.
  5. The back lot and the front lot shall share the same driveway entrance if access to the back lot is obtained through a right-of-way or the street frontage of the front lot is located on a road functionally classified as an arterial or collector, except in cases where it is not possible because of the location of the existing structure on the lot or because of difficult terrain.

6. Each dwelling unit on the back lot is served by a residential sprinkler system meeting the requirements of NFPA and approved by the Saco Fire Department or each dwelling unit is less than five hundred (500) feet from a public road or less than one thousand (1,000) feet from a hydrant approved by the Fire Department. These measurements shall be made along the driveway and roadway, not cross-country.
  7. The back lot is accessed by a minimum of a twelve (12) foot wide driveway. If the road is curved additional width may be required by the Fire Department to allow for the safe passage of emergency vehicles.
  8. A turnaround area approved by the Fire Department shall be provided for public safety vehicles.
  9. Street numbering shall be approved by the City's emergency departments and the Assessor. A sign or mailbox clearly stating the street number shall be posted at the street before occupancy.
  10. If a public sewer line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the sewer when the house is built.
  11. If a public water line passes in the street in front of the lot from which the back lot will be created, the back lot shall be required to connect to the public water when the house is built.
- J. Lot standards. The following apply to new lots created after April 18, 2001:
1. Lots in which a narrow strip(s) of land, with a width of less than twenty-five (25) percent of the required minimum street frontage for the zoning district in which the lot is located, is used to join other portions of the lot in order to meet the minimum lot area, minimum lot area per dwelling unit, or minimum street frontage requirements are prohibited.
  2. Narrow strips of land along a street with a depth of less than the minimum front yard requirement for the zoning district in which the lot is located shall not be counted in meeting the minimum street frontage requirement.
  3. Prior to issuance of a building permit, the Code Enforcement Officer may request that a wetlands delineation be submitted to verify that a portion of a proposed building lot adequate for building construction and septic system installation consists of upland. If an area of wetlands equal to or greater than Maine Department of Environmental Protection Natural Resource Protection Act thresholds for development review is proposed for alteration, a copy of the NRPA permit shall be submitted prior to issuance of a building permit.
- K. Existing interior lots of record without any road frontage as of January 2, 1985, shall be eligible for a building permit, notwithstanding the absence of street frontage.

- L. If a single point of access (curb cut) to Route 1 is shared between two or more parcels, frontage may be reduced to 150 feet for each parcel in the Portland Road District.
- M. Elder/disability housing density bonus. Notwithstanding the minimum lot area per dwelling unit requirements of the Dimensional Standards table:
  - 1. For elder/disability housing uses and elder/disability care facility uses connected to city sewer and public water in the LDR, MDR, GB, MB, HB, SI, and PR, a modified per dwelling unit density shall be available, as follows, provided that the average number of bedrooms per dwelling unit remains at or below 1.5, as follows:
    - c) 5,000 square feet per dwelling unit in the LDR;
    - d) 1,000 square feet per dwelling unit in the MDR; GB; MB; HB; SI; and PR.

#### § IV3. Multiple Dwellings or Uses on One Lot

- A. Except as permitted under Subsection B below, no more than one (1) single-family or two (2) family dwelling may be located on a lot, except in the case of multi-unit residential projects that meet all other applicable sections of this chapter. Commercial buildings may be permitted on the same lot as single-family and two (2) family dwellings in business districts, provided that the buildings are in the same ownership, remain in the same ownership, and meet the minimum lot size standard in Table 4-1.
- B. A second single-family dwelling, or two (2) family dwelling in the same ownership as the first, may be located on a lot only if the street frontage requirement is met, and the placement of the buildings would allow division of the lot in conformance with the minimum lot and setbacks specified in Table 4-1. An accessory dwelling unit (ADU) permitted under Section VII1 shall not be considered a single-family residence for purposes of this section.

#### § IV4. Special Provisions for the Downtown District

- A. Within new commercial or mixed-use structures, each retail occupancy is limited to four thousand five hundred (4,500) square feet.
- B. Within structures constructed prior to 2020, a single new retail use is limited to four thousand five hundred (4,500) square feet.
- C. The first floor of buildings along Main Street in the Downtown District shall be comprised of commercial/retail space that maintains downtown New England character.

#### § IV5. Special Provisions for the General Business District

The first floor of buildings along Elm Street in the General Business District shall be comprised of commercial/retail space that maintains or enhances downtown New England character.



**§ IV6. Sheds**

In residential districts, if the shed is under one hundred twenty (120) square feet and is not served by electricity, the shed is only required to meet a five (5) foot side or rear yard setback requirement. No dimension (length, width, height) of the building shall exceed twelve (12) feet. Only one shed per lot shall be permitted to meet this five (5) foot setback standard. Sheds shall be erected no closer to the front lot line than the extension of the line created by the front wall of the principal structure on the lot. Any other sheds or outbuildings shall meet the standards herein. No variance of the minimum five (5) foot setback requirement shall be granted by the Zoning Board of Appeals.

## Article V. Nonconformance

### § V1. Purpose

The purpose of this article is to regulate nonconforming lots, uses, and structures, such that they can be reasonably developed, maintained, repaired, or changed to other less nonconforming or conforming uses. It is the intent of this article to promote land use conformities, except that nonconforming conditions that existed before the effective date of this chapter or amendments thereto shall be allowed to continue, subject to the requirements set forth in this article. When nonconforming uses fall into disuse, the intent of this article is not to allow them to be reestablished after a twelve-month period of dormancy.

### § V2. General

- A. Continuance. The use of any land or structures, lawful at the time of adoption or amendment of this chapter, which is made nonconforming by adoption or amendment of this chapter, may continue, subject to the provisions of this chapter.
- B. Ownership of lots, structures and uses which remain lawful but became nonconforming by the adoption or amendment of this chapter may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this chapter.

### § V3. Nonconforming Lots

- A. A single vacant nonconforming lot of record may be built upon, provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, except as provided in Subsection B or C below.
- B. If two or more vacant, contiguous lots or parcels are in common ownership of record at the time of adoption or amendment of this chapter, and if any of these lots does not individually meet the dimensional requirements of this chapter or subsequent amendment, the lots shall be combined to the extent necessary to meet the dimensional standards of this chapter, except that this shall not apply to contiguous lots with frontage on different streets or to lots legally created and recorded as part of an approved subdivision after March 22, 1972, the date of adoption of the City of Saco's subdivision standards.
- C. If two contiguous lots or parcels are in common ownership of record at the time of the adoption of this chapter, January 3, 1985, and either lot does not individually meet the dimensional requirements of this chapter, and provided that one lot is vacant or contains no principal structure and the other lot has a principal structure, the lots shall be combined into one lot of record. This shall apply to lots or parcels within all zoning districts in the City of Saco. This shall not apply to contiguous lots with frontage on different streets, or to lots legally created and recorded as part of an approved subdivision after March 22, 1972, the date of adoption of Saco's subdivision standards.

- D. If two or more contiguous lots or parcels are in common ownership of record at the time of adoption or amendment of this chapter, if all or part of the lots do not meet the dimensional requirements of this chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided all State law and other local ordinance requirements are complied with.
- E. In the Shoreland Zone, two or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on or before the effective date of the shoreland provisions in this chapter shall be considered one lot.

#### § V4. Nonconforming Uses

- A. At the time a subject property or structure is being reviewed for issues related to continuation of or a change in a nonconforming use, abutting property owners shall be notified by the Code Enforcement Office. Notification will include property owners' rights to appeal a decision.
- B. Discontinuance. A nonconforming use of a structure or land which is discontinued for a period of twelve (12) consecutive months may not be resumed. The use of the land or structure shall thereafter conform to the provisions of this chapter.
- C. Superseded by Conforming Use. Whenever a nonconforming use is superseded by a permitted use of a structure or land, or of a structure and land in combination, such use of the structure, land, or combination of land and structure shall thereafter conform to the provisions of this chapter, and the nonconforming use may not thereafter be resumed. This provision shall not apply to the resumption of a use of a residential structure, provided that the structure has been used or maintained for residential purposes during the preceding five-year period.
- D. Expansion of Use. A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in area or function; provided, however that a nonconforming use may be extended throughout any part of a structure that was lawfully and manifestly designed or arranged for such use as of the effective date of this chapter or amendments thereto.
- E. Change of nonconforming use. With the approval of the Planning Board, an existing nonconforming use may be changed to another nonconforming use, provided that the proposed use is equally or more conforming within the zoning district in which the nonconforming use is located. The Planning Board shall make this determination after making a finding that the proposed use will have no greater adverse impact upon neighboring uses, land and structures than the prior use based on the conditional use standards in §XIV5 [conditional use standards], and for change of nonconforming uses in the shoreland zone, also based on these additional standards:
  - 1. Change of Use of a Nonconforming Structure. The use of a nonconforming structure located in a shoreland zone may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no

greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

2. In determining that “no greater adverse impact” will occur under § V.E.1 above, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

### § V5. Nonconforming Structures

- A. Maintenance and Enlargement. A structure in existence as of the effective date of adoption or amendment of this chapter and located on a lot which does not meet the lot and yard setback requirements in Section IV [Dimensional Standards] may be repaired, maintained, and improved. It may be enlarged and/or accessory structures may be added to the site without a variance, provided that the enlargement or accessory structure itself meets the setback and height requirements of the district in which it is located and that the enlargement or accessory structure in combination with the existing structure does not exceed the prescribed maximum lot coverage. Vertical enlargements of single-family or two-family dwellings, including porches and decks with a roof, that are lawfully nonconforming with regard to setbacks, may be permitted if each all of the following are met:
  1. The proposed use of the enlarged space is habitable residential space. No enlargements are permitted to expand space for a use that is nonconforming in the district.
  2. The closest point of the new construction shall be no nearer to the property line than the closest point on the existing building upon which the vertical enlargement is proposed.
  3. Enlargements constructed under these provisions shall not increase the height of the vertical face of the building more than ten (10) feet vertically within the setback. The height of the new eaves within the setback shall not exceed (twenty-two) 22 feet, when measured from original grade to the new eaves. Mansard and gambrel roofs, or similar roofs, and full dormers, or roof pitches greater than 12/12 are not permitted above the new eaves. Two single-window dormers above the new eaves are permitted, but each may not exceed four feet in width.
  4. The nonconforming portion of the existing structure on which the addition is built is no closer than five (5) feet from the side or rear property line upon which it encroaches. If the building code requires the new construction to be fire-rated, the existing first-floor construction in the setback shall be reconstructed to the same fire-rated standard.

- 5. Unless a variance is granted, an existing structure that does not meet the standards of §V5A(4) above may only be enlarged by an addition that meets the dimensional standards of this chapter.
  - 6. All other relevant standards of this chapter not related to setbacks are met.
- B. The following activities shall not constitute an enlargement or creation of a nonconforming structure, and may encroach into front, side or rear yard setbacks, if any of the following conditions are present:
- 1. The addition of an open patio with no structure elevated above ground level, where the addition is outside of the Shoreland Zone;
  - 2. The addition of steps from the first floor to the ground level;
  - 3. The placing of a foundation below a nonconforming structure.
- C. Reconstruction or restoration of a nonconforming structure that is destroyed or damaged by casualty, including but not limited to fire, explosion, flood, or other accidental cause, is permitted, provided that:
- 1. The reconstruction or restoration is of a destroyed or damaged structure which is nonconforming only as to land area, setbacks, or other dimensional requirements;
  - 2. The reconstructed or restored structure is no more nonconforming than the destroyed or damaged structure, and covers no greater land area than the footprint of, and has no greater amount of floor area and no greater volume than, the destroyed or damaged structure, unless enlargement or expansion of said structure complies with the dimensional standards of this Chapter; and
  - 3. The reconstruction or restoration of the destroyed or damaged structure is substantially completed within 12 months of the date of destruction or damage to the structure; the Planning Board may extend this deadline for up to 12 additional months for good cause, including but not limited to evidence of delayed insurance processing despite timely claims submission.
- D. Reconstruction or replacement of a nonconforming structure that is voluntary and has an estimated cost exceeding fifty (50) percent of the market value of the structure before such reconstruction or replacement, is permitted, provided that such reconstruction or replacement is in conformity with the dimensional standards of the zoning district in which it is located and neither the floor area nor the volume of any building setback encroachment is increased, all as determined by the Planning Board. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

**§ V6. Further Limitations in Shoreland Zones.**

Notwithstanding the other provisions of this Chapter, new principal and accessory structures in the shoreland zone and expansion, reconstruction and relocation of nonconforming structures in the shoreland zone are subject to the following additional limitations and requirements:

- A. New Principal and Accessory Structures in Shoreland Zone. All new principal and accessory structures to be built or installed in the shoreland zone, excluding functionally water-dependent uses, must meet the required water body, tributary stream, or wetland setbacks in § VIII\_\_ A. (Shoreland Zoning, Dimensional Standards).
- B. Expansions of Nonconforming Structures in Shoreland Zone. A nonconforming structure located in the shoreland zone may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (1), (2), (3) and (4) below.
1. Expansion of any portion of a structure located in the shoreland zone and within twenty-five (25) feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
  2. Notwithstanding paragraph B (1), above, if a legally existing nonconforming principal structure located in the shoreland zone is entirely located less than twenty-five (25) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met.
    - a) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or thirty (30) percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than fifteen (15) feet or the height of the existing structure, whichever is greater.
  3. All other legally existing nonconforming principal and accessory structures located in the shoreland zone that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met, and the expansion is not prohibited by subparagraph A above.
    - a) For structures located less than seventy-five (75) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than one thousand (1,000) square feet or thirty (30) percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than twenty (20) feet or the height of the existing structure, whichever is greater.

- b) For structures located less than one hundred (100) feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than one thousand five hundred (1,500) square feet or thirty (30) percent larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than twenty-five (25) feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than seventy-five (75) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits referenced in (1) above.
  - c) In addition to the limitations in subparagraphs (a) and (b), for structures that are legally nonconforming due to their location within the Resource Protection Overlay District when located at less than two hundred fifty (250) feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than one thousand five hundred (1,500) square feet or thirty (30) percent larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than twenty-five (25) feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than seventy-five (75) feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits referenced in (1) above.
4. An approved plan for expansion of a nonconforming structure located in the shoreland zone must be recorded by the applicant with the registry of deeds, within ninety (90) days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

#### C. Reconstruction in Shoreland Zone

- 1. Any nonconforming structure located in the shoreland zone which is removed, damaged, or destroyed, regardless of the cause, by more than fifty (50) percent of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced, provided that a permit is obtained within twelve (12) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this chapter. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

2. If the reconstructed or replacement structure located in the shoreland zone is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to Subsection A above, as determined by the nonconforming floor area and volume of the reconstructed or replaced structure at its new location. If the total floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with subparagraph D (2) below.
3. Any nonconforming structure located in the shoreland zone which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by fifty (50) percent or less of the market value, or damaged or destroyed by fifty (50) percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one (1) year of such damage, destruction or removal.
4. In determining whether the structure reconstruction or replacement meets the water body, tributary stream or wetland setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in (D)(2) below, the physical condition and type of foundation present, if any.

#### D. Relocation in Shoreland Zone

1. A nonconforming structure located in the shoreland zone may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.
2. In determining whether the building relocation meets the water body, tributary stream or wetland setback requirement to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:



- a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than fifty (50) percent of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.
- b) Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed, or removed.
- c) Where feasible, when a structure is relocated on a parcel, the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

#### **§ V7. Reconstruction in Floodplains**

- A. Reconstruction in floodplains. Any building in existence prior to January 1, 2012, which is located in an area of special flood hazard and which is thereafter substantially improved, as defined in Chapter 106 of the Saco City Code, may be elevated pursuant to the standards of Chapter 106, and may be allowed to exceed the height limits of this chapter without need for a variance from the Board of Appeals, as long as all of the following standards are met:
  1. The overall height of the reconstructed building may exceed the required height in the zone in which it is located without the need for a variance, but by no more than the distance that the lowest floor (including basement) is raised above its original elevation during reconstruction.
  2. Any reconstructed building shall meet all of the requirements of the Department of Environmental Protection Sand Dune Act and Chapter 355 Regulations, if it is located in a designated dune area.

## Article VI. **Good Neighbor Performance Standards**

### § VI1. **Applicability**

The standards set forth in this article apply to all uses in all zoning districts, unless otherwise stated.

### § VI2. **Dust, Fumes, Vapors, and Gasses**

Emission of dust, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, as discernable at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such emissions shall be compliant with applicable federal and state regulations.

### § VI3. **Explosive Materials**

- A. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from lot lines and roadways. Underground tanks shall be set back forty (40) feet from lot lines. All applicable federal, state, and local regulations shall be observed.
- B. Propane gas tanks are exempt from the subsection above. Aboveground propane tanks are governed by the applicable NFPA standard as adopted by the State of Maine, subject to the following exceptions:
  - 1. Freestanding propane tank installations shall be fully fenced or screened with vegetation.

### § VI4. **Exterior Lighting**

- A. New, modified or replacement lighting shall be designed to provide the minimum illumination necessary to ensure adequate vision, safety, and comfort. Glare shall not extend beyond the limits of the property boundaries.
- B. New, modified, or replacement lighting serving nonresidential uses and multi-family housing shall conform to the following standards:
  - 1. Lighting fixtures mounted on masts or poles shall be cutoff fixtures (Figure 6-1). Floodlighting or other directional lighting may be used for supplemental illumination of vehicle sales or storage areas or other exterior sales display areas, provided that the floodlights are installed no higher than twelve (12) feet above ground level, are aimed to avoid direct brightness being seen from adjacent streets or properties, and utilize lamps with an initial lumen rating not exceeding thirty-nine thousand (39,000) lumens. The City shall have the right to inspect the completed lighting installation.
  - 2. Except for ornamental lighting fixtures that utilize lamps with initial lumen ratings not exceeding eight thousand five hundred (8,500) lumens, wall-mounted building

- lights shall include full face shielding consisting of either a solid panel or full face louvers. Exposed lamps, reflectors or refractors shall not be visible from any part of the fixture except the bottom, light-emitting surface.
3. Light fixtures located on or within canopies shall be recessed into the ceiling of the canopy so that the lamp, reflector, or lens is not visible from public streets and to limit the direction of light as required for a cutoff fixture.
  4. The maximum height for pole-mounted light fixtures is thirty (30) feet above grade.
  5. The maximum light fixture height for building-mounted light fixtures shall be the upper limit of the vertical building face.
  6. Lamps in exterior light fixtures shall be Light Emitting Diode (LED) and/or a similar technology of greater energy-saving ability.
  7. The mounting height of period or historical fixtures shall not exceed fifteen (15) feet above grade.
  8. The illumination of access drives shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance). The illumination of parking lots and vehicle sales areas shall provide for a uniformity ratio of not more than 20:1 (ratio of maximum to minimum illuminance).
  9. The maximum illumination level within access drives, parking lots, and sales areas shall be not more than 8.0 foot-candles measured at the ground surface.
  10. The maximum illumination level at the property line of a nonresidential or multi-family housing use with abutting properties in a residential district or the Main and Beach (MB) District shall be not exceed 0.1 foot-candle.
  11. Areas directly under canopies shall be illuminated so that the uniformity ratio of average to minimum illuminance shall be not greater than three to one (3:1) with an average illumination level of not more than twenty (20) foot-candles. Areas of access drives, parking lots, sales display areas, etc., which are adjacent to canopies shall taper down in illumination level from the illumination level permitted under the canopy to the maximum illumination level permitted for the access drive, parking lot, or sales display area adjacent to the canopy within a horizontal distance equivalent to the height of the canopy.
  12. The maximum illumination levels and uniformity ratios for areas other than parking lots, access drives, sales areas, and canopies shall be compatible with the overall lighting of the project and are subject to approval by Planning and Development Department staff and the Planning Board.
  13. Exterior lighting shall be dark sky compliant, and consistent with guidelines promulgated by the International Dark-Sky Association.
- C. Outdoor sports and recreational fields and courts, and for multi-family housing uses that are located outside the right-of-way of a public street are exempt from the provisions of subsection B above.

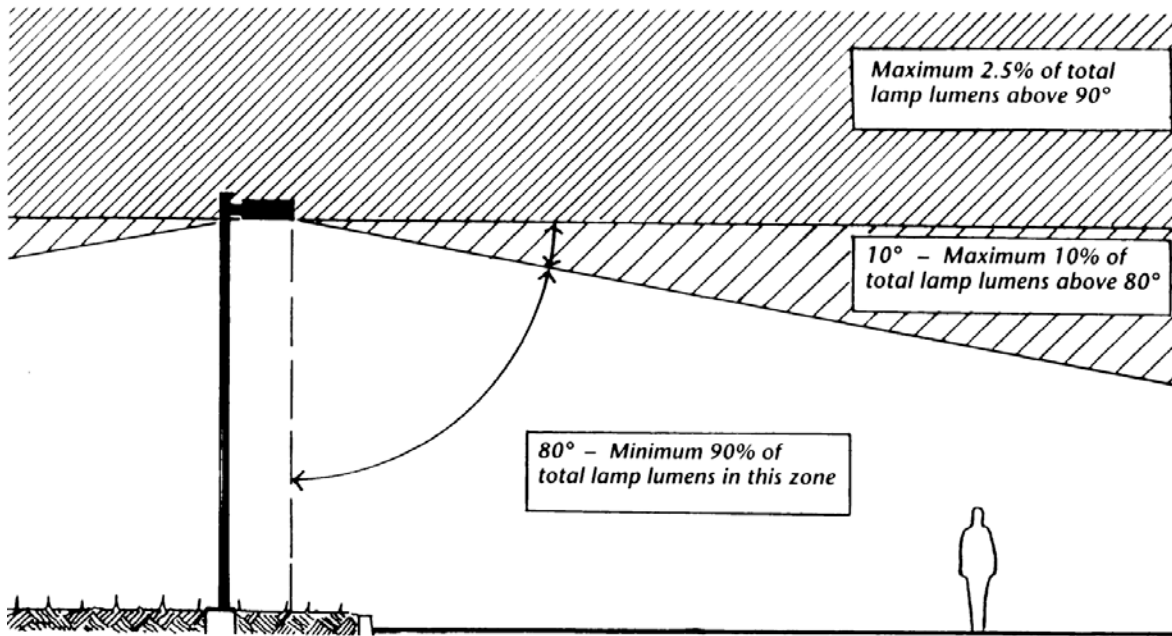


Figure 6-1 Diagram of a cutoff fixture

§ VI5. Noise

A. Maximum permissible sound-pressure levels.

1. Excessive noise shall be muffled so as not to be a nuisance due to intermittence, heat frequency, shrillness, or volume.
2. The maximum permissible sound-pressure level of any continuous, regular, or frequent source of sound shall not exceed the following limits at the lot line of adjoining properties.

Table 6-1. Sound-pressure level limits measure in A-weighted decibels (dB(A))

Sound-Pressure Level Limits Measured in dB(A)		
District	Day	Night
Industrial districts	65 dBA	60 dBA
Commercial districts	60 dBA	50 dBA
Residential and conservation districts	55 dBA	45 dBA

3. Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.
4. The levels specified may be exceeded by ten (10) dBA for a single period, no longer than fifteen (15) minutes, in any one (1) day.
5. No person shall engage in, cause, or permit any person to be engaged in loud construction activities on a site abutting any residential use from 9 PM to 7 AM.

B. Exempt activities. The following uses and activities shall be exempt from the sound-pressure level regulations:

1. Home maintenance activities.
2. Noise created by chainsaws, construction, and maintenance activities other than home maintenance, between 7 AM and 9 PM, Monday through Saturday, and between 10 AM and 7 PM on Sunday.
3. The noises of safety signals, warning devices, and emergency pressure relief valves and other emergency activity.
4. Traffic noise.
5. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.
6. Emergency construction or repair work by public utilities, at any hour.
7. Noise created by recreational activities which are permitted by law and for which a license or permit has been granted by the City, including, but not limited to, parades, sporting events, concerts, and fireworks displays.

C. Nonconformance of existing industrial sources. Existing industrial noise sources that are in operation at the time of enactment of this chapter shall be provided a permanent ten (10) dB(A) noise level allowance over noise levels otherwise required herein.

D. Enforcement. It shall be the duty of the Saco Police Department to enforce this section.

**§ VI6. Odors**

No land use or establishment shall produce offensive or harmful odors that are perceptible beyond lot lines.

**§ VI7. Screening**

A. Storage areas, machinery installations, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal, or other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer, sufficient to minimize adverse impacts on nearby properties.

1. At a minimum, the screening shall include a dense evergreen hedge at a height of six (6) feet above grade. Such plantings shall be maintained as a visual screen. Native, deer-resistant, and salt tolerant species are encouraged. Plants that die shall be replaced within one growing season.
2. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and shall be maintained in good condition.

B. Nonresidential uses abutting residential districts.

1. The side and rear yard of a nonresidential use which abuts a residential, conservation, or Resource Protection Overlay District shall be maintained in a natural state to provide a visual screen between districts.
  - a) Where natural buffering does not exist, all side and rear yards shall be landscaped to provide a visual screen between districts.
  - b) A buffer screen no less than six (6) feet in width and four (4) feet in height shall be established, consisting of tree plantings, hedges, fencing, earth berms, stone walls, or combinations thereof.

#### **§ VI8. Sanitary Waste Disposal**

- A. All plumbing shall be connected to public collection and treatment facilities where such facilities are available. When public facilities are not available, wastewater disposal facilities shall be installed in compliance with the regulations of the Maine Department of Health and Human Services and the Maine Department of Environmental Protection.
- B. A subsurface wastewater disposal system or other underground system for on-site sewage disposal shall not be used for any individual residential use, or combination of residential uses, that has a design sewage flow of more than two thousand (2,000) gallons per day, and is located over a mapped sand and gravel aquifer as shown on the most recent Significant Sand and Gravel Aquifers map(s) published by the Maine Geological Survey.
- C. A subsurface waste disposal system or other underground system for on-site sewage disposal shall not be used for nonresidential use that has a design sewage flow of more than two thousand (2,000) gallons per day.

#### **§ VI9. Storage and Handling of Chemicals and Similar Materials**

- A. All outdoor storage facilities for liquid fuels, chemicals, industrial wastes, and potentially harmful materials shall be located on impervious pavement or other impervious surface approved by the Director of Public Works or their designee, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a one hundred (100) year, twenty-four (24) hour storm, so that such liquid shall not be able to seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and vehicle fuel, not exceeding two (2) five hundred fifty (550) gallon tanks, may be exempted from this requirement in situations where neither a high seasonal water table is within fifteen (15) inches of the surface, nor rapidly permeable sandy soils are involved.
- B. New or expanded nonresidential uses shall conform to the following additional standards:

1. Facilities shall be designed and operated so that all stored, spilled, or leaked liquid fuels, chemicals, wastes, or other potentially harmful materials cannot infiltrate into the ground.
2. Areas for the loading, unloading, and transfer of fuel, chemicals, and similar materials shall be designed to prevent discharge to the groundwater.
3. Uncovered storage areas shall have stormwater drainage facilities that provide for the disposal of stormwater runoff in a manner that will not adversely affect groundwater quality.
4. The discharge of fluids from motor vehicles or equipment onto the ground shall not be permitted. Service to vehicles or equipment shall be conducted on an impervious surface that is designed to prevent discharge to the groundwater. Damaged or junked vehicles, including but not limited to unregistered vehicles, uninspected vehicles, unserviceable vehicles, junk vehicles, insurance wrecks, and other vehicles likely to leak fluids shall be stored on an impervious surface that is designed to prevent discharge to the groundwater, unless the Planning Board finds that other municipal or state regulations are adequate to prevent the discharge of fluids onto the ground.
5. The discharge from interior floor drains shall not be directed to a stream, storm drain, dry well, or subsurface wastewater disposal system.

#### **§ VI10. Water Quality**

No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.

## Article VII. Performance Standards

### § VII1. Accessory Dwelling Units (ADU)

- A. ADUs are intended to serve as affordable independent living quarters accessory to a single-family home. ADUs are permitted for any single-family home, limited to one ADU for each individual lot. All such housing units shall meet the standards specified in Table 7-1 below.
- B. For the purposes of calculating the required minimum lot area per dwelling unit, an ADU shall not be considered a second dwelling unit.
- C. All ADUs shall be constructed on permanent foundations that meet applicable building codes, placed to the side or rear of the front wall of the principal residence.
- D. A detached ADU shall share the existing access drive of the primary residential dwelling unit.
- E. If the lot is served by public sewer, both the single-family home and the ADU must be connected to public sewer.
- F. If the lot is served by public water, both the single-family home and the ADU must be connected to public water.
- G. Any newly created ADU shall be protected by a fire sprinkler system approved by the State Fire Marshal’s Office and the Saco Fire Department. The existing residence does not need to be protected by a fire sprinkler system.

**Table 7-1 Standards for Attached and Detached ADUs**

<b>Standard</b>	<b>Attached ADU</b>	<b>Detached ADU</b>
Shares the lot with a single-family dwelling	Required	Required
Relationship to the single-family dwelling	Attached, or situated within accessory building	Detached
Maximum gross floor area*	800 sf	800 sf
One unit occupied by owner	Required	Required
Exterior design in harmony with neighborhood	Required	Required
Position on lot in relation to the single-family dwelling	n/a	Side or rear
May be rented out on less than a monthly basis	Prohibited	Prohibited
Separate entrance on front of primary dwelling facing the street	Prohibited	N/A

### § VII2. Adult Businesses

- A. Location. Adult businesses shall not be located:



- 1. In locations where the customer entrance to the adult business would be closer than five hundred (500) feet, measured in a straight line, to the nearest point on the boundary of any property that is:
  - a) Occupied by a church, playground, amusement park, public facility, dwelling, school, or park; or
  - b) Located in a residential zone.
- 2. In any location where the customer entrance would be closer than one thousand (1,000) feet to the nearest point on the boundary of any property which is occupied by another "adult" business.
- B. Displays. There shall be no outside displays, window displays, or interior displays visible from the outside of the building, of any materials, text or devices displaying, exhibiting or describing specified sexual activities, sexual materials, or paraphernalia.
- C. Time of operation. No adult business shall be open for business from 11 PM to 7 AM.
- D. Review authority. Proposals for adult businesses are subject to Site Plan Review.
- E. Operating standards. No adult business shall be permitted to operate viewing booths or viewing facilities.

**§ VII3. Agriculture**

- A. Animal Breeding or Care. The keeping or raising of animals, including fowl, for any agricultural purposes is subject to the following standards:
  - 1. All pens, stables, barns, coops, or other building shelters for animals shall be set back no less than one hundred fifty (150) feet from lot lines.
  - 2. Animal breeding or care is permitted only on lots of five (5) acres or greater. The area of water bodies and wetlands may be included in calculating lot size.
  - 3. No manure shall be stored within three hundred (300) feet of the normal high-water line of any water body, watercourse, wetland, or wells used to supply water for human consumption.
  - 4. The landowner shall fence in areas on the lot in which the animals are allowed to roam with a fence of a type and height adequate to contain livestock.
  - 5. Kennels and runs shall be constructed of masonry or a similar material to provide for cleanliness, ease of maintenance, and noise control.
- B. Noncommercial Keeping of Chickens
  - 1. The keeping of a small number of female domestic chickens shall be allowed on a noncommercial basis. The intent of this section is to prevent noise, odor, unsanitary animal living conditions, unsanitary waste storage and removal, the attraction of predators, rodents, insects, or parasites, loose animals leaving the owner's

property, and to ensure that domestic chickens do not adversely impact the neighborhood.

- a) A maximum of six (6) chickens per lot are permitted.
- b) Chickens must be kept in a clean, dry, and odor-free enclosure at all times. Chickens shall be secured within a henhouse during non-daylight hours but may be allowed in a securely fenced yard or chicken pen during daylight hours, provided they do not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- c) Henhouses, chicken pens, and fences in yards for chickens shall only be located in rear yards and subject to a twenty-five (25) foot setback from all property lines. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the twenty-five (25) foot setback is met.
- d) Provision must be made for the storage and removal of chicken manure to the satisfaction of the Animal Control Officer. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored at one time. In addition, the henhouse, chicken pen, and surrounding area must be kept free from trash and accumulated droppings.
- e) Odors from chickens or chicken manure shall not be perceptible at the property boundaries.

## 2. Prohibited activities

- a) No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.
- b) The slaughtering of chickens for commercial purposes is prohibited.

## 3. Permits required

- a) A permit is required from the Code Enforcement Office for the keeping of domesticated chickens. The permit is specific to the permittee and may not be assigned. In the event that the keeping of chickens is discontinued for longer than six (6) months, the permit shall become void.
- b) A building permit is required for the construction of a henhouse and chicken pen, or conversion of any existing structure or portion of structure

C. Farm Stands. Roadside stands for the sale of agricultural products shall be considered an accessory use and permitted in districts where retail sales otherwise are not allowed. These stands shall adhere to the following standards:

1. The farm stand meets the setback requirements of the district it is located in and is setback a minimum of thirty-five (35) feet.
2. The farm stand has a gross floor area, inclusive of outside sales area adjacent to the structure, of not more than two thousand (2,000) square feet,

- 3. Parking spaces are provided off the road right-of-way.
- 4. The farm stand is accessory to the principal use, i.e. a commercial agricultural business.
- 5. Products sold at the farm stand are limited to the following:
  - a) Agricultural products produced as part of the commercial agricultural use on site.
  - b) Foodstuffs from products produced as part of the commercial agricultural use.
  - c) Other locally or regionally produced foodstuffs, including processed food products such as jams, jellies, pickles, sauces, or baked goods.
  - d) Locally or regionally produced handicrafts, whether produced on or off the premises.
  - e) Produce grown on nearby residential properties.
- 6. The sales area devoted to the sale of foodstuffs and handicrafts not produced by the commercial agricultural use shall not exceed fifty (50) percent of the total sales area.

**§ VII4. Campgrounds**

**A. Campground Design**

- 1. A campground must be constructed on at least ten (10) acres of land, and all camping units or structures shall be located at least two hundred (200) feet from any residence not owned or used by the campground owners.
- 2. Each area proposed for a tent site or parking space for a travel trailer, pickup camper, motorized camper, tent trailer, or similar temporary structure must be at least two thousand five hundred (2,500) square feet in area. The sites shall be roughly rectangular, with no dimension less than thirty (30) feet.
- 3. No rigid enclosed addition shall be affixed to a recreational vehicle other than a recreational vehicle accessory enclosure.
- 4. A vegetative buffer strip is required in areas visible from neighboring properties.
- 5. No new campsites shall be created within one hundred (100) feet of the exterior lot lines of a campground.

**B. Park Operations**

- 1. Parks shall be open only between April 15 and October 31.
  - a) From November 1 to April 14 of the following year, no person shall occupy any site, the water services to all sites shall be turned off or disconnected, and the electrical service to all sites shall be turned off or disconnected. Storage of unoccupied recreational vehicles is permitted when the park is closed.

- 2. The normal maintenance of open space areas, roads, and utilities in a campground shall be the responsibility of the campground’s management. Normal maintenance activities do not require a permit, and include:
  - a) Installation of bark mulch, wood chips, compost, and loam for landscaping and play surfaces purposes.
  - b) Repair and maintenance of roadways and parking areas, provided facility dimensions are not expanded beyond existing conditions and existing stormwater volumes and drainage patterns are not altered.
  - c) Addition of no more than four (4) inches of crushed stone and/or gravel to existing driveways, parking areas, drainage facilities, and play areas.

C. Permitted Accessory Uses are primarily for the use of registered occupants of the campground:

- 1. Administrative and maintenance facilities.
- 2. Active and passive outdoor recreational facilities, including, but not limited to, ballfields, shuffleboard courts, swimming pools, playgrounds, and trails.
- 3. Indoor assembly and recreational facilities.
- 4. Restrooms, washrooms, and shower facilities.
- 5. Self-service and coin-operated laundry facilities.
- 6. Convenience stores and retail located at least one hundred (100) feet from a public street and not open to members of the public who are not registered occupants or guests of registered occupants of the campground.
- 7. Freestanding decks, sheds, and recreational vehicle accessory enclosures.
- 8. Dumping stations for the discharge of liquid septic and gray water wastes from a recreational vehicle or trailer holding tank. All dumping stations shall be connected to a public sewer, or sealed holding tanks. Dumping stations are for the use of registered occupants of the campground only.

D. Prohibited Uses. No trailer, recreational vehicle, or mobile homes which contains more than four hundred (400) square feet shall be located anywhere within the campground.

E. Shoreland areas. Campgrounds in shoreland areas are subject to the standards in **Article VIII**.

**§ VII5. Earth Removal**

A. Applicability. This section governs the removal of fifty (50) or more cubic yards (in any one calendar year) of material, including without limitation, topsoil, rock, sand, gravel, clay, peat, or other similar material from its natural location. Blasting activities are regulated by Chapter 71 of the City of Saco Code. Earth removal use and activities

conducted within a Shoreland Zoning Overlay District may also require review and approval as “Mineral Extraction” under **Article VIII8.**

- B. Permit and approval required. Earth removal requires the following permits and approvals:
1. Site Plan Review by the Planning Board
  2. Conditional Use Permit by the Planning Board
  3. Special Permit by the CEO
- C. Expansion of Operations. The removal of earth may not be extended as a nonconforming use beyond the setback lines required of the specific lot or parcel of land upon which such removal operations are in progress at the time at which such use has become nonconforming without securing a variance from the Board of Appeals. Adjacent parcels in the same or different ownerships shall not be eligible for exemption under the nonconforming use provisions unless earth removal operations have been in progress on those adjacent parcels prior to the enactment of these provisions.
- D. Standards. Earth removal operations must meet the following standards:
1. Permit Required. No existing rock, gravel or sandpit will be extended or expanded until the owner has complied with the provisions of this chapter and obtained a permit therefor.
  2. No operation shall create any disturbances of water sources. Fill shall not restrict a floodway, channel, or natural drainageway.
  3. No operation shall result in the discharge of contaminants to any surface water or groundwater resource.
  4. The operation, when terminated, shall not detract from the appearance or value of nearby property.
  5. The operation shall not abuse or destroy the ecological balance of the area.
  6. The edge of working operations shall be set back a minimum of one hundred fifty (150) feet from property lines.
  7. No excavation shall be extended below the grade of adjacent streets unless the excavation is situated at least one hundred fifty (150) feet from the street line.
  8. The operation shall be shielded from nearby property with adequate screening, consisting of a vegetated buffer at least fifteen (15) feet wide, planted with the following:
    - a) Shade trees that are a minimum of two (2) and one half (2.5) inches to three (3) inches caliper, planted at least every thirty-five (35) feet along the road frontage, and along common property lines.
    - b) Dense medium-height shrubs that are greater than three (3) feet in height on maturity. The Planning Board may allow the use of earth berms, stone walls

and other permanent landscape features to substitute for some of the shrub requirements.

9. Soil shall not be left in a disturbed, unreclaimed state any longer than necessary, and shall be treated in accordance with an approved soil erosion and sediment control plan that demonstrates that hazards from excessive slopes or standing water are avoided.
10. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than one (1) foot vertical to four (4) feet horizontal. Embankments around any pond or water body also shall be a slope not steeper than one (1) foot vertical to four (4) feet horizontal, and this gradient shall extend at least six (6) feet from the edge of said water body toward its center. These dimensional standards shall also apply to the creation of new farm ponds, and the recontouring of existing ponds when such recontouring is proposed by the applicant.
11. Topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stripped from the location of extraction and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion consistent with erosion prevention standards in this chapter, and a soil erosion and sediment control plan approved by the Planning Board.
12. All vehicles removing material from an earth removal operation shall be covered to prevent materials from falling from the vehicle. It shall be the responsibility of the owner of the earth removal operation to ensure compliance.
13. All access/egress roads leading from the excavation site to public ways shall be treated with approved materials, such as bituminous pavement, crushed stone, or concrete, to reduce dust and mud for a distance of at least one hundred (100) feet from such public ways. Public ways giving access to the site shall be kept free of clay, gravel, mud or other materials from the earth removal operation.
14. No earth removal activity shall utilize a substandard public road for primary access.
15. Excavation of peat deposits shall, where permitted, be conducted in accordance with all Natural Resources Conservation Service best management practices. Where ponds or standing water will be created or enlarged by the excavations, the resulting depth shall be controlled in order to avoid creating pools of stagnant water or other conditions unsuitable for fish and waterfowl (after reclamation). After consulting with technical experts, the Planning Board may require the creation of islands or an irregular-shaped shoreline in order to create favorable waterfowl nesting habitat conditions. Discharges into adjacent water bodies or watercourses shall minimize increases in turbidity, sedimentation, pH levels, or fiber pollution which would be likely to affect fisheries.
16. The hours of operation of the extraction site shall be limited to 7 AM to 8 PM, unless otherwise specified by the Planning Board.

17. A reclamation plan, in conformance with the standards in the “Maine Erosion Sediment Control Handbook for Construction: Best Management Practices” by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, latest revision, shall be submitted, to be reviewed and found acceptable by the Planning Board. No permit shall be issued without a financial guarantee to ensure compliance with the reclamation plan. The financial guarantee shall be in an amount recommended by the CEO and approved by the Planning Board sufficient to guarantee implementation of the approved reclamation plan.
  18. No permit shall be issued for a period to exceed three (3) years, although such permit may be renewed, prior to expiration, for additional periods in the same manner. At the point of renewal, the Planning Board may require conformance with new provisions of the rules and regulations governing the permitted operations and may recalculate the surety guarantee accordingly.
- E. Conditions. The Planning Board may impose other reasonable conditions to safeguard the health, safety, and welfare of the community, including those that relate to:
1. Type and location of temporary structures
  2. Routes for transporting material
  3. Provision of temporary or permanent drainage
  4. Disposition of stumps, brush and boulders
  5. Cleaning, repair, and/or resurfacing of streets used in removal activity
  6. Approval from the Department of Environmental Protection for all extraction activities
  7. Restrictions on times of hauling material to avoid conflicts with periods of heavy pedestrian or school traffic.
- F. Insurance. Every property owner, before commencing removal of earth material, shall file with the Code Enforcement Department a certificate of insurance, in an amount not less than \$1,000,000, against liability arising from production or activities or operations incident thereto conducted or carried out under or by virtue of any law or ordinance imposed by the Planning Board, and such insurance shall be kept in full force and effect during the period of operation and for 12 months thereafter. No existing rock, gravel or sandpit will be extended or expanded until the owner has complied with the provisions of this chapter and obtained a permit therefor.
- G. Exemptions. The following earthmoving activities shall be exempt from these standards:
1. The removal or transfer of less than fifty (50) cubic yards of material from or onto any lot in any twelve (12) month period.
  2. The removal or transfer of material incidental to construction, alteration, or repair of a building or in the grading and landscaping incidental thereto.

- 3. The removal or transfer of material incidental to construction, alteration, or repair of a public or private way or essential services.
- 4. Gravel pit with a valid, local approval prior to January 2, 1985.

**§ VII6. Essential Services**

Special dimensional standards for essential services and structures that are necessary for the furnishing of essential services:

- A. Structures under four hundred (400) square feet are exempt from the minimum lot and yard requirements of Table 4-1.
- B. City sewer pump stations may be up to nine-hundred fifty (950) square feet and retain their exemption from this chapter’s dimensional requirements if they are in a business or industrial zone and at least fifty (50) feet from a dwelling unit.

**§ VII7. High-Voltage Transmission Lines**

- A. Findings. High-voltage transmission lines have the appearance of large-scale industrial facilities and are frequently incompatible with nearby residential areas. The City intends to limit or mitigate, where possible, such adverse impacts.
- B. Burial. All high-voltage transmission lines shall be buried where they pass within two hundred (200) feet of any residence, school building, school playground, publicly owned recreational facility, field or park, or any occupied place of employment, but otherwise they may be placed aboveground. When installed underground, they shall be installed in locations and in sections of sufficient length so that unsightly transition structures shall be minimized.

**§ VII8. Home-Based Retail in Residential Districts**

A home-based retail use must meet the following standards:

- A. In order to retain the essential residential character of the neighborhood, sales, storage, and display of merchandise shall occur within a building. In residential districts, home-based retail uses shall be located only within residential structures or accessory structures that existed as of the date of adoption of this chapter, 2020.
- B. Existing buildings are not required to conform to setbacks.
- C. All outside lighting shall be shielded to avoid glare and light trespass.
- D. Exterior alterations shall be minimized.
- E. Outdoor storage is prohibited.
- F. The floor area used for the business shall not exceed one thousand (1,000) square feet, or fifty (50) percent of the existing building floor space, whichever is greater.



- G. No food or beverages are sold by the business.
- H. Parking for home-based retail uses shall be located to the side or rear of buildings.
- I. New parking spaces and new access drives shall be (ten) 10 feet from side and rear lot lines.
- J. For both new and existing parking areas, the Planning Board may impose conditions of approval, including plantings, fences, earth berms, and other screens as buffers, to ensure adequate protection for neighbors.
- K. Hours of operation shall be limited to 8 AM to 6 PM, unless otherwise approved by the Planning Board.

### § VII9. Home Occupation

- A. Permitted uses. A home occupation shall include, but not be limited to, the following:
  - 1. Art studio or other crafts studio.
  - 2. Tailor or seamstress.
  - 3. Personal services salons, limited to no more than two clients at one time.
  - 4. Pet care, limited to no more than two clients at one time.
  - 5. Teaching or tutoring facility.
  - 6. Primarily online businesses, where activity occurs primarily off-premises.
  - 7. Office of a lawyer, engineer, architect, accountant, planner, software or website developer, realtor, insurance agent, medical/dental professional, or other similar professional.
- B. Prohibited home occupations. A home occupation shall not be interpreted to include the following:
  - 1. Facility for the repair of motor vehicles.
  - 2. The retailing of any item not produced on the premises.
  - 3. Medical marijuana caregivers.
- C. Standards. A home occupation must meet the following standards:
  - 1. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto.
  - 2. Not more than two (2) employees, other than family members, shall be employed in the home occupation.
  - 3. There shall be no exterior display, no exterior sign except as permitted by this chapter, no exterior storage of materials, and no other indication of the home occupation, or variation from the residential character of the building.

4. No nuisance, adverse noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated.
5. No traffic shall be generated by such home occupation in such volumes that it will create hazardous conditions in the neighborhood.
6. The home occupation shall not occupy more than the equivalent of twenty-five (25) percent of the total floor area of the dwelling unit.
7. Home occupations in residential districts are reviewed by the Planning Board as conditional uses, or by staff as minor conditional uses.

#### § VII10. Manufactured Housing Units - Siting Requirements

- A. Manufactured housing units that are placed on lots outside of mobile home parks shall comply with the following standards:
  1. Be constructed in accordance with applicable state and federal standards.
  2. Have a pitched roof with a minimum pitch of two (2) inches vertical for each twelve (12) inches of horizontal run and be covered by wood, asphalt, or fiberglass composition shingles.
  3. Have exterior wall surfaces covered with materials similar to conventional construction, such as, but not limited to, cedar shakes, wood, vinyl, or metal clapboards, boards, and batten siding, etc., but not including flat, ridged, or corrugated metal or plastic panels.
  4. Be placed on a permanent foundation such as a concrete pad over gravel base, with skirting around the bottom of the structure, or a concrete frost wall, or a full basement, consistent with 30-A M.R.S. §4358.
  5. Be sited such that a minimum horizontal dimension of fourteen (14) feet faces the street.
- B. Requirements specific to elder non-congregate detached housing. Notwithstanding subsection A above and the City's Subdivision Ordinance, manufactured housing and on-site built homes and the lots upon which they are located in an elder non-congregate detached housing development are not subject to §TBD of the Subdivision Ordinance, but shall meet the following standards:
  1. Meet the same building standards specified in subsection A above.
  2. Be sited on lots not less than five thousand (5,000) square feet in size, which lot shall not have less than fifty (50) feet of frontage on any public or private way.
  3. There may only be one dwelling on a lot. The minimum footprint for any one (1) dwelling shall comply with HUD code minimum size requirements.
  4. No structure built or placed on such lots shall have less than fifteen (15) feet of front yard setback, ten (10) feet of side yard setback, and a fifteen-foot rear setback.

5. Structures built on such lots shall not exceed forty-five (45) percent coverage of the lot area and shall not exceed a height of thirty-five (35) feet.
6. Such lots shall be serviced by public sewer and water, although the infrastructure within the development may be privately owned and maintained. Individual wells or septic systems are not permitted.
7. Electrical, telephone, and cable service shall be installed underground throughout the property.
8. Exterior street lighting for the project shall be provided to sufficiently illuminate internal roads.
9. Landscaping, including trees, shall be provided throughout the property and on each individual lot.
10. Adequate provisions for vehicular and pedestrian circulation shall be provided.
11. To the extent a standard set out herein conflicts with a standard in the City's site plan standards, the standards set out herein shall control.

#### § VII11. **Marinas**

- A. Purpose. The purpose of this section is to establish minimum requirements for the siting, design, construction, and operation of marinas to serve the needs of boaters, to protect natural resources, and to protect the public's health, safety, and welfare.
- B. Applicability. This section applies to:
  1. A marina that is proposed as a new use, or a proposed expansion of an existing marina, and that includes five (5) or more slips or moorings, or provides berthing for commercial vessels that can accommodate more than twenty (20) people.
  2. A vessel maintenance or repair yard that is on or adjacent to the water.
  3. Boat ramps.
- C. Standards. A marina use shall meet the following standards:
  1. Marinas shall only be located in areas which offer safe and convenient access to waters of navigable depth. Safe and convenient access shall be determined by factors such as existing water depths, the size and draft of vessels for which the marina is proposed, and tidal and wave action.
  2. Marinas shall be designed to minimize adverse impacts on the existing use and enjoyment of nearby waters.
  3. Marinas shall be sited and designed to afford adequate protection against wakes caused by vessel traffic, to the maximum extent practicable.
  4. Adequate restroom facilities for the use of marina patrons shall be provided to encourage the use of shoreside facilities, to discourage the overboard discharge of

untreated or inadequately treated sewage from vessels, and to protect water quality.

5. Vessel maintenance areas shall be sited as far from the water as is practicable and shall be designed so that all maintenance activities that are potential sources of air or waterborne contaminants shall be accomplished over dry land or indoors. A management plan for the control and disposal of hazardous materials, by-products, debris, residues, spills, and stormwater runoff from maintenance areas shall be submitted. All drains from maintenance areas shall lead to a sump, holding tank, or pump-out facility from which the wastes can be removed for treatment and/or disposal.
6. Fuel storage and delivery facilities shall be in accordance with local and state fire codes and NFPA 303, "Fire Protection Standards for Marinas and Boatyards." All vessel fueling operations shall be undertaken at the fueling station or other specifically designated remote location in accordance with NFPA 302, "Fire Protection Standards for Pleasure and Commercial Motor Crafts."
7. Life safety equipment. Flotation devices shall be provided at regular intervals throughout the marina to ensure the safety of marina users.
8. Lighting shall be in accordance with United States Coast Guard and United States Army Corps of Engineers requirements and the provisions of this Chapter. In general, lighting shall be designed to ensure public safety while minimizing visual impacts.
9. The owner or operator of a proposed marina shall maintain, at a minimum, insurance policies for comprehensive general liability, marina operators' legal liability, pollution coverage/endorsement/riders, and any other policies as may be mandated by state or federal agencies as part of permitting approval processes. Verification of said policies shall be submitted to the City prior to the issuance of a certificate of occupancy by the CEO.
10. Marina structures in, on or over submerged lands shall be designed to comply with applicable requirements of the State of Maine and with the following:
  - a) They shall be designed to minimize adverse impacts on navigation, public use of waters, and natural resources.
  - b) They shall not significantly restrict water flows.
  - c) The width and length of all structures shall be limited to what is reasonable for the intended use and shall minimize the shading of marine vegetation.
  - d) Barrier-free access for the handicapped that complies with the Americans with Disabilities Act and the Architectural Barriers Act Accessibility Guidelines.
  - e) They shall have sufficient strength to resist all anticipated loading required of buildings in Saco, including, but not limited to, dead, live, wind, earthquake, snow, and impact loading.
  - f) They shall not be constructed using creosote-treated timber.

- g) No structure shall exceed thirty-five (35) feet in height, as measured either from the mean original grade at the downhill side of the structure or from the surface of the water.
- h) An applicant for a marina shall present evidence of application for a submerged lands lease from the State of Maine, where required as part of right, title and interest.

### § VII12. Medical Marijuana

Where permitted by this chapter, uses engaged in the provision of medical marijuana, including caregiver, shall comply with the following standards:

- A. Neither of the referenced uses shall be permitted to generate offensive or harmful odors perceptible beyond their property lines, either at ground or habitable elevation.
- B. Neither of the referenced uses shall be allowed in a location less than 500 feet, measured in a straight line, to the nearest point on the boundary of any property which is occupied by a public or private school, day-care center, or day-care home.
- C. An enclosed outdoor area used for the cultivation of marijuana shall have a privacy fence at least six feet high that obscures the view of the marijuana in order to discourage theft and unauthorized intrusion.
- D. There shall be no outside displays, window displays, or interior displays visible from the outside of the building intended to attract attention to or generate interest in either of the referenced uses.
- E. Adequate measures for security of the facility, which may include a security system, security fencing, security cameras and other measures, shall be demonstrated to the satisfaction of the Code Enforcement Office prior to issuance of either a building permit or a certificate of occupancy. The Code Officer shall consult with the Police Department if the adequacy of proposed security measures is in question.
- F. The owner(s) of a building intended for lease to a caregiver (growing) or a growing facility shall apply for and receive a business license from the City Clerk's office. Each lessee within said building shall apply for and receive a business license from the City Clerk's office. Failure to secure a City of Saco business license shall disqualify either an owner or a lessee from operating as a caregiver (growing) or a growing facility in Saco.
- G. A caregiver (growing) or a growing facility shall receive an annual safety inspection by the Fire Department, Code Office, and Electrical Inspector.
- H. Both a caregiver (growing) and a growing facility shall identify all principal officers/owners by name and address.
- I. Evidence of compliance with all applicable state laws shall be submitted to the Code Enforcement Office prior to issuance of a certificate of occupancy.

**§ VII13. Mobile Home Parks**

- A. Subdivision review. Proposed new mobile home parks and proposed expansions of existing mobile home parks shall be subject to review as, and shall meet all the requirements of, a residential subdivision and shall conform to all applicable state laws and local ordinances and regulations. No development or subdivision approved as a mobile home park may be converted to another use without the approval of the Planning Board. The new use shall meet the appropriate space and bulk standards and other requirements of this chapter, the Subdivision Regulations and other City ordinances.
- B. Permits Required. It shall be unlawful for any person to construct, maintain, operate or alter any mobile home park within the limits of the City of Saco unless the owner holds a valid permit issued annually by the Building Inspector in the name of such person or persons or firm for the specific mobile home park.
- C. Issuance of Permits. The Building Inspector shall annually renew such permit contingent upon compliance with all regulations in this chapter. An inspection shall be performed by the Building Inspector to assure such compliance.
- D. Location. Mobile home parks shall be located only in the Mobile Home Park Overlay District as shown of the official City of Saco Zoning Map.
- E. Standards
  - 1. Lot and yard requirements. Notwithstanding the dimensional requirements in Table 4-1 and the limitation on community septic systems in the Subdivision Regulations, lots in a mobile home park shall meet the requirements below. If a smaller residential lot site is permitted, then it prevails over the 6,500 square feet providing the lot is sewered:

MINIMUM LOT AREA (SF)	
SEWERED	6,500
UNSEWERED	20,000
WITH CENTRAL SYSTEM APPROVED BY MAINE DEPARTMENT OF HUMAN SERVICES, SACO PLUMBING INSPECTOR AND PLANNING BOARD*	12,000
MIN. SITE AREA PER DWELLING UNIT (SF) <sup>d</sup>	
SEWERED	6,500
UNSEWERED	20,000
WITH CENTRAL SYSTEM APPROVED BY MAINE DEPARTMENT OF HUMAN SERVICES, SACO PLUMBING INSPECTOR AND PLANNING BOARD*	12,000
STREET FRONTAGE, MINIMUM (FT)	
SEWERED	65
UNSEWERED	100
WITH CENTRAL SYSTEM APPROVED BY MAINE DEPARTMENT OF HUMAN SERVICES, SACO PLUMBING INSPECTOR AND PLANNING BOARD*	75

DEPTH OF FRONT YARD ON PRIVATE STREETS, MINIMUM (FT)	
SITES SMALLER THAN 10,000 SF	10
SITES LARGER THAN 10,000 SF	15
DEPTH OF FRONT YARD ON PUBLIC STREETS, MINIMUM (FT)	20
WIDTH OF SIDE AND REAR YARDS, MINIMUM (FT)	
SITES SMALLER THAN 10,000 SF	10
SITES LARGER THAN 10,000 SF	15
LOT COVERAGE, MAXIMUM	30%
HEIGHT, MAXIMUM (FT)	35

\*The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet. Lots within any Shoreland Zoning District shall meet the space and bulk standards for that district.

2. Construction Standards. Mobile homes shall be placed on a permanent foundation that complies with the provisions of 30-A M.R.S. §4358. If a slab is used, tie-downs shall be installed to manufacturer's specifications and skirting shall be installed around the bottom of the structure.
3. Registration of owner. Mobile home park operators shall maintain a register of all owners of mobile homes in the park. The register shall be available for inspection by the Assessor, CEO, law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register and records shall not be destroyed for a period of five years following the date of registration. The register shall contain:
  - a) Name and address of each owner.
  - b) Mobile home license number and manufacturer's make.
  - c) Number of site to which it is assigned.
  - d) Date of arrival.
  - e) Date of departure.
4. No mobile home shall remain in a mobile home park unless a lot is available.
5. Alterations and additions must comply with the applicable City and state statutes, codes and ordinances.
6. Maintenance. The owners of mobile home parks shall be responsible for ensuring the maintenance of all park-owned structures and their sites.
7. Compliance. Park management shall conform to state laws. Compliance with this chapter shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
8. Change of Use. No mobile home park may be converted to another use without the approval of the Planning Board.

- F. Inspection. The CEO is hereby authorized and directed to make inspections to determine the condition of mobile home parks located within Saco in order that the CEO may perform the duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The CEO shall have the power to enter at reasonable times upon any property as permitted by 30-A M.R.S. §4452, Subdivision 1A.
- G. Park administration. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws. Compliance with this chapter shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

#### § VII14. Offices in Residential Districts

Standards. In residential districts where offices are permitted as conditional uses, offices shall comply with the following standards, in addition to any other applicable review standards:

- A. In order to preserve neighborhood character, offices shall be located only within converted residential structures, except as allowed in Subsection D below.
- B. Parking for offices shall be located to the side or rear of the building.
- C. All outdoor lighting shall be shielded to avoid glare and light trespass.
- D. In special situations where a building is extremely dilapidated and structurally unsound and where reuse is therefore not practicable or economically feasible or where a building is not judged to be a significant component of the neighborhood's overall architectural and historic character, the Planning Board may approve plans to replace an existing residential building with a new office building whose scale and design would be compatible with the neighborhood. The Board shall obtain the recommendation of the Saco Historic Preservation Commission before granting permission to demolish. In the Historic District, and on historic sites, the decision on demolition shall rest entirely with the Historic Preservation Commission.
- E. Outdoor storage is prohibited.

#### § VII15. Outdoor Merchandise Sales

Adequate off-street parking shall be provided in such a manner that the visibility of drivers along the public roads is not reduced. All display tables shall be cleared and removed to a location not visible from the road at the end of each business day.

#### § VII16. Outdoor Storage

- A. Outdoor storage is prohibited within one hundred (100) feet of public ways, and is limited to registered boats and registered recreational vehicles, including registered camp trailers.



- B. Cargo and shipping containers are prohibited in residential districts.
- C. Outdoor storage is also prohibited within the side, rear, and front setbacks. Vehicle registrations must be readily available for inspection.
- D. Human habitation is not permitted in stored recreational vehicles, trailers, boats, and cargo containers.
- E. Outdoor storage of vehicles or other equipment awaiting repairs is prohibited. Vehicles displayed for sale are not to be construed as outdoor storage.

**§ VII17. Master Planned Developments**

- A. Master planned developments require site plan review and subdivision approval by the Planning Board.
- B. Master planned developments must be designed with dense environments that will easily connect to existing transportation, sewer, and water.
- C. Public Infrastructure Requirement. All master planned developments shall be served by public water and city sewer.
- D. Master Planned Development Application and Review.
  - 1. Notice periods shall be per Site Plan and Subdivision Ordinance Standards.
  - 2. Neighborhood meetings are required for master planned developments that trigger requirements of site plan ordinance. If a neighborhood meeting is required, it shall be held in conformance with site plan ordinance requirements for hosting neighborhood meetings.
- E. Public Hearing and Notice
  - 1. Prior to taking final action on a Master Planned Development application, the Planning Board shall hold a public hearing.
  - 2. Notice of public hearing.
    - a. The hearing shall be advertised in a local newspaper at least seven (7) days prior to the public hearing.
    - b. The City shall notify property owners by first-class mail. The notice shall be postmarked at least seven (7) calendar days prior to a public hearing. Ownership shall be assumed to be that indicated in the records of the Assessor’s Department. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board.
    - c. Property owners in the Saco Island (SI), Downtown (D) District, and business districts shall be notified if their property is within two hundred (200) feet of the applicant's property.

3. Approval of the Site Inventory and Analysis and of the Master Plan as detailed below must occur prior to an application being submitted for site plan and subdivision review.
4. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.
5. Site inventory and analysis. Submission requirements for the site inventory and analysis phase are as follows:
  - b) Evidence of right, title, or interest in the property, such as a deed, lease, option, or purchase and sale agreement.
  - c) The boundaries of the property and all contiguous property under the control of the owner or applicant based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines. The Planning Board may waive the requirement for a boundary survey when sufficient information is available to establish, on the ground, all property boundaries.
  - d) Existing restrictions or easements on the site (if none, so state).
  - e) Site context or locus map – shall show location of development in city and relationship to adjacent property, drawn at size adequate to show relationship of proposed development to properties within 500 feet of site. Location map shall show: existing subdivisions or other developments; approved but undeveloped projects; locations and names of existing streets; boundaries and zoning designations.
  - f) Site inventory plan – shall show existing natural features, resources and built environment on and within 500 feet of site; drawn at an appropriate scale to review these features. The plan shall show: proposed name of development, north arrow, date and scale; owner's and applicant's name, address, and names and addresses of consultants who prepared plan; evidence of right, title and interest as defined in the site plan review standards; boundaries of property and all contiguous property under control of owner or applicant; zoning classifications existing site restrictions (easements, etc.); topography at two-foot intervals; location, extent, value of natural and historic resources located on and within 500 feet of site; on-site soils with a medium-intensity soils survey. The Planning Board may require the submission of a high-intensity soils survey if necessary to evaluate the appropriate use of the property; vegetative cover conditions and identification of trees with diameter of 24 inches at breast height; watershed and subwatershed boundaries; groundwater hydrology beneath site; existing buildings, structures or other improvements on site; location and size of existing utilities or improvements servicing the site.

- g) Site analysis plan – Plan must enable the Planning Board and City Staff to determine which portions of the site are: well suited for the proposed use; are unsuitable or have significant limitations for development or use; have potential conservation or open space value that should be addressed in the master plan; may be subject to or create off-site conflicts or concerns.
  - h) Site analysis narrative – must describe existing conditions of the site, constraints and opportunities for development, existing capacity of road and traffic; any proposed mitigation measures.
6. Master plan. Submission requirements for the master plan review phase are as follows:
- a) Development narrative: must describe overall context of site, with provisions to address constraints and limitations identified during site inventory and analysis phase.
  - b) Conceptual site plan: must be an accurate, scaled plan, and show proposed site layout. Plan submission requirements shall follow site plan submission standards.
  - c) Preliminary infrastructure plan: must show layout and preliminary design of various infrastructure components that will serve core infrastructure and access to and out of the site
  - d) Neighborhood impact mitigation plan, if development abuts residential zone: must describe impacts of proposed development on neighboring residential areas, including but not limited to, traffic, noise, exterior lighting, and visual considerations. The impact mitigation plan must specify the areas that will be retained as buffers and how those areas will be treated and protected. The plan must include any specific standards or requirements that will be imposed on individual buildings or projects, such as increased setbacks, buffering or landscaping, and similar measures.
  - e) Environmental assessment: must identify and evaluate importance of natural resources and describe actions that will be taken to mitigate, protect and develop while protecting historic and natural resources.

F. Streetscape, Parking & Design Standards in All Districts.

- 1. Streetscape.
  - a) Master plan proposals shall be developed to encourage the public to walk on to the property, and shall be designed with open, inviting spaces that highlight the streetscape and human-scaled environment.
- 2. Parking.
  - a) Parking lots shall be incorporated into the rear of parcels fronting the streetscape and / or designed as underground parking. Parking lot visibility from all public ways shall be screened through landscaping, fencing or both.

- b) The Planning Board may reduce overall parking requirements for a master planned development by no more than thirty percent (30%), provided that the applicant can demonstrate that the mix of uses will be utilizing shared parking at staggered times of day.
  - c) Bicycle parking shall be included as part of the master plan proposal, at a rate of one bike per twenty (20) vehicular parking spaces.
3. Master Plan Design Standards.
- a) Building scale and heights shall be consistent across the street-facing façade, with transition only toward the side and rear of the property.
  - b) Interior of master planned developments shall be visually appealing, with a high-quality built environment.
  - c) Landscaping shall be provided that mitigates effects of impervious surface, through breaking up parking lots of more than thirty (30) parking spaces.
  - d) Shade trees along vehicular and pedestrian entrances and along interior spaces of pedestrian and vehicular circulation accessways shall be provided every fifty (50) feet.
  - e) Master planned developments shall comply with the City's design review standards, found in the Site Plan Review Ordinance, Article V.
4. Transit-Oriented Development Requirements.
- a) Master planned developments shall incorporate transit-oriented development through bus stops and dedicated spaces to provide greater access to transportation services that do not rely upon traditional vehicular methods, such as passenger cars.
  - b) Applicants are required to coordinate proposed location of transportation amenities, such as bus stops with local, applicable agencies and departments, such as, but not limited to: Biddeford-Saco-Old Orchard Beach Transit, and Maine Department of Transportation.

G. Master Planned Developments in the Saco Island (SI) District.

- 1. All properties within the Saco Island (SI) District are eligible to undergo master planned development review, regardless of acreage, provided that an applicant can demonstrate compliance with the below standards and applicable ordinances standards.
- 2. Master plan proposals in the SI District shall provide a mix of uses, as follows:
  - a) Structures that front upon Main Street and will be visible from Main Street require at least one hundred percent (100%) of the first floor to be dedicated to commercial, office, non-profit, or some other non-residential use.

- b) Structures on the interior of roads developed to accommodate the master plan proposal may be primarily residential but must incorporate non-residential accessory uses at twenty percent (20%) of total development.
  - c) Together, each proposed master plan development in the Saco Island (SI) District shall have a combined percentage of at least thirty (30%) of development dedicated to non-residential uses.
  - d) The Master Plan must provide a walkable streetscape in a human-scale environment, designed to increase pedestrian activity to this area and act as a connection between Saco and Biddeford.
  - e) Permitted and conditional uses shall be as set forth in the Permitted & Conditional Use Table of the Zoning Ordinance.
3. Design Standards in Saco Island (SI) District.
- a) Compatibility with neighboring uses and buildings. The streetscape should be a continuation of and seamlessly connect with existing, historic streetscape of Main Street and Factory Island.
    - i. Proposed building materials shall be compatible with existing structures but offer unique features that clearly differentiate them from existing historic structures.
    - ii. The Planning Board has the option of requesting comments about the proposed master plan design from the Historic Preservation Commission (HPC).
  - b) The Saco River is one of Saco's most valuable natural resources. Master plan developments shall incorporate open public access to the Saco River and extension of the Riverwalk into site design. No master planned development proposal shall be approved for this area without public usability and pedestrian connectivity to the Saco River.

H. Approval Criteria for site inventory and analysis and master plan.

- 1. The Planning Board may impose conditions on its approval of the master plan if it finds that such conditions are necessary for the master plan to comply with the approval criteria. The Planning Board shall approve the master plan only if the Board finds that the plan complies with the following criteria:
  - a) The master plan is consistent with the site inventory and analysis and reflects a reasonable utilization of the site given environmental and built-environment considerations. Areas proposed for intense development are identified for development in the site inventory and analysis. Areas that were identified as being unsuitable for development in the site inventory and analysis are protected, and adverse impacts of development mitigated. Areas that were identified as having open space or conservation and natural resource value in the site inventory and analysis have been addressed and the resource value

- maintained through utilization of the site, mitigation activities, and/or on- or off-site compensatory activities.
- b) The master plan is consistent with the space and bulk standards, the development standards, and other requirements for master planned developments in the zoning district in which it is located.
  - c) The master plan demonstrates that infrastructure needed to serve the development, including water supply, sewage disposal, power, telecommunications, and other utilities, are available or can be reasonably expected to be able to be provided and will not create an unreasonable burden on the infrastructure systems.
  - d) The master plan demonstrates that the street system can accommodate traffic that will be generated by the development or that improvements can be reasonably made to accommodate the traffic.
  - e) The master plan demonstrates that runoff from the development will be managed to maximize on-site infiltration and minimize discharge from the site and that any runoff from the site can be accommodated by the City's stormwater system or that improvements can be reasonably made to accommodate the runoff.
  - f) The master plan is consistent with any zoning district specific approval criteria of Article III.
  - g) Overall layout, including street system, must provide a neighborhood where all or most buildings and other activities are internally focused rather than focused on the street.
  - h) Proposed street system should create interconnected network that allows vehicles to move about the neighborhood without having to use existing arterials or collectors. Internal streets shall be connected, and dead-end streets shall not be permitted.
  - i) Overall character shall be urban rather than suburban.
  - j) Design of streets within neighborhood should be urban in character with sidewalks, street trees, and lighting.
  - k) An interconnected green space to create a green network shall be provided where feasible.
  - l) The master plan shall address opportunities for alternative transportation.
2. Additional approval criteria for master planned developments in the Saco Island (SI) District. The Planning Board shall approve the master plan only if the Board finds that the plan complies with the additional, following criteria:
- a) Site design shall provide for public access and extension of the City's Riverwalk along the Saco River.

**§ VII18. Seasonal Rental of Dwelling Units**

- A. Seasonal Dwellings shall comply with Chapter 173, Seasonal Property Rental Ordinance.
- B. Seasonal Dwellings shall be occupied by only one (1) family, and no portion shall be sublet to another party.
- C. Properties approved by the City as Seasonal Dwellings shall not include facilities and accommodations that would serve to circumvent this chapter by creating independent or semi-independent suites of rooms that might be rented separately. Such facilities and accommodations might include, but are not limited to, kitchen facilities or partial kitchen facilities; microwave ovens, hot plates, or other cooking devices, multiple laundry facilities, additional cable television connections, or independently metered utilities, additional sinks and other plumbing; additional entrances beyond those customary in a dwelling unit; and entrances which are separate from common areas of the dwelling unit and that allow a room or suite of rooms to be occupied separately from the unit as a whole.

**§ VII19. Small Wind Energy System**

- A. Purpose. To regulate the installation of Small Wind Energy Systems (SWES) in order to promote the safe and efficient use, to reduce the on-site consumption of utility-supplied electricity, and to minimize visual, environmental, and operational impacts.
- B. Submission Requirements. The following shall be submitted to the CEO:
  - 1. Specifications and drawings, detailing the power-generation capacity, hub and blade, prepared by the manufacturer or a professional engineer.
  - 2. Proposed height.
  - 3. A line drawing, photograph or equivalent graphic representation of the wind turbine.
  - 4. Structural drawings of the wind tower, base or foundation, prepared by the manufacturer or a professional engineer. If attachment to an existing structure is proposed, a description or drawing acceptable to the Code Enforcement Office shall be submitted.
  - 5. Documentation from the manufacturer that the SWES will produce noise levels in compliance with the standards specified in this chapter.
  - 6. Photographs of the proposed site.
  - 7. If connection to the publicly regulated utility grid is proposed, a copy of the contract between the applicant and the utility verifying that the proposed connection is acceptable and other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.

- C. Height. SWES height shall be the distance measured from the ground level to the center of the turbine. SWES installed on municipal property shall be exempt from all height requirements. SWES located on all other non-municipal property are exempt from the dimensional requirements of Table 4-1 but shall be limited to one hundred (100) feet.
  
- D. Siting Restrictions. The CEO shall find that the following standards will be met prior to issuance of a building permit for a SWES:
  - 1. Illumination, signals, signs, and antennas are prohibited on SWES, except as required by the Federal Communications Commission or the Federal Aviation Administration.
  - 2. All elements of a SWES shall be set back a distance equal to the length from the ground to the center of the turbine from all boundaries of the applicant's property or shall adhere to the side yard or rear yard setback, whichever is greater. If setback less than equal to the length from the ground to the center of the turbine is proposed from all boundaries, then the CEO shall require that the SWES and foundation design be certified by a Maine licensed professional engineer.
  - 3. If site layout is such that a structural failure of an SWES could reasonably be anticipated to be a threat to abutting properties that would be harmed by such a failure, then proof of insurance against failure shall be submitted to the City. Said insurance shall be maintained provided the SWES remains in place.
  - 4. More than one SWES shall be permitted per lot.
  - 5. The SWES shall be designed with a monopole without guy wires support structure
  - 6. Lattice towers are prohibited.
  
- E. Noise Limits.
  - 1. Both a manual and automatic braking, governing, or feathering system shall be required to prevent uncontrolled rotation.
  - 2. After approval and installation of the SWES, the CEO may require the applicant to perform sound measurements at the closest property line to determine ambient and operating decibel levels.
  - 3. Sound shall not exceed the following limits (Table 7-2) at the lot lines of the abutting properties:

**Table 7-2 Sound-pressure level limits for SWES**

<b>Sound-Pressure Level Limits Measured in dB(A)</b>		
<b>District</b>	<b>Day</b>	<b>Night</b>
Industrial districts	65 dBA	60 dBA
Business and Mixed Use districts	60 dBA	50 dBA
Residential districts	55 dBA	45 dBA

- F. Exemptions. The following are exempt from the provisions of this section:



1. SWES on property owned, leased or otherwise controlled by the City of Saco.
2. SWES with a rated capacity of less than five hundred (500) watts.

#### **§ VII20. Soil Suitability for Land Uses and Roads**

- A. All development shall be situated on soils that are suitable to support the proposal, and that do not cause adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution.
- B. Applicants for new roads shall prepare soil borings every one-hundred fifty (150) feet of the road length for review by the Public Works Director or designee. Proposed public and private roads will only be allowed when soil borings indicate that the subsoils are adequate to sustain the proposal.

#### **§ VII21. Commercial Solar Energy Systems**

- A. Purpose. The City of Saco finds that it is in the public interest to encourage the development and use of commercial solar energy systems as a clean, renewable energy source, and to help promote sustainable initiatives. The purpose of this section is to facilitate the effective and efficient use of large scale, ground mounted, commercial solar energy systems while protecting the public's health, safety, and welfare.
- B. Applicability.
  1. The requirements of this ordinance shall apply to all commercial solar energy systems.
  2. All commercial solar energy systems shall be designed, erected and installed in accordance with all applicable local, state, and federal codes, regulations, and standards.
  3. Commercial solar energy systems shall comply with all applicable building, plumbing and electrical codes and with all applicable requirements of this chapter.
  4. Any modification, upgrade, or structural change that materially alters the size, placement or output of an existing commercial solar energy system shall comply with this ordinance.
- C. Scope of Review. Commercial solar energy systems, including any modifications, upgrades, or structural changes, are subject to site plan review, and in addition shall meet the following standards.
  1. Utility Connections. Applicant shall make reasonable efforts to place all utility connections underground, depending on appropriate soil conditions and topography of the site, and any requirements of the utility provider. Electrical transformers for utility interconnection may be above ground if required by the utility provider.

2. Visual Impact. Applicant shall make reasonable efforts to minimize visual impacts by preserving natural vegetation, screening abutting properties, and protecting scenic resources.
3. Glare. Solar panel placement shall be prioritized to minimize or negate any solar glare onto nearby properties, public gathering places or roadways without unduly impacting the functionality or efficiency of the commercial solar energy system.
4. Natural Resources. Applicant shall make reasonable efforts to protect wetlands, watersheds, working agricultural lands, surface waters, slopes greater than twenty percent (20%), as well as Undeveloped Habitat Blocks, High Value Plant and Animal Habitats and Focus Areas of Ecological Significance as mapped by the Maine Department of Inland Fisheries and Wildlife's Beginning with Habitat Program.
5. Location. Commercial solar energy systems are prohibited in Shoreland Zones, within 75 feet of the normal high-water line of a stream, and within 250 feet of the normal high-water line of any great pond or river and the upland edge of significant coastal and freshwater wetlands, including all areas affected by tidal action.
6. Emergency Services. The owner or operator of a commercial solar energy system shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with the Fire Department in developing an emergency response plan. All means of shutting down the system shall be clearly marked on the plan. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
7. Maintenance. The owner or operator of a commercial solar energy system shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the access road(s).

D. Dimensional Requirements.

1. Lot Coverage. Outside of the Shoreland Zone, solar collectors are exempt from and not subject to lot coverage requirements.
2. Height. Ground-mounted solar collectors shall not exceed 20 feet in height as measured from the base of the support.
3. Setbacks. Commercial solar energy systems must comply with the setback requirements of underlying districts, provided, however, that and all structures, including solar panels, must be setback at least 100' from any abutting residential property.

- E. Decommissioning. A commercial solar energy system that has reached the end of its useful life, or has been abandoned, shall be removed. A commercial solar energy system that has had its operation discontinued for one year or more is presumed

abandoned. The owner shall remove the installation no more than one (1) year after the date of discontinued operations. Removal shall consist of:

1. Physical removal of all commercial solar energy systems, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

F. Financial Guarantee for Removal.

1. At the time of approval, the applicant for a new commercial solar energy system shall submit to the City an evergreen financial guarantee, to be approved by the City Attorney, in the amount of 150% of the estimated costs of the removal tasks set out in E above, such estimated costs to be determined by the City Engineer or other duly designated person, The owner or operator may apply to the City Planner for release of that the financial guarantee at such time that it or its successors or assigns complete the removal tasks set out in E above to the satisfaction of the City Engineer.
2. If the owner or operator of the commercial solar energy system fails to remove the commercial solar energy system in accordance with the requirements of E above, the City retains the right, but not the obligation, to use the financial guarantee and any other available means to cause the removal of the commercial solar energy system in accordance with the requirements of E above.

G. Submission Requirements. In addition to the submission requirements in the Site Plan ordinance, the City Planner and/or Planning Board may request additional items necessary to demonstrate and document that all standards have been met. Additional submission requirements include but are not limited to:

1. Information on any proposed connections to the grid including any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system and grid connections.
2. An Operations and Maintenance Plan prepared and stamped by a licensed Professional Engineer or other licensed professional as appropriate.
3. Detailed Reclamation Plan explaining how out-of-service solar panels will be removed and/or replaced, found acceptable to the Planning Board.
4. Decommissioning Plan explaining how the solar energy system will be removed and the site will be stabilized upon discontinuance of the solar energy system's operation or its abandonment.

### § VII22. Swimming Pools

- A. General. Swimming pools may be permitted in any district as an accessory use to a dwelling for the private use of the owners or occupants and their families and guests.
- B. Permit required. A building permit from the CEO is required.
- C. Standards. To receive a building permit, a swimming pool application must meet the following standards:
  - 1. Setbacks.
    - a) No swimming pool shall be constructed closer than ten (10) feet from the side or rear lot line, nor closer to the front line of any lot than would be permitted for buildings or other structures. Mechanical equipment related to the maintenance of a swimming pool shall not be located closer to a property line than the minimum setback dimension of the zoning district.
    - b) All other water recreation and water storage facilities shall comply with the setback requirements of the zoning districts in which they are located.
  - 2. Fencing.
    - a) The swimming pool shall be entirely enclosed by a fence no less than four (4) feet high to prevent uncontrolled access by small children. The fence shall have no openings larger than four (4) inches. Gates in the fence shall be kept securely locked at all times when the owner or occupant is not present.
    - b) Pools that are four (4) feet or more above ground may be exempt from the fence requirement if all access ramps, stairways or ladders are removed or equipped with locking gates for use when unattended.
  - 3. If the water for such pool is supplied from a private well, there shall be no cross-connection with the public water supply system.
  - 4. If the water for such pool is supplied by the public water supply system, the inlet shall be above the overflow level of the pool.
  - 5. Pools shall be chemically treated in a manner sufficient to maintain the bacteria standards established by the provisions of the State Sanitary Code relating to public swimming pools.
  - 6. No loudspeaker device that can be heard beyond the property lines of the premises on may be operated, nor may any lighting directly illuminating beyond the property be installed.

### § VII23. Traffic and Highway Access

- A. Curb cuts.
  - 1. On collectors and arterials, no use or development on a single lot or on separate but contiguous lots shall have more than one curb cut serving the use or

development. In the course of site plan review under **Chapter TBD [Site Plan]**, the Planning Board may allow a second curb cut, provided no more than one (1) curb cut shall be on the same public right-of-way, unless the curb cuts are designed to operate as a one-way pair.

2. Curb cuts serving lots on Routes 1, 5 and 112 that provide access to one (1) or more of said routes shall, for each lot, be separated by at least five hundred (500) feet as measured along the street line. To the extent possible, new development along these routes shall share common points of access. The Planning Board may impose reasonable conditions to require joint access on both developed and undeveloped lots adjoining the site. Entrances to developed commercial lots shall be kept clear of parked cars to enable good access and to prevent cars from stacking onto public roads.
  3. Driveways, entrances, and approaches shall comply with the standards of Chapter 186.
- B. Sight distance. Any exit driveway serving five (5) or more parking spaces shall be so designed as to provide the following recommended exiting sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle, a distance of ten (10) feet behind the edge of the traveled way from a height of eye at three and one-half (3.5 feet) to an object three and one-half (3.5) feet above the pavement. The Planning Board shall give preference to the recommended sight distance rather than the minimum. However, where the driveway is moved to the optimum position on the lot, and the Planning Board determines that an adequate level of traffic safety has been attained, the Planning Board may permit less than the recommended distance Table 7-3.

**Table 7-3 Recommended and minimum required sight distance for parking area driveways**

<b>Allowable Speed (miles per hour)</b>	<b>Recommended Distance (feet)</b>	<b>Minimum Required Distance (feet)</b>
20	225	200
25	280	250
30	335	300
35	390	350
40	445	400
45	500	450
50	555	500
55	610	550

- C. Review by Public Works Department. Any proposed new curb cut on a public way shall be reviewed and approved by the Saco Public Works Department in accordance with the above standards and such other standards relating to drainage and traffic safety as the Department shall require.
- D. Corner clearance for driveways. Corner clearance is the minimum distance, measured parallel to a roadway, between the nearest curb, pavement, or shoulder line of an intersecting public way and the nearest edge of a driveway entrance or exit, excluding its

radii. The recommended corner clearance for entrances for unsignalized intersections is one hundred (100) feet with a minimum of fifty (50) feet. The recommended corner clearance for signalized intersections is one hundred (125) feet with a minimum of seventy-five (75) feet.

E. Implementation of off-site traffic improvements. When improvements to roads or intersections within the study area are required as part of a condition of approval of a site plan, conditional use, or other permit, these improvements must be implemented prior to occupancy of the development, except where the following occurs:

1. Maine Department of Transportation (DOT) impact fee is applied.
  - a) Impact fee payment. The applicant has paid or will pay an impact fee for future improvements; and
  - b) Impact fee use. The impact fee will be used to make the required improvements by Maine DOT; and
  - c) Improvement plan approval. The improvement plan has been reviewed and approved for implementation by the City and Maine DOT; and
  - d) Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the development; or
2. City of Saco traffic mitigation fee is applied.
  - a) The City may impose traffic mitigation fees on projects in addition to and/or in lieu of actual improvements;
  - b) The City may impose traffic mitigation fees on the project for their impact on substandard intersections or roadways; or
3. Where improvements are to be implemented by Maine DOT or the City of Saco. The applicant demonstrates that the necessary traffic improvements have been identified by the Maine DOT or the City of Saco as improvements which will be implemented; or
4. Where monitoring will be performed by the applicant. The applicant will be responsible for monitoring safety and/or traffic conditions. The approval conditions may also make the applicant responsible for implementation of improvements if the specified monitoring conditions are met.

**§ VII24. Wireless Telecommunications Facilities - Towers and Antennas**

A. Intent. The intent of these standards is:

1. To minimize the adverse impacts of new wireless telecommunications facilities, including the tower, antennas, and accessory structures associated with such facilities. Such impacts include but are not limited to visual, environmental, health and safety, property value impacts, and impacts to historically significant areas.

2. To require co-location of carriers where feasible, thereby minimizing the number of facilities located within the City.
  3. To encourage the utilization of alternative tower structures, thereby minimizing the number of facilities located within the City.
  4. To permit the construction of new facilities only where all other reasonable opportunities have been exhausted.
  5. To provide for the removal of facilities no longer in operation.
  6. To ensure that provisions are made for the reservation of space on a proposed facility that will enable the City of Saco's public safety needs are met.
- B. Standards. In addition to meeting the Conditional Use Standards of this Chapter and the Site Plan Ordinance standards, proposed wireless telecommunications facilities shall also meet the following standards:
1. Telecommunications structures are limited to one hundred ninety (190) feet in height. Lesser heights shall be encouraged. The height of the proposed tower shall not exceed that which is essential for its intended use, nor pose a threat to public safety.
  2. Illumination, signals, and signs are prohibited on telecommunications towers and antennas, except as required by the Federal Communications Commission and the Federal Aviation Administration.
  3. A new or expanded telecommunications structure shall comply with setback requirements for the zoning district in which it is proposed, or be set back one hundred and five (105) percent of its height from all property lines, whichever is greater. The latter requirement may be satisfied by including areas outside the property boundaries if secured by an easement.
  4. Towers, guys and accessory facilities shall meet the minimum zoning district setback requirements.
  5. The design of buildings and related structures shall use materials, colors, textures, screenings, and landscaping that will allow the telecommunications facility to blend with the natural setting and the built environment to the extent possible.
  6. A security fence or wall not less than eight (8) feet in height shall be installed around the telecommunications facility and all accessory buildings. Access to the tower shall be via a lockable gate.
  7. Visual impacts on the community due to line of sight of the tower or facility from historic structures, public or natural areas, or residential neighborhoods shall be minimized and mitigated.
  8. When possible, existing structures shall be used as an alternative to the development of new towers, antennas, or other facilities. Shared use and co-location are mandatory, where feasible.

- C. Conditions. The Planning Board may establish reasonable conditions related to the standards of this Section to ensure conformity with the purposes of this chapter and the Comprehensive Plan.
- D. Exemptions. The following are exempt from the provisions of this section:
1. Emergency wireless telecommunications facilities for emergency communications by public officials.
  2. Facilities on property owned, leased, or otherwise controlled by the City of Saco for the sole purpose of municipal use.
  3. Amateur ham radio stations licensed by the Federal Communications Commission.
  4. An antenna that is an accessory use to a residential dwelling unit.
- E. Submission requirements.
1. A map and list of all existing wireless telecommunications facilities within the City of Saco and all directly abutting communities, including specific locations, heights, and types of tower.
  2. A description of the proposed facility's area of service and how it relates to the applicant's existing or proposed area of service in northern York and southern Cumberland Counties.
  3. A written statement detailing the carrying capacity of the proposed facility in terms of the number and types of antennas it is designed to accommodate.
  4. A written statement prepared by a qualified professional addressing why a new facility is necessary. This statement shall provide details such as, but not limited to existing and proposed service area maps; future expansion needs in the area; the lack of existing facilities to service the area; the lack of space on existing facilities; and/or why existing facilities may not be adequately engineered for co-location purposes.
  5. Certification by a structural engineer that the proposed facility will meet all federal, state, and City of Saco code requirements.
  6. A visual impact analysis that quantifies the level of visual impact on properties located within five hundred (500) feet, within two thousand (2,000) feet and within two (2) miles of the proposed structure. Said analysis shall include:
    - a) Photo simulations of the proposed structure taken from perspectives determined by the City Planner. The photo simulations shall include the proposed visual impact on historic structures, public areas and residential neighborhoods. Each photo shall be labeled with the line of sight and elevation and shall show the color of the proposed structure.
    - b) Elevation drawings of the proposed structure and accessory structures, showing height above ground level.



- c) A landscaping plan indicating the placement of the structure on the proposed site; location of existing structures, trees, and all other significant features of the site; type and location of vegetation proposed to screen the base of the structure and accessory buildings; placement and type of fencing that shall enclose the entire telecommunications facility; color of the structure; and proposed lighting.
- F. Financial Guarantee. Upon approval and prior to issuance of a building permit, a financial guarantee acceptable to the City Planner to ensure the timely removal of towers and antennas that are abandoned shall be submitted. Financial guarantee requirements are outlined in **Article III, Section 3.01(g)** of the City's Site Plan Ordinance. A wireless telecommunications facility that is not operated for a continuous twelve (12) month period shall be considered abandoned. The financial guarantee shall include a mechanism satisfactory to the City Planner for review of the cost of removal of the facility every five (5) years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate increase.

## Article VIII. Performance Standards for Shoreland Zoning Overlay Districts

### § VIII1. Purpose

The purposes of this article are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitats; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to manage building sites, placement of structures and land uses; to conserve shore cover; and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

### § VIII2. Applicability

A. The provisions of this article apply to the “Shoreland Zone” as used in this chapter which includes the following:

1. All land areas within two hundred fifty (250) feet, horizontal distance, of the:
  - a) Normal high-water line of any great pond or river;
  - b) Upland edge of a coastal wetland, including all areas affected by tidal action;
  - c) Upland edge of a freshwater wetland;
2. All land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream; The Shoreland Zoning Overlay Districts include the following, all of which are more particularly described in **Article III**:
  - a) The Resource Protection Overlay District (RPOD);
  - b) Shoreland Overlay District (SLOD);
  - c) Coastal Development Overlay District (CDOD).

B. Districts & Shoreland Zoning Map

1. Resource Protection Overlay District: The Resource Protection Overlay District (RPOD) shall include the areas shown as RPOD on the Official Zoning Map and the following areas when they occur within the limits of the Shoreland Zone as mandated by the State of Maine Mandatory Shoreland Zoning Act, 38 M.R.S. §435 et seq, except that areas which are currently developed need not be included within the Resource Protection Overlay District:
  - a) Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows that are rated “moderate” or “high” value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973; and areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with rivers which are rated “moderate” or

“high” value waterfowl and wading bird habitats, including nesting and feeding areas, by the MDIF&W, that are depicted on a GIS data layer maintained by either MDIF&W or the DEP as of December 31, 2008, and the area within 100 feet, horizontal distance, of the upland edge of the unrated mapped freshwater wetlands along Stackpole Creek and the Nonesuch River.

- b) Land areas within the one-hundred-year floodplains adjacent to tidal waters as shown on FEMA’s Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
  - c) Areas of two or more contiguous acres with sustained slopes of 20% or greater
  - d) Areas of two or more contiguous acres with hydric soils and supporting wetland vegetation that are not part of a fresh water or coastal wetland, as defined, and that are not surficially connected to a water body during the period of normal high water.
  - e) Land areas adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs
  - f) All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream
  - g) All land areas within 250 feet, horizontal distance, from the following natural features: Cascade Brook Falls; Nonesuch River Fault; Saco Heath
  - h) All land area known as Stratton Island, Bluff Island, Ram Island, and Eagle Island
  - i) All land area currently being used as general public access to tidal beaches or the Saco River
  - j) All land area within 100 feet, horizontal distance, of Philips Spring, Seal Rock Spring, Heath Road Spring and Jenkins Road Spring
  - k) Areas designated by federal, state or municipal government as natural areas of significance to be protected from development including: Ferry Beach State Park; Rachel Carson Wildlife Preserve.
2. Shoreland Overlay District: The Shoreland Overlay District (SLOD) includes all lands shown on the official zoning map as Shoreland Overlay District.
  3. Coastal Development Overlay District: The Coastal Development Overlay District (CDOD) includes all lands shown on the official zoning map as Coastal Development Overlay District.

C. Effective date.

1. Effective date of article and article amendments. This article, which was amended by the municipal legislative body on [REDACTED], shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the article as amended, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner

fails to act on this article amendment within forty-five (45) days of their receipt of the amendment, it shall be automatically approved.

2. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this article as amended if the amendment is approved by the Commissioner.

**§ VIII3. Land Use Standards**

Activities within the districts subject to these requirements shall conform to the following additional dimensional requirements:

**A. Dimensional Standards**

1. Dimensional standards for the Resource Protection Overlay, Shoreland Overlay and Coastal Development Overlay are detailed in **Article III** with additional requirements in Table 8-1:
  - a) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

**Table 8-1. Minimum Lot Standards**

	<b>Minimum Lot Area (sq. ft.)</b>	<b>Minimum Shore Frontage (ft.)</b>
<b>Residential per dwelling unit</b>		
<b>Within the Shoreland Zone Adjacent to Tidal Areas</b>	30,000	150
<b>Within the Shoreland Zone Adjacent to Non-Tidal Areas</b>	40,000	200
<b>Governmental, Institutional, Commercial or Industrial per principal structure</b>		
<b>Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities</b>	40,000	200
<b>Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities</b>	NONE	NONE
<b>Within the Shoreland Zone Adjacent to Non-tidal Areas</b>	60,000	300
<b>Public and Private Recreational Facilities</b>		
<b>Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas</b>	40,000	200

**Table 8-2. Dimensional Standards for Principal and Accessory Structures in Natural Resource districts**

	<b>Resource Protection Overlay District</b>	<b>Shoreland Overlay District</b>	<b>Coastal Development Overlay District</b>
<b>Minimum street frontage (ft)</b>			
<b>Lots in RC or LDR districts</b>	200	150	150
<b>Lots in all other districts</b>	200	100	100
<b>Minimum setback to water bodies:</b>			
▪ <b>Normal High Water Line of a Stream, tributary stream, or upland edge of a wetland</b>	75	75	75
▪ <b>Normal High Water Line of Great Pond classified GPA or river flowing to a great pond classified GPA</b>	100	100	100
<b>Minimum setback to water bodies for functionally-dependent water uses:</b>	0	0	0
<b>Maximum height (ft)<sup>2</sup></b>	35	35	35

1. Protected water resources include normal high-water line of freshwater bodies, the maximum spring high tide level (MHHW) of tidal waters, and the upland edge of a wetland
2. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Cupolas, domes, widow's walks or similar features shall be exempt.

2. If more than one (1) residential dwelling unit, principal governmental, institutional, commercial, or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
3. Minimum lot width. Within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland, the minimum width of any portion of any lot shall be equal to or greater than the required shore frontage for the proposed use.
4. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
5. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one (1) foot above the elevation of the one hundred (100) year flood, the flood of record, or, in the absence of these, the flood as defined by soil types identified as recent floodplain soils. Accessory structures may be placed in accordance with City Code Chapter 106, Floodplain Management, and need not meet the elevation requirements of this subsection.
6. Lot Coverage

- a) Nonvegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the Shoreland Zoning Overlay District, except in the SI, CE, and Coastal Development Overlay Districts. This limitation does not apply to public boat launching facilities, regardless of the district in which the facility is located.
  - b) In the SI and CE Districts located adjacent to coastal wetlands, or rivers that do not flow to great ponds, nonvegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the Shoreland Overlay District. The total nonvegetated surface shall not exceed forty (40) percent of a lot or a portion thereof located within the Coastal Development Overlay District.
  - c) For the purposes of calculating lot coverage, nonvegetated surfaces include, but are not limited to, the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990, and in continuous existence since that date.
  - d) For the purposes of this article, a building is a structure designed for habitation, shelter, storage, or as a gathering place that has a roof. For the purposes of this rule, the foundation is part of the building. A porch with a roof, attached to the exterior walls of a building, is considered part of the building.
- B. Notwithstanding the requirements stated above, stairways or similar structures may be allowed, with a permit from the CEO, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. §480-C; and that the applicant demonstrates that no reasonable access alternative exists on the property.
- C. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on coastal bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most-recent Coastal Bluff Map. If applicants and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, applicants may, at their expense, employ a Maine registered professional engineer, a Maine certified soil scientist, a Maine state geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.
- D. On a nonconforming lot of record on which only a residential structure exists, and on which it is not possible to place an accessory structure meeting the required setbacks,

whether from water body, tributary stream, or wetlands, the CEO may issue a permit to place a single accessory structure not to exceed eighty (80) square feet in area nor eight (8) feet in height, with no utilities, for the storage of yard tools and similar equipment. The accessory structure shall be located as far from the shoreline or tributary stream or wetland as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing standards. The accessory structure shall not be located closer to the shoreline, tributary stream, or wetland than the principal structure.

- E. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided each of the following conditions are met:
1. The site has been previously altered and an effective vegetated buffer does not exist;
  2. The wall is at least twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
  3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  4. The total height of the wall, in the aggregate, is not more than twenty-four (24) inches;
  5. The location is outside the one hundred (100)-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps;
  6. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
  7. A vegetated buffer area is established within twenty-five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
    - a) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, leaf or bark mulch or an equivalent alternative acceptable to the CEO shall be utilized.
    - b) Plantings, native species only, shall be installed to retard erosion and provide for effective infiltration of stormwater runoff.
    - c) A minimum buffer width of fifteen (15) feet, horizontal distance, is required, measured perpendicular to the normal high-water line or upland edge of a wetland.

- d) A footpath no greater than four (4) feet in width may traverse the buffer at a right angle.
- e) All permits required by the Maine Department of Environmental Protection and/or other regional, state, or federal agencies shall have been issued prior to the start of work.

**§ VIII4. Piers, Docks, Wharves, and Other Marine Structures Extending Over or Below the Normal High-Water Line of a Water Body**

A. Performance standards.

1. All applications for temporary piers, docks, wharves and other marine structures shall be reviewed by the CEO, and all applications for permanent piers, docks, wharves and other marine structures shall be reviewed by the Planning Board. All such applications shall be reviewed for conformance with the following standards listed below.
2. If the reviewing authority is unable to reach a decision using the criteria below due to either inconclusive or conflicting information, the reviewing authority will require the applicant to submit an environmental impact analysis assessing the proposal's impact on natural areas, including impacts of the proposed structure in conjunction with other adjacent or abutting structures.
3. The reviewing authority may also require that the proposal be modified to ensure conformance with the standards set forth below. Mitigation measures may include, but are not limited to, changes in the design and construction of the marine structure, or changes in magnitude, duration, and location of activities carried out at the marine structure.
4. An application shall be approved by the reviewing authority if there is a finding that:
  - a) No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in this article, a second structure may be allowed and may remain as long as the lot is not further divided.
  - b) Access from the shore shall be developed on soils appropriate for such use, as determined through consultation with the local Soil and Water Conservation District office. Whenever possible, access from the shore to the marine structure shall be placed on bedrock. Measures shall be taken to minimize soil erosion both during and after construction.
  - c) The proposed location of the marine structure shall not unreasonably interfere with access to existing marine structures or points of public access, nor shall it unreasonably interfere with existing developed or natural beach areas.
  - d) The marine structure shall be designed, sited, and constructed to mitigate unreasonable adverse impacts on significant wildlife habitats or unique natural



areas, including, but not limited to fin fish and shellfish fisheries, salt marshes, eel grass beds, shorebird feeding and nesting habitats, critical fish spawning and nursery areas, etc.

- e) Unreasonable interference with the natural flow of any surface or subsurface waters or impedance of the flow of the current of any river or channel shall be minimized during construction and subsequent use of the marine structure.
- f) The marine structure shall be designed, sited, and constructed so as not to encroach upon federally designated navigation channels or mooring areas or otherwise obstruct by any means whatsoever the free use of piers, docks, and other common landing places.
- g) The marine structure shall be no larger than necessary to accomplish the purposes for which it is designed, notwithstanding the dimensional limits listed below (Table 8-3). Its size and construction shall not change the intensity of the adjoining land use, and by no means shall it exceed a total distance of more than one third (1/3) the width of the water body, when proposed for coastal or inland waterways. The applicant may request a variance from the dimensional requirements due to the additional requirement of handicap access or unusual wind or wave conditions.

**Table 8-3 Maximum size of marine structures**

Type	Maximum Width (feet)	Maximum Length (feet)
Private piers	6	100 <sup>a</sup>
Commercial piers	12	100 <sup>a</sup>
Ramps	4	As appropriate
Docks, floats	200 square feet	

a. Landward of the mean low-water line

- h) Developers of new subdivisions who propose docks as part of the subdivision shall provide a community dock. The applicant may request a variance for additional community docks, provided a demonstrated need can be shown for the additional facilities.
- i) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- j) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- k) Except in business districts (including the CE District) and in residential districts, structures built on, over or abutting a pier, wharf, dock or other structures extending beyond the normal high-water line of a water body or

- within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.
- l) New permanent piers and docks on nontidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection pursuant to the Natural Resources Protection Act.
  - m) Vegetation may be removed in excess of the standards in §VIII.10 of this chapter in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible, as determined by the Planning Board.
    - i. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete, the construction equipment accessway must be restored.
    - ii. Revegetation must occur in accordance with §VIII.10.
    - iii. A permit pursuant to the Natural Resources Protection Act is required from the Department of Environmental Protection for shoreline stabilization activities.
  - n) A deck over a river may be exempted from shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:
    - i. The total deck area attached to the structure does not exceed seven hundred (700) square feet.
    - ii. The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project.
    - iii. The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project.
    - iv. The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in §VIII.3.
    - v. The construction of the deck complies with SRCC regulations and all state and federal laws. New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S. §480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

### § VIII5. Campgrounds

- A. Campgrounds shall conform to the minimum requirements imposed under state licensing procedures, **Article VII** of this chapter, and the following:
1. Campgrounds shall provide a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation and land below the normal high-water line of a water body shall not be included in calculating land area per site.
  2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

### § VIII6. Parking

- A. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the CE District, parking areas shall be set back at least (twenty-five) 25 feet from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities in other districts shall be no less than (fifty) 50 feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
- B. Parking areas shall be designed to prevent stormwater runoff from flowing directly into a water body and, to the greatest extent practicable, to retain all runoff on site.
- C. All parking spaces shall be nine (9) feet wide and (eighteen) 18 feet long, except that parking spaces for a vehicle and boat trailer shall be (forty) 40 feet long. See **Article X** herein for additional parking standards.

### § VIII7. Roads, Driveways, and Drainage Systems

- A. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features:
1. Setback.
    - a) Roads and driveways shall be set back at least seventy-five (75) feet, horizontal distance, from the normal high-water line of water bodies, tributary streams, or the upland edge of a wetland, unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water

body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

- b) On slopes of greater than twenty (20) percent, the road or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.
  - c) This subsection shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.
2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
  3. New roads and driveways are prohibited in the Resource Protection Overlay District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
  4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control detailed in §VIII14.
  5. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
  6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams, or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two (2) times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
  7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
    - a) Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in Table 8-4:

**Table 8-4 Maximum distance between ditch relief culvert, drainage dips, and associated water turnouts**

Grade	Spacing
-------	---------

(percent)	(feet)
0% to 2%	250
3% to 5%	200 to 135
6% to 10%	100 to 80
11% to 15%	80 to 60
16% to 20%	60 to 45
21+ %	40

- b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be established with appropriate materials.
- e) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

**§ VIII8. Mineral Exploration and Extraction**

- A. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the CEO shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.
- B. Mineral extraction may be permitted under the following conditions:
  - 1. A reclamation plan shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Subsection B (4) below.
  - 2. No part of any extraction operation, including drainage and runoff control features, shall be permitted within seventy-five (75) feet, horizontal distance, of the normal high-water line of any water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
  - 3. Gravel pits within the Shoreland Zone shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing or planted landscaping vegetation.

4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:
  - a) All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on site. Only materials generated on site may be buried or covered on site.
  - b) The final graded slope shall be two to one (2:1) slope or flatter.
  - c) Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
  - d) In keeping with the purposes of this chapter, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

#### § VIII9. Agriculture

- A. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S. §4201-4214).
- B. Manure shall not be stored or stockpiled within three hundred (300) feet, horizontal distance, of a water body, tributary stream, or wetland. All manure storage areas within the Shoreland Zoning Overlay Districts must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.
- C. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the Shoreland Zoning Overlay Districts shall require a conservation plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered a violation of this chapter.
- D. There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this chapter and not in conformance with this provision may be maintained, provided that such tilling is conducted in accordance with a soil and water conservation plan.
- E. Newly established livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies nor within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which is not in conformance with the above setback provisions, may

continue, provided that such grazing is conducted in accordance with a conservation plan that has been filed with the Planning Board.

§ VIII10. **Clearing or Removal of Vegetation for Activities other than Timber Harvesting**

- A. Within the RP Overlay District, cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district and shall be demonstrated on a lot clearing plan presented to the CEO or Planning Board as appropriate.
- B. Buffer strip.
  - 1. In areas that are not in a RP Overlay District and within seventy-five (75) feet, horizontal distance, from any water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
    - a) There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present), as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width, as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline, provided that a cleared line of sight to the water through the buffer strip is not created.
    - b) Selective cutting of trees within the buffer strip is allowed, provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees" adjacent to water bodies, tributary streams, and wetlands is defined as maintaining a minimum rating score of sixteen (16) or more per twenty-five (25) foot by fifty (50) foot rectangular area (1,250 square feet) as determined by the following rating system (Table 8-5).

**Table 8-5 Points per tree**

<b>Diameter of Tree at 4 1/2 feet Above Ground Level (inches)</b>	<b>Points</b>
2 to < 4	1
4 to < 8	2
8 to < 12	4
12 or greater	8

- c) For the purposes of Subsection **B(1)(b)** above, "other natural vegetation" is defined as retaining existing vegetation under three (3) feet high and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one-half (4.5) feet above ground level for each twenty-five (25) foot by fifty (50) foot rectangular area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.

- d) Notwithstanding the above provisions, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4.5) feet above ground level, may be removed in any ten (10) year period.
  - e) Pruning of tree branches on the bottom one-third (1/3) of the tree is allowed.
  - f) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species and non-invasive species that are migrating to Maine from southern New England due to climate change, in accordance with §VIII13 unless existing new tree growth is present.
  - g) In order to protect water quality and wildlife habitats, existing vegetation under three feet high and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described above.
  - h) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of §VIII10.
2. The provisions of Subsection B(1) above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

C. Selective cutting.

- 1. At distances greater than seventy-five (75) feet, horizontal distance, from the normal high-water line of any water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4.5) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For purposes of these standards, volume may be considered to be equivalent to basal area.
- 2. In no event shall cleared openings for any purpose, including, but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed, in the aggregate, twenty-five (25) percent of the lot area within the Shoreland Zoning Overlay Districts or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the Shoreland Zoning Overlay Districts, including the buffer area, but shall not apply to industrial or business districts, including the CE District.

- D. Legally existing, nonconforming cleared openings may be maintained but shall not be enlarged, except as allowed by this chapter.



- E. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

**§ VIII11. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

- A. Hazard trees in the Shoreland Zoning Overlay Districts may be removed without a permit after consultation with the CEO if the following requirements are met:
1. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one-half (4.5) feet above ground level. If new growth is not present, replacement trees shall consist of native species and be at least four feet high and be not less than two (2) inches in diameter. Stumps may not be removed.
  2. Outside of the shoreline buffer, when hazard tree removal exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one-half (4.5) feet above ground level in any ten-year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the Shoreland Zoning Overlay Districts or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless new tree growth is already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one-half (4.5) feet above ground level. If new growth is not present, replacement trees shall consist of native species and be at least two inches in diameter, measured at four and one-half (4.5) feet above ground level.
  3. Removal of standing dead trees, resulting from natural causes, is permissible without need for replanting or a permit, provided the removal does not result in creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For purposes of this provision, dead trees are those trees that contain no foliage during the growing season.
  4. The CEO may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the Shoreland Zoning Overlay Districts.
  5. The CEO may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one-half (4.5) feet above ground level.
- B. Storm-damaged trees in the Shoreland Zoning Overlay Districts may be removed without a permit after consultation with the CEO if the following requirements are met:
1. Within the shoreline buffer, when removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred fifty (250) square feet,

replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

- a) The area from which a storm-damaged tree is removed does not result in new lawn areas or other permanently cleared areas;
  - b) Stumps from the storm-damaged trees may not be removed;
  - c) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
  - d) If, after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one (1) seedling per every eighty (80) square feet of lost canopy.
2. Outside of the shoreline buffer, if removal of storm-damaged trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one-half (4.5) feet above the ground level, in any ten (10) year period or results, in the aggregate, in cleared openings exceeding twenty-five (25) percent of the lot area within the Shoreland Zoning Overlay Districts or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

#### § VIII12. Exemptions to Clearing and Vegetation Removal Requirements

- A. The following activities are exempt from clearing and vegetation removal standards set forth in §VIII10, provided that all other applicable requirements of this chapter are complied with and vegetation removal is limited to that which is necessary:
1. Vegetation removal that occurs at least once every two (2) years for maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as, but not limited to, cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of vegetation removal every two (2) years, reverts back to primarily woody vegetation, the requirements of §VIII10 apply.
  2. Vegetation removal from the location of allowed structures or allowed uses, when the shoreline setback requirements are not applicable.
  3. Vegetation removal from the location of public swimming areas associated with an allowed public recreational facility.
  4. Vegetation removal associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of §VIII9 are complied with.
  5. Vegetation removal associated with brownfields or voluntary response action program (VRAP) projects, provided that vegetation removal is necessary for remediation activities to clean up contamination on a site approved by the

Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S. §343-E and that is located along:

- a) A coastal wetland; or
  - b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S. §465-A.
6. Removal of nonnative invasive vegetation species, provided the following minimum requirements are met:
- a) If vegetation removal occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
  - b) Vegetation removal within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
  - c) If applicable clearing and vegetation removal standards are exceeded due to removal of nonnative invasive species vegetation, the area shall be revegetated with native species.
7. Vegetation removal associated with emergency response activities conducted by the Department of Environmental Protection, the United States Environmental Protection Agency, the United States Coast Guard, and their agents.

### § VIII13. Revegetation Requirements

- A. When revegetation is required in response to violations of vegetation standards set forth in **§VIII10**, to address removal of nonnative vegetation invasive species, or as a mechanism to allow for development that may otherwise not be permissible due to vegetation standards, including vegetation removal in conjunction with a shoreline stabilization project, revegetation must comply with the following requirements:
1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan depicting where vegetation was or is to be removed, where existing vegetation will remain, and where vegetation will be planted, including a list of all vegetation to be planted.
  2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the preexisting vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the preexisting vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

3. If part of a permitted activity, revegetation shall occur before the permit expiration. If the activity or revegetation is not completed before the permit expiration, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
  - a) All trees and saplings removed must be replaced with native noninvasive species;
  - b) Replacement vegetation must at a minimum consist of saplings;
  - c) If more than three (3) trees or saplings are planted, at least three (3) different species shall be used;
  - d) No one species shall make up fifty (50) percent or more of the number of trees and saplings planted;
  - e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
  - f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year period.
5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet high:
  - a) All woody vegetation and vegetation under three feet high must be replaced with native noninvasive species of woody vegetation and vegetation under three feet high, as applicable;
  - b) Woody vegetation and vegetation under three (3) feet high shall be planted in quantities and variety sufficient to prevent erosion and provide effective infiltration of stormwater;
  - c) If more than three (3) woody vegetation plants will be planted, then at least three (3) different species shall be planted;
  - d) No one species shall make up fifty (50) percent or more of the number of planted woody vegetation plants; and
  - e) Survival of planted woody vegetation and vegetation under three (3) feet high must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five (5) years.
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
  - a) All removed ground vegetation and ground cover must be replaced with native herbaceous vegetation in quantities and variety sufficient to prevent erosion and provide effective infiltration of stormwater;

- b) Where necessary due to lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
- c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of (5) five years.

#### § VIII14. Erosion and Sedimentation Control

- A. All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - 1. Mulching and revegetation of disturbed soil.
  - 2. Temporary runoff control features, such as hay bales (that contain no invasive species), silt fencing or diversion ditches.
  - 3. Permanent stabilization structures, such as retaining walls or riprap.
- B. To create the least potential for erosion, development shall be designed to fit with topography and soils of sites. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- C. Erosion and sedimentation control measures shall apply to all aspects of a proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce erosion potential.
- D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of initial exposure date. In addition:
  - 1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - 2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain mulch cover.
  - 3. Additional measures shall be taken where necessary to avoid siltation into water. Such measures may include staked hay bales and/or silt fences.
- E. Natural and man-made drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and

constructed in order to carry water from a fifty-year (50) storm or greater and shall be stabilized with vegetation or lined with riprap.

#### § VIII15. **Septic Waste Disposal**

- A. All subsurface sewage disposal systems shall be installed in conformance with State of Maine Subsurface Wastewater Disposal Rules and the following:
1. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extension shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland to the potential water source.
  2. A holding tank is not allowed for a first-time residential use in the Shoreland Zoning Overlay Districts.

#### § VIII16. **Soils**

Land uses shall be located on soils in or upon which proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface wastewater disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine certified soils scientists, Maine registered professional engineers, Maine state certified geologists and other persons who have training and experience in recognition and evaluation of soil properties. The report shall be based upon the analysis of characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

#### § VIII17. **Water Quality**

No activity shall deposit on or into the ground or discharge to waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses of the water classification of the water body, tributary stream or wetland.

#### § VIII18. **Archaeological Sites**

Proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action by the permitting authority. The permitting authority shall consider comments prior to rendering a decision on the application.

§ VIII19. **Variances and Appeals** – See **Article XIV**.

§ VIII20. **Definitions Pertaining to Shoreland Zoning**

Except as otherwise provided, for purposes of this Chapter, the following definitions shall apply:

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Aggrieved party** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture** - the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental green-house products. Agriculture does not include forest management and timber harvesting activities.

**Aquaculture** - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**Basement** - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Boat Launching Facility** - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Bureau of Forestry** – State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

**Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy** – the more or less continuous cover formed by tree crowns in a wooded area.

**Coastal wetland** - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

**Commercial use** - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Cross-sectional area** – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

**DBH** – the diameter of a standing tree measured 4.5 feet from ground level.

**Development** – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Disruption of shoreline integrity** - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law



enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential services** - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure** - an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

**Family** - one or more persons occupying a premise and living as a single housekeeping unit.

**Floodway** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

**Footprint** - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

**Forest management activities** - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forest Stand** - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are: 1) Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and 2) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

**Great pond classified GPA** - any great pond classified GPA, pursuant to 38 M.R.S. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

**Ground cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Harvest Area** - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**Hazard tree** - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**Height of a structure** - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

**Industrial** - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional** – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Land Management Road** - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester** - a forester licensed under 32 M.R.S. Chapter 76.

**Lot area** - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Marina** - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

**Market value** - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Mineral exploration** - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral extraction** - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.

**Native** – indigenous to the local forests.

**Non-conforming condition** – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Non-conforming lot** - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback, height, lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-conforming use** - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-native invasive species of vegetation** - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

**Normal high-water line (non-tidal waters)** - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.

**Outlet stream** - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

**Person** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**Piers, docks, wharves, bridges and other structures and uses** extending over or beyond the normal high-water line or within a wetland.

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Principal structure** - a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same lot.

**Public facility** - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Recent floodplain soils** - the following soil series as described and identified by the National Cooperative Soil Survey: Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Alluvial Cornish, Charles, Podunk, Rumney, Saco, Suncook, Sunday, and Winooski

**Recreational facility** - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**Recreational vehicle** - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Replacement system** - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Residual basal area** - the average of the basal area of trees remaining on a harvested site.

**Residual Stand** - a stand of trees remaining in the forest following timber harvesting and related activities

**Riprap** - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**River** - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. The portion of a river that is subject to tidal action is a coastal wetland.

**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Salt marsh** - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

**Salt meadow** - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common three-square occurs in fresher areas.

**Sapling** - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

**Seedling** - a young tree species that is less than four and one half (4.5) feet in height above ground level.

**Service drop** - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service
  - a) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b) the total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service
  - a) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - b) the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shoreland zone** - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** – the normal high-water line, or upland edge of a freshwater or coastal wetland.

**Significant River Segments** - See Appendix A or 38 M.R.S. section 437.

**Skid Road or Skid Trail** - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Storm-damaged tree** - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**Stream** - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

**Structure** – In the Shoreland Zone, “structure” means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201,



subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

**Substantial start** - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system** – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

**Sustained slope** - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Temporary structure** - A structure that is placed on or in the water or shore for a period no greater than seven months in any period of 12 consecutive months. These structures include, but are not limited to, docks, floats, or ramps.

**Tidal waters** – all waters affected by tidal action during the highest annual tide.

**Timber harvesting** - The cutting and removal of timber for the primary purpose of selling or processing forest products. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to VIII10, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Timber harvesting and related activities** - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tree** - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

**Tributary stream** – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and

only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. Water setback requirements apply to tributary streams within the shoreland zone. This term is used solely in the shoreland zone.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Velocity zone** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**Volume of a structure** - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water body** - any great pond, river or stream.

**Water crossing** - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - a freshwater or coastal wetland.

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.

## Article IX. Signs

### § IX1. Purpose

The purpose of this section is to maintain an attractive, uncluttered appearance throughout the City, to minimize distractions to motorists, and to protect the value of nearby properties, while providing for sufficient communication, advertising, and identification of businesses.

### § IX2. Permit Required

No sign, billboard, or exterior graphic display shall be erected, enlarged, refaced, or replaced without first obtaining a sign permit from the Code Enforcement Officer. Within the Historic District, a Certificate of Appropriateness shall be obtained before a sign permit is issued.

### § IX3. Exemptions

For regulatory purposes, the following do not require a sign permit under this Article:

- A. Temporary (on-site) signs that meet the following standards do not require a permit:
  - 1. The dimension of the sign does not exceed thirty-two (32) square feet.
  - 2. The sign is posted for a period of ten (14) consecutive days or less. The duration the sign will be posted shall be written on the sign and visible to the Code Enforcement Officer.
  - 3. The sign is posted for a maximum of thirty (30) days per year.
- B. Public purpose signs and signs such as directional signs (no more than four (4) square feet in area, and three (3) feet above grade) that guide motorists to exits and entrances, signs erected by a government agency, signs prohibiting trespassing or hunting, and historical plaques.
- C. Signs not visible from the public way
- D. Signs on the interior of windows visible from a public way
- E. Directional signs not exceeding three (3) square feet in area as measured on one side and not exceeding six (6) feet above ground level may be installed within a site with permission of the Code Enforcement Officer. The purpose of such signs shall be directional only.

### § IX4. Dimensional Requirements and Signage Standards

- A. All signs as defined herein shall adhere to the requirements of Table 9-1. Area limitations noted below for freestanding and projecting signs refer to the size of one face of the sign.
- B. Measurement.

1. The area of a sign shall be computed by means of the smallest rectangle, circle, triangle, or combination thereof that will encompass the extreme limits of the writing or other graphical display, together with any material or color forming an integral part of the background of the sign, or used to differentiate the sign from the structure against which it is placed but does not include supporting posts or any structural elements outside the limits of such perimeter and which do not form an integral part of the display.
2. Awning signs, if opaque, shall be measured in the same manner as described directly above. Opaque awnings with one small opaque monogram or opaque logo of less than six inches in height shall not be considered signs. For awnings that are translucent and internally illuminated and incorporate any commercial message or symbol, the entire translucent and illuminated portion of the awning shall be counted.

C. Sight Line Obstruction: For traffic safety, the entire signboard or display area of a freestanding sign located on a double frontage corner lot or near a business exit lane shall be either below three (3) feet or above ten (10) feet in height from the average ground level when the sign is within fifteen (15) feet of a public right-of-way.

D. Official Business Directional Signs: Official business directional signs, as otherwise regulated by 23 M.R.S. §1901-1925, as amended, are permitted for any business located in Saco and for businesses within abutting communities that have or are eligible to have guide signs on the Maine Turnpike that display business identification and directional information for services and eligible attractions. Official business directional signs for businesses within abutting communities shall only be permitted when a guide sign for the applicant’s business on the Maine Turnpike either exists or has been approved and then installed. When permitted by this section, official business directional signs may be erected only within the business and industrial districts, subject to all restrictions and conditions of 23 M.R.S. §1901-1925, as amended.

E. Business Signs in Residential Districts

1. Exterior signs shall not exceed four (4) square feet. Signs shall not be illuminated. Only one category of sign (wall sign, projecting, freestanding) shall be allowed per building. No illuminated or mobile (chassis-mounted) signs shall be permitted in a Residential District. No signs are permitted on trucks or trailers parked continuously in a Residential District.
2. Exterior signs for properties approved for non-residential uses in residential districts with frontage on roads or streets listed below shall not exceed twelve (12) square feet if attached parallel to the wall of a building, twelve (12) square feet if projecting from the wall of a building, or twelve (12) square feet if the sign is freestanding. Signs may be illuminated during hours of operation only, and only with a top of sign-mounted, fully shielded fixture which illuminates the sign only. The roads and streets affected include Route One (Elm Street, Main Street, Portland Road), Industrial Park Road, and North Street/Route 112 (Park Street to Rotary Drive).

- F. Signs in Business, Industrial Districts, and Master Planned Developments: Any establishment in a business or industrial district shall have no more than two signs, one of which may be freestanding.
1. The size and number of signs permitted in business and industrial districts is regulated by Table 9-1 below.
  2. In addition to other signs permitted in business districts only, a single banner not larger than three (3) feet by five (5) feet may be displayed. Such banners shall be displayed on the building or on a permitted freestanding sign only. Banners shall be installed in a safe manner that does not interfere with pedestrian or other traffic, and shall be maintained in an attractive, untattered condition and may be erected for a period not to exceed thirty (30) days. A system of decorative banners may be placed on buildings, utility poles or light poles by a business association or civic group if approved by the City Council.
  3. Business advertising signs shall not be placed closer than five (5) feet from any lot line. The maximum height for freestanding signs shall be 25 feet above the adjacent ground grade.
- G. Freestanding signs shall be required to be attached to permanent posts and to be hung vertically above the ground. So-called "A-frame" signs shall be prohibited, except as indicated. Any business which is permitted to have more than one freestanding sign and chooses to do so shall maintain 100 feet of separation between freestanding signs on same property.
- H. Projecting Signs: No sign shall project into or over a public street or way except in the Downtown District on Main Street and in Pepperell Square, as permitted below:
1. The sign has a combined surface area no greater than one and one-half (1.5) square feet for each foot of width of the principal structure. In no case shall the combined surface area be greater than 50 square feet.
  2. The sign does not project more than ten (10) feet out from the building line.
  3. The sign is at least three (3) feet back from a line perpendicular to the curb line.
  4. The bottom edge of the sign is at least ten (10) feet above the sidewalk.
- I. A-Frame Signs: One small A-frame sandwich board sign may be placed on the sidewalks in front of any business in the Downtown District and Main and Beach Districts. Such signs shall be taken in each day before close of business. Such signs shall not exceed 30 inches in width and 42 inches in height and shall be placed only in locations where the sidewalk is wide enough to allow four feet of passage. Such signs shall be constructed of exterior grade plywood or of other durable materials intended for exterior use, be of sturdy construction, and shall be weighted to prevent them from blowing over. All such signs shall be neatly painted, not illuminated, and subject to review under the Historic Preservation section of this ordinance. The city may remove from public property any A-frame sign which is not in compliance with this ordinance.

Signs must be removed prior to and 24 hours after any snow event to allow for municipal snow removal. The City is not responsible for any signs damaged nor is the City of Saco responsible for any harm to people or property occurring as a consequence of a sign being placed on public property.

**Table 9-1 Dimensional Requirements for Signs**

	<b>D, SI, CE</b>	<b>GB, HB, I, BI</b>	<b>PR</b>	<b>MB</b>	<b>I, BI abutting turnpike</b>
<b>Overall Size Allowance per premise per foot of width of principal structure</b>	2 sf to maximum of 100 sf	2 sf to maximum of 150 sf	2 sf to maximum of 200 sf	2 sf to a maximum of 48 sf	2 sf to maximum of 350 sf
<b>Number of signs per single occupancy premise</b>	2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf	2 signs, only one of which may be freestanding, plus 1 additional wall sign not exceeding 12 sf	2 signs, plus 1 additional wall sign not exceeding 12 sf	2 signs, only one of which may be freestanding	3 signs, only one of which may be freestanding
<b>Multiple occupancy premises, number and type of sign:</b>					
<b>For entire complex</b>	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance	2 signs only one of which may be freestanding	1 freestanding or wall sign serving as a directory or anchor tenant sign not to exceed 50% of overall size allowance
<b>For each first floor occupancy</b>	2 wall, projecting or awning signs per occupancy	2 wall, projecting or awning signs per occupancy	2 wall, projecting or awning signs per occupancy	N/A	2 wall, projecting or awning signs per occupancy
<b>Upper floor and basement occupancies</b>	1 wall or projecting sign not exceeding 12 sf	1 wall or projecting sign not exceeding 12 sf	1 wall or projecting sign not exceeding 12 sf	N/A	N/A
<b>Size limits, individual sign types for all zones:</b>					
<b>Wall and awning signs maximum size</b>	100 sf	100 sf	150 sf	16 sf	If facing Turnpike, within 50 ft of Turnpike ROW, 150 sf; greater than 50 ft from Turnpike ROW, 200 sf
<b>Freestanding and projecting signs maximum size per side</b>	50 sf	75 sf	100 sf	16sf	100 sf

**§ IX5. Prohibited Signs**

- A. Signs that block the view of traffic, street signs, traffic signals, or that distract motorists.
- B. Signs that are flashing, moving, animated, spinning, revolving, scrolling, inflatable, intensely lighted, or that emit audible sounds or noise.
- C. Roof signs above the cornice or top of the parapet wall, if any.
- D. Signs on motor vehicles or trailers parked or stored in a location visible from a public way or is regularly parked or stored in a front yard or side yard or in the public right-of-way adjacent to the front yard when there is parking available elsewhere on the property.
- E. Electronic message center signs that change messages more frequently than every five minutes, or that have continuously scrolling, blinking, or intermittent lighting. The display of the time and temperature is exempt from this five (5) minute limit.
- F. Billboards

**§ IX6. Generally Acceptable Signs**

- A. In any district a sign not exceeding four square feet in surface size is permitted which announces name and/or activity of the occupant of the premises on which said sign is located.
- B. In any district on a building more than 50 years old, a sign or placard noting the history of the building may be placed on a building. Such signs shall not exceed two square feet and shall not be lit if in a residential district.

**§ IX7. Illumination**

- A. Illuminated signs shall be in compliance with dark sky standards. Light trespass on nearby residential properties is prohibited.
- B. Where illuminated signs are permitted, they shall conform to the following requirements:
  - 1. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare or by constant internal illumination. Any light source shall be shielded with a fixture so that bulbs are not directly visible from neighboring properties or public ways. No sign shall be animated by means of flashing, blinking or traveling lights or by any other means not providing constant illumination. Sign illumination shall be of reasonable intensity and shall avoid excessive brightness or glare on nearby properties and avoid creating unnecessary distractions on the street.
  - 2. Gas-filled light tubes shall be allowed for indirect illumination.



3. Illuminated signs shall be constructed and erected in such a manner as to deflect light away from residential properties and public roads.
4. Notwithstanding the above, electronic message center signs are permitted if they change messages no more than every five (5) minutes. Electronic message center signs shall not have continuously scrolling, blinking or intermittent lighting. Electronic message center signs are permitted as any sign type (freestanding, wall or projecting) within the overall sign allowance.

#### § IX8. LED Signs

In order to minimize driver distraction, LED signs shall adhere to the following standards:

- A. Be permanently affixed to the ground or structure;
- B. Maximum luminance shall not exceed five thousand (5,000) nits (candela per square meter) during daylight hours, and three hundred (300) nits after sunset.
- C. Be illuminated only during business hours.

#### § IX9. Nonconforming Signs

A nonconforming sign may have its message changed, but its structure shall not be altered, enlarged or replaced. A nonconforming sign damaged by fire, wind, or other casualty may be reconstructed as before if such construction is performed within one (1) year of such damage.

#### § IX10. Discontinuance

Any sign appurtenant to a discontinued or relocated use shall be removed together with its supporting structure by the owner of the property within one hundred eighty (180) days of the closing of business. After that period the Code Enforcement Officer may provide written notice to the property owner that the sign and supporting structure must be removed. Where written notice has been given by the Code Enforcement Officer and the sign has not been removed within the thirty (30) day period, the city may cause the removal of the sign and charge the cost of the removal to the owner of the property. Nothing in this subsection shall preclude the use of other enforcement measures authorized by this ordinance.

#### § IX11. Appeals

Appeal processes shall follow **Article XVI** of the Zoning Ordinance.

# Article X. Parking

## § X1. Off-Street Parking

- A. A minimum number of off-street parking spaces shall be provided in accordance with the specifications in this section when a new use is established, or an existing use is enlarged. Off-street public parking lots and spaces may be utilized to fulfill parking requirements in lieu of on-premises parking when such parking lots have been provided for that purpose.
- B. The number of off-street parking spaces shall conform to the limits specified in Table 10-1.

**Table 10-1 Parking requirements by use**

Type of Use	Minimum Number of Spaces Required
Residential – single-family	2 space per dwelling unit
Residential – 2-family	2 space per dwelling unit
Residential – multi-family	<ul style="list-style-type: none"> <li>• 1.5 spaces per unit for 1-bedroom units</li> <li>• 2 spaces per unit for 2-bedroom units</li> <li>• 2.5 spaces per 3+ bedroom units in residential district</li> <li>• 1 additional visitor's space for every 6 units or fraction thereof</li> </ul>
Residential – multi-family restricted to elderly	1 space per 2 units
Elderly non-congregate detached housing	1 space per 3 units
Churches	1 space per 4 seats in principal assembly room
Schools – excluding high schools and colleges	1 space for each employee and staff, plus sufficient off-street space for safe loading and unloading of students
Schools - high schools and colleges	1 space per 5 students based on the maximum number of students attending the school at any period in the day
Schools - Commercial	1 space per 3 students based on the maximum number of students attending the school at any period in the day
Private clubs, lodges, or fraternal organizations	1 space per 75 sf of total floor area
Recreation assembly places	1 space per 75 sf of total floor area
Theaters	1 space per 4 seats
Bowling alleys	5 spaces per alley
Funeral homes	1 space per 100 sf of total floor area
Adult daycare center	1 space per employee plus 1 space per 6 clients
Hospitals & nursing homes	1 space per 3 beds plus 1 space per 2 employees per shift
Professional offices	1 space per 250 sf of total floor area
Banks	1 space per 150 sf of total floor area
Medical offices	1 space per 100 sf of total floor area
Veterinarian clinics & kennels	5 spaces per veterinarian
Retail 1 space per 75 sf of total floor space	1 space per 200 sf of total floor area
Eating & drinking	1 space per 75 sf of total floor area
Barber, salon	4 spaces per chair

<b>Type of Use</b>	<b>Minimum Number of Spaces Required</b>
Industrial businesses	1 space per employee on the maximum working shift
Warehouses	1 space per 500 sf of floor area
Childcare facilities	1 space per 4 children
Temporary lodging	1 space per guest rooms plus 1 space per employee per shift
Golf courses	50 spaces per 9 holes
Marinas	1 space per 2 slips or moorings

- C. Where a proposed use cannot be reasonably fit into one of the categories in Table 10-1, the Planning Board shall prescribe the required number of off-street parking spaces.
- D. The Planning Board may grant a waiver of minimum parking requirements after determining the following:
1. The applicant demonstrates that the number of off-street parking spaces is adequate for a proposed use.
  2. On-street parking is available within a reasonable distance.
  3. Off-street parking in public lots is not available.
  4. Granting the waiver will not create excess congestion, hazardous, or unsafe conditions in the neighborhood.

## § X2. Parking Design

- A. Dimensions. Every parking space shall be a minimum of nine (9) feet in width, and eighteen (18) feet in length. Parking lot travel lanes shall be a minimum of twenty (20) feet in width if a herringbone configuration is utilized. Otherwise the travel lanes shall be a maximum of twenty-four (24) feet in width. One-way aisles may be reduced to sixteen (16) feet in width.
- B. Handicap. These spaces shall meet the requirements set forth in ANSI 117.1.A.
- C. Visual Obstructions and Internal Walkways. All driveway entrances and exits shall be kept free from visual obstructions higher than three feet above street level for a distance of 15 feet measured along the intersecting driveway in order to provide the required visibility for entering and exiting vehicles. Continuous internal walkways shall be provided from the public sidewalk to the principal customer entrances, connecting pedestrian activity. All internal pedestrian walkways shall be distinguished from driving surfaces through use of durable surface materials to enhance safety and comfort, as well as the attractiveness of the walkways.
- D. Lighting. Artificial lighting used to illuminate parking spaces shall be arranged so that no direct rays from such lighting falls upon neighboring properties.
- E. Buffers. All parking spaces and access drives shall be at least five (5) feet from side and rear lot lines. Off-street parking and access drives for nonresidential uses that abut lots

in residential or conservation districts shall meet the dimensional requirements of the zoning ordinance.

- F. Landscaping. The existing landscape shall be preserved in its natural state, insofar as practicable. Tree removal shall be kept to a minimum. Grade changes shall be in keeping with the general appearance of neighboring developed areas.
1. Parking lots in residential districts. These lots shall be landscaped with a continuous border of shrubbery along all lot lines abutting properties in residential use. This vegetative buffer shall have a mature height of three to six feet and shall provide a year-round screen.
  2. Large Parking Areas. Large parking areas of 35 or more spaces shall include at least one tree of 2 1/2 inches caliper. Planting islands for such trees shall not be less than five (5) feet wide nor 75 square feet. Parking lots of 5,000 to 10,000 square feet shall include 5% of that space for internal landscaping. Parking lots over 10,000 square feet shall include 10% internal landscaping.
  3. Special Main Street standards. In the Main Street corridor from Saco Island to the I-195 connector, no parking spaces shall be located between the front of the building and the street.
- G. Shared Parking. The Planning Board may allow a reduction in the off-street parking requirements for properties that share parking. To obtain such an approval, the applicant must conclusively demonstrate that one (1) or more proposed uses will generate a demand for parking spaces primarily during periods when the other use or uses are not in operation.
- H. Parking Lot Interconnections. Where practical, the design of parking lots shall provide for lot-to-lot vehicle movement via interior connecting roadways and cross-access easements.
- I. In the MB District, parking shall be located to the side and rear of buildings.
- J. Parking held in reserve. If the applicant can clearly demonstrate to the Planning Board that, because of the nature of the operation or use, the parking or loading requirements of this chapter are unnecessary or excessive, the Planning Board shall have the power to approve a site plan showing less parking or loading area than required; provided, however, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purpose of meeting future off-street parking and loading requirements in the event that a change of use of the premises shall make the use of such additional off-street facilities necessary. The applicant, at the time of the initial application, shall submit for Planning Board approval a design of this possible future parking area. The reserved area shall be converted to parking in whole or in part whenever the owner desires, or when deemed necessary by the Planning Board. In addition, a reevaluation of the parking requirement shall be required upon a change of

use, expansion, or renovation. Notations describing these arrangements shall be included on the face of the plan.

- K. Drive-through facilities. Each drive-through or queuing lane shall be separated from the circulation lanes by means of pavement markings, signs, and/or islands and shall not block access to any parking spaces. Stacking spaces shall not be permitted in the required building setbacks. Five stacking spaces shall be provided for each bank teller station or automated teller machine. At least 10 stacking spaces will be provided for a restaurant's drive-in window.

## Article XI. Private Roads

### § XI1. General Provisions

No permit shall be issued to erect any structure containing a dwelling unit on a lot without frontage on a public road, nor shall a new lot be created without frontage on a public road, unless a road meeting the criteria for a "private road" has been approved under site plan review and constructed. A private road may be established in accordance with the following provisions, subject to site plan review and approval:

- A. No more than four (4) new lots shall be established on a private road or private road network. A private road network shall have no more than two (2) private roads.
- B. A maintenance agreement shall be required when a private road is created or extended or a new lot is created on a private road, and if the private road is to provide access to two (2) or more lots. The maintenance agreement shall specify each lot owner's rights and responsibilities with respect to ownership, maintenance, repair, and plowing and shall be submitted for the City's approval. After approval by the City, this agreement shall be recorded in the York County Registry of Deeds before a permit is issued.
- C. The plan of the new, extended, or improved road as approved and signed by the City Planner or Planning Board shall be recorded in the York County Registry of Deeds within ninety (90) days of such approval. If the plan is not recorded within ninety (90) days, the approval shall become null and void.
- D. Nothing in this section shall override any requirement in the Subdivision Regulations.
- E. The person proposing the private road shall submit a name for City review. The name of the street shall not be so similar to the name of other streets or locations in the City, as determined by the E-911 Addressing Officer. The City reserves the right to designate any name for the road, and number it in accordance with E-911 standards.
- F. The land within the right-of-way of an approved private road shall not be used to meet the frontage or lot area requirements of any lot obtaining its frontage from the private road.
- G. The creation of a private road shall not reduce the frontage, lot area, or other dimensional requirements of an existing lot below that required by the Zoning Ordinance.
- H. Private road plans shall bear a note that "The City of Saco will not be responsible for the maintenance, repair, plowing or similar services for the private way. Future lot divisions may be prohibited."
- I. Construction standards for private roads:
  - 1. Minimum aggregate subbase (Type D): Fifteen (15) inches.
  - 2. Crushed gravel (Type A) or reclaimed surface course: three inches.

3. Maximum length dead end: One thousand five hundred (1,500) feet (including a dead-end public road, an existing private road or a private road network).
  4. A turnaround suitable for public safety vehicles is required. It may be designed as a hammerhead, T, or cul-de-sac.
  5. Swales and culverts are generally acceptable. However, at the intersection with a City street, the drainage practice used on the intersecting street may be required for the portion within the City right-of-way.
  6. At intersections with public streets, the private road shall have a paved apron forty (40) feet in length. The portion in the public right-of-way will be constructed to City standards.
  7. The applicant shall provide a stop sign and street name sign meeting City specifications at the intersection with the public street prior to the issuance of an occupancy permit.
  8. Trees and brush shall be cleared from within three (3) feet of the travel way with an unobstructed vertical clearance of fourteen (14) feet, and this clear zone shall be maintained permanently.
  9. The Saco Fire Department may inspect the road periodically. If the road is not in good repair in the judgment of the Fire Department, the parties to the maintenance agreement may be notified that the road needs repair and that the City may discontinue emergency services.
  10. Before an occupancy permit is issued, the road will be inspected by the City, and the applicant's engineer shall certify that it has been constructed as designed.
  11. Existing private roads. Any private road existing on October 15, 2001, which provides frontage for one (1) or more lots shall be allowed to provide frontage to those existing lots and up to four additional lots if it meets the standards or is improved to the standards of this section.
  12. A private road cannot run parallel to an existing private road within 250' feet of the existing.
  13. If public water connection is available within 150 feet of the property, the private road shall be served by public water.
- J. Submission Requirements for private roads: In addition to the site plan submission requirements, the applicant shall submit:
1. A plan of the private road, prepared by a Maine professional engineer. The plan shall be labeled "Plan of a Private Road" and shall include a City Planner signature block. The plan shall delineate the private road and each of the lots it will serve, including complete descriptive data by bearings and distances of existing and proposed rights-of-way.

- 2. If the private road is to provide access to two or more lots: a maintenance agreement specifying the maintenance, repair and plowing responsibilities of each lot owner.

**§ XI2. Application**

Applicants who propose the construction, extension or expansion of a private road shall provide:

- A. A plan showing the new private road, or extensions, or improved private road shall be prepared by a registered professional engineer. The plan shall be labeled "Plan of a Private Road" and shall provide a signature block. The plan shall delineate the private road and each of the lots it will serve, including complete descriptive data by bearings and distances of existing and proposed rights-of-way.
- B. The plan for the road shall include grades, road profile, typical section, grading plan, drainage plan, plan for erosion and sedimentation control, and a utilities plan for private roads serving two or more lots.
- C. A copy of the signed standard boundary survey on which the street plan is based.
- D. If the private road is to provide access to two or more lots, a maintenance agreement specifying the maintenance, repair and plowing responsibilities of each lot owner shall be submitted.
- E. The location and size of existing and proposed utility connections, including sewer, or subsurface wastewater disposal systems, water, power, telephone, stormwater drainage systems, power poles, light poles and nearest hydrants.
- F. If only minor improvements to an existing private road are proposed, the City Planner may waive the submission and recording of some or all of a detailed plan.

**§ XI3. Design Standards**

Design standards for private roads are displayed in Table 11-1.

**Table 11-1 Design standards for Private Roads**

<b>Design Standard</b>	<b>Built prior to 2001</b>	<b>Built since 2001</b>
<b>Minimum Right-of-way width</b>	40	50
<b>Minimum Travel width</b>	18	18
<b>Minimum Centerline Grade</b>	1%	1%
<b>Maximum Centerline Grade</b>	10%	10%
<b>Minimum Centerline radius</b>		150
<b>Roadway Crown</b>	3/8"	3/8"
<b>Minimum angle of street intersections</b>	90	90
<b>Maximum Grade at Intersection (within 75' of intersections)</b>	2%	2%



## Article XII. Stormwater and Erosion Control

### § XII1. General Stormwater Runoff Provisions

- A. In general, surface water runoff shall be minimized, and it shall be the responsibility of the person developing the land to demonstrate that the work will not have an adverse impact on abutting or downstream properties. Sites shall be designed to minimize the amount of impervious area with a focus on reducing vehicle areas, including parking, drives aisles, and service areas.
- B. The volume of stormwater discharged from a parcel shall be minimized through the use of on-site infiltration, detention, or retention to the extent practical. When stormwater must be discharged from a parcel, the preferred method is to discharge into the natural drainage system. Discharge of stormwater to the City's municipal separate storm sewer system (MS4) shall be allowed only when on-site retention and/or discharge to the natural system is not practical.
- C. Infiltration, detention, or retention of stormwater shall assure that the total maximum daily loads (TMDLs) that have been established by the United States Environmental Protection Agency for various water bodies in the City will be met to the extent practical. The disposal of stormwater shall not constitute a threat to public health, safety, and welfare and shall not degrade the quality of surface water or groundwater below city, state, or federal standards.
- D. Projects resulting in one or more acres of disturbed area shall be subject to the requirements of the Maine Construction General Permit (MCGP); Maine State Stormwater Management Law, 38 M.R.S. §420-D, and the latest revision of the "Stormwater Management Rules," Chapters 500, 501 and 502; and the requirements of Sections 1202 Stormwater Runoff Management, 1203 Stormwater Quantity and Quality Control, and 1204 Post Construction Management. Where the standards or provisions of such stormwater rules conflict with City ordinances, the stricter (more-protective) standard shall apply.
- E. Groundwater. To the extent practical, the stormwater design shall maximize aquifer recharge.
- F. Vegetative buffers shall be utilized to the extent practical to manage stormwater flow.
- G. The use of Low Impact Development (LID) practices appropriate for the type of development as set forth in Chapter 10 of the DEP Stormwater Manual, Volume III - BMPs Technical Design Manual, is encouraged but not required.

### § XII2. Stormwater Runoff Management

- A. The City is a regulated community under the National Pollutant Discharge Elimination System (NPDES) MS4 Program; therefore, provisions for stormwater runoff

management are required for all new development or redevelopment projects that result in one (1) or more acres of disturbed area. This provision also applies to projects disturbing less than one acre if the construction activity is part of a larger common scheme of development or sale that would disturb one (1) or more acres. In addition, the City also requires stormwater runoff management for all projects that result in ten thousand (10,000) square feet or more of new or redeveloped impervious area. In determining if these thresholds have been met, all disturbed or impervious areas created after December 27, 2006 (original effective date of this provision), shall be included in this total.

#### B. Exemptions

1. New development or redevelopment on a parcel that is part of a subdivision previously approved under this chapter that has a compliant post-construction stormwater management plan with sufficient capacity to accept and treat increases in stormwater discharges associated with the project.
2. Smaller projects resulting in less than one acre of disturbed area but more than ten thousand (10,000) square feet of new or redeveloped impervious area are exempt from **Sections XII3** Stormwater Quantity and Quality Control and **XII4** Post Construction Management, but shall comply with requirements of **Subsection XII5** Drainage Plan.
3. All other projects are exempt from **Sections XII3** Stormwater Quantity and Quality Control, **1204** Post Construction Management, and **XII5 Drainage Plan** but shall meet the general provisions in **Section XII1** to the maximum extent practicable.

### § XII3. Stormwater Quantity and Quality Control

#### A. All projects subject to this section shall be designed to meet the requirements below:

1. To the extent possible, the design shall dispose of stormwater runoff on the land at the proposed development through the appropriate use of the natural features of the site. Stormwater runoff systems will infiltrate, detain, or retain stormwater falling on the site such that the rate of flow from the site does not exceed that which would occur in the undeveloped state for a storm of intensity equal to the two (2)-, ten (10)-, twenty-five (25)-, and fifty (50)-year storm events.
2. If the post-development peak runoff rate exceeds the predevelopment peak runoff rate, on-site mitigation measures, such as detention basins or flow restrictors, shall be required.
3. All natural drainageways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the City's reviewing authority and appropriate state agencies.
4. The design of the storm drain system shall fully incorporate the existing upstream runoff which must pass over or through the site to be developed. The system shall be designed to pass upstream flows without surcharging the system. Any special

roadway culvert crossing designed to meet other applicable state regulations (i.e., fish passage) shall be specifically identified on the plans.

5. Proposed alterations in stormwater drainage paths shall not enable the crossing of runoff over a City street in order to enter a drainage system.
  6. The drainage study shall meet the "urban impaired stream standard" when located within a watershed designated by the Maine Department of Environmental Protection as an urban impaired stream.
- B. A waiver may be granted by the City of Saco Department of Public Works to discharge an insignificant increase in stormwater runoff to the municipal storm drain system when all of the following conditions are met:
1. A drainage study is prepared by a professional engineer licensed in the State of Maine, which demonstrates that the increase has no adverse impact to the downstream conditions, including impacts on abutting or City properties. Improvements may be required of the developer to prevent adverse downstream impacts caused by the project.
  2. The increase in the peak flow from the site or in the peak flow of the receiving waters cannot be avoided by reasonable changes in project design or density.
  3. Written authorization to discharge the increased peak flow rates has been provided by the Director of Public Works or their designee.
- C. At the time of application, the applicant shall notify the Department of Public Works if its stormwater management system includes any stormwater BMP(s) that will discharge to the City's municipal storm drain system and shall include in this notification a listing of which stormwater BMP(s) will so discharge.

#### § XII4. **Post-Construction Stormwater Management Plan**

- A. All projects subject to this section shall be designed to meet the requirements below:
1. The applicant may meet the quantity and quality standards listed in **Section XII3** Stormwater Quantity and Quality Control either on site or off site; but where off-site facilities are used, the applicant shall submit documentation to Saco's Department of Public Works that the applicant has sufficient property interest where the off-site facilities are located, by perpetual easement or other appropriate legal instrument, to ensure that the facilities will be available to provide post-construction stormwater management for the project and that the property will not be altered in a way that interferes with the off-site facilities.
  2. Where the applicant proposes to retain ownership of the stormwater management facilities shown in its Post-Construction Stormwater Management Plan, and the stormwater management facilities will not be dedicated to the City, the applicant shall enter into a maintenance agreement with the City. A form for the maintenance agreement is available on the City's web site. The applicant shall be responsible for recording the maintenance agreement form at the York County Registry of Deeds

within thirty (30) days of the date of execution of the agreement. Failure to comply with the terms of the maintenance agreement shall constitute a violation of this chapter.

3. Whenever elements of the stormwater management facilities are not within the right-of-way of a public street and the facilities will not be offered to the City for acceptance as public facilities, the Planning Board may require that perpetual easements be provided to the City allowing access for maintenance, repair, replacement, and improvement of the stormwater management facilities in accordance with the approved drainage maintenance agreement. If an offer of dedication is proposed, the applicant shall be responsible for the maintenance of these stormwater management facilities until such time (if ever) as they are accepted by the City. Nothing in this chapter requires the City to accept any stormwater management facilities offered or dedicated by the applicant.
4. Any person, business, corporation, or other entity owning, leasing, or having control over stormwater management facilities required by a Post-Construction Stormwater Management Plan shall demonstrate compliance with that plan as follows:
  - a) At least annually, inspect, clean, and maintain the stormwater management facilities, including, but not limited to, parking areas, catch basins, drainage swales, detention basins and ponds, pipes, and related structures, in accordance with all City and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
  - b) Repair deficiencies found during inspection of the stormwater management facilities.
  - c) On or by July 15 of each year, provide a completed and signed certification to the Department of Public Works certifying that the person has inspected, cleaned, and maintained the stormwater management facilities, describing any deficiencies found during inspection of the stormwater management facilities, and certifying that the person has repaired any deficiencies in the stormwater management facilities noted during the annual inspection. A form for the annual stormwater certification is available on the City's web site.
  - d) The required inspection(s) must be conducted by a qualified inspector. The inspector shall perform an initial inspection to determine the status of the stormwater management facilities. If the initial inspection identifies any deficiencies with the facilities, the same inspector shall reinspect the facilities after they have been maintained or repaired to determine if they are performing as intended.
  - e) "Qualified Inspector" means a person who conducts post-construction stormwater management facilities, best management practice ("BMP") inspections, and meets the following qualifications:

- vi. The inspector shall not have any ownership or financial interest in the property being inspected nor be an employee or partner of any entity having an ownership or financial interest in the property; and
- vii. The inspector shall have a working knowledge of Chapter 500, Stormwater Management Rules, and Maine's Stormwater BMP Manual; and
- viii. The qualified inspector must be on the DEP's list of approved post-construction stormwater BMP inspectors, or alternately, shall satisfy at least one of the criteria outlined below:
  - 1. Nonproprietary stormwater management facilities
    - a. Has a college degree in environmental science or civil engineering and is a professional engineer with at least three years of experience designing, evaluating or inspecting stormwater management facilities; or
    - b. Has a college degree in an environmental science or civil engineering, or comparable expertise, and has demonstrated a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for stormwater management facilities, and has the ability to determine if stormwater facilities are performing as intended. This qualification must be accompanied by two professional references to be valid; or
    - c. Has successfully completed the requirements of a DEP training course on inspecting post-construction stormwater management facilities. Note: successful completion may require receiving a passing grade in an examination at the conclusion of the course.
  - 2. Proprietary stormwater management facilities
    - a. Proprietary stormwater management facilities must be inspected by a person approved by the manufacturer.

B. In order to determine compliance with this section and with the Post-Construction Stormwater Management Plan, the Director of the Department of Public Works or their designee may enter upon a property at reasonable hours and after making a good-faith effort to contact the owner, occupant, or agent to inspect the stormwater management facilities. Entry into a building shall only be after notice is provided to the owner, occupant, or agent.

C. Submission requirements.

- 1. The Post-Construction Stormwater Management Plan shall conform to the applicable submission requirements of Section 8 of DEP Chapter 500 Rules.
  - a) The applicant shall provide the Department of Public Works with an electronic copy of the Post-Construction Stormwater Management Plan in a format that is compatible with the City's requirements. Following completion of construction,

the applicant shall provide the City with an updated version of the plan showing the stormwater management facilities as actually constructed.

- b) The Planning Board may modify or waive any of the submission requirements for a Post-Construction Stormwater Management Plan if the Planning Board finds that, due to the unique physical characteristics of the site or the scale of the proposed activity, the information is not required to allow the Planning Board to determine if the applicable stormwater management standards are met
2. As-built certification. Prior to the issuance of a certificate of occupancy for a project requiring a Post-Construction Stormwater Management Plan under this chapter, the applicant shall submit evidence in the form of a letter with as-built survey plan prepared and stamped by a professional engineer who either prepared the Post-Construction Stormwater Management Plan and its associated facilities or supervised the plan and facilities construction and implementation. The letter or plan shall certify that the stormwater management facilities have been installed in accordance with the approved Post-Construction Stormwater Management Plan and that they will function as intended by said plan. The as-built survey plan shall be performed for all post-construction stormwater facilities to document general conformance with the approved plans.

#### § XII5. Drainage Plan

- A. A drainage plan is required for activities that result in the expansion or alteration of an existing building or structure that results in the creation or redevelopment of ten thousand (10,000) square feet of impervious surface. New principal buildings that are located in a subdivision with an approved post-construction stormwater management plan are not required to comply with the requirement for a drainage plan if the approved stormwater management plan contains provisions that adequately address surface drainage related to the construction of the building, as determined by the CEO.
- B. The drainage plan shall meet the "urban impaired stream standard" of DEP Chapter 500 Rules when located within a watershed designated by the Maine Department of Environmental Protection as an urban impaired stream.
- C. The drainage plan shall demonstrate that the proposed improvements are designed to minimize the volume of stormwater leaving the site. This shall include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The drainage plan shall provide for the treatment of 0.5 inch of runoff from 90% of the new or redeveloped impervious area and 0.2 inch of runoff from 75% of the new or redeveloped non-impervious surface area.
- D. The drainage plan must also demonstrate that:

1. Stormwater draining onto or across the lot in its pre-development state will not be impeded or redirected so as to create ponding on or flooding of adjacent lots;
2. Any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding, or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;
3. Any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding, or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City's property; and
4. Any increase in volume or rate of stormwater draining from the lot into the City's municipal storm drain system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm drain system.

E. Submission requirements.

1. A drainage plan must include a written statement demonstrating how the project has been designed to minimize the volume and rate of stormwater leaving the site, including provisions for minimizing the area of impervious surface or the use of LID practices, and a plan and supporting documentation with at least the following information:
  - a) The location and characteristics of streams or drainage courses existing on the parcel and/or abutting parcels.
  - b) The existing and proposed grading of the site using one-foot contours.
  - c) The location and area of existing and proposed buildings and impervious surfaces on the site.
  - d) The existing pattern of stormwater drainage on the site, including points of discharge to the City's municipal storm drain system or adjacent properties.
  - e) The proposed pattern of stormwater drainage after development, including the location and design of any stormwater facilities.
2. The City's reviewing authority may modify or waive any of the submission requirements for a Drainage Plan if the reviewing authority determines that the information is not required to determine if the drainage standard is met.

**§ XII6. Standards for Drainage Easements and Rights-of-Way**

If components of the stormwater runoff system lie outside of the public right-of-way, the applicant shall convey a stormwater easement that conforms to the following standards.

- A. The minimum width of the easement shall be thirty (30) feet, provided that where a watercourse or retention area is wider than thirty (30) feet, the City's reviewing authority may require a drainage easement of adequate width to conform substantially to the lines

of such watercourse or retention area, including additional width to provide access. The City's reviewing authority may reduce the width of the easement upon a positive recommendation from the Director of Public Works or their designee if the narrower easement will allow the stormwater facilities to be maintained or if the unique characteristics of the site make the creation of a wider easement impractical.

- B. Where a drainage easement would include an open channel, stream or drainageway, the easement shall be designed and landscaped to further the objectives of the stormwater management plan. The natural landscape shall be retained to the extent practical, as determined by the Planning Board.
- C. Where a drainage easement would include a closed conduit, the easement shall be centered along the conduit.
- D. A public stormwater management system that will be offered to the City for acceptance as a public facility shall be located on a separate parcel of land deeded to the City.

#### **§ XII7. General Erosion and Sediment Control Provisions**

- A. The Erosion and Sedimentation Control Law (Title 38 M.R.S. Section 420-C) applies to all activities in Maine's organized territories that will cause the filling, displacement or exposure of all earthen materials. The Erosion and Sedimentation Control Law requires that appropriate measures prevent unreasonable soil erosion and sedimentation beyond the site or into a protected natural resource (such as a river, stream, brook, lake, pond, or wetland). Erosion control measures must be installed before the activity begins and must be maintained until the site is permanently stabilized.
- B. An Erosion Control Plan is required for all new development or redevelopment projects that result in one (1) or more acres of disturbed area or more than ten thousand (10,000) square feet of new or redeveloped impervious area. This provision also applies to projects disturbing less than one acre if the construction activity is part of a larger common plan or development or sale that would disturb one (1) or more acres.
- C. Erosion Control Plan. The plan shall include comprehensive erosion and sediment control provisions as summarized below:
  - 1. The plan shall show the use of erosion and sediment control best management practices (BMPs) at construction sites consistent with the minimum standards outlined in the Maine DEP Stormwater Rule Chapter 500 Appendix A – Erosion and Sediment Control, Appendix B – Inspections and Maintenance, Appendix C – Housekeeping. Erosion and Sedimentation Control BMPs shall be designed, installed and maintained in accordance with the standards contained in the latest revisions of the following Maine DEP documents:
    - a) Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers
    - b) Maine Erosion and Sediment Control Practices Field Guide for Contractors



2. An erosion control plan prepared by a registered Maine professional engineer shall be submitted. The plan shall include the following:
  - a) Narrative. Provide a narrative describing the site's erosion potential and the measures to be employed to control erosion and sedimentation during construction and after completion of the development. Describe the temporary and permanent erosion control methods to be employed on the site.
  - b) Give the expected date by which final stabilization of the site will be complete.
  - c) Show the locations of all roads, lot boundaries, buildings, parking lots, material stockpiles, existing and proposed culverts, drainage channels, catch basins, subsurface drainage pipes and storm drain outfalls.
  - d) Show the location of all temporary and permanent erosion controls to be installed on the site.
  - e) Show the limits of the areas disturbed by construction.
  - f) Provide design drawings and specifications for the temporary and permanent erosion and sedimentation control measures to be used on the site. The drawings and details must be sufficiently detailed to allow a contractor unfamiliar with the controls to install and maintain them.
  - g) Provide calculations for sizing, spacing or stabilizing each erosion and sedimentation control measure in accordance with the latest revision of the Maine DEP "Erosion and Sediment Control Handbook for Construction: Best Management Practices". These calculations must include analyses for determining the peak runoff flow to a control, its storage volume and its outlet design. At a minimum, the erosion and sedimentation control plan must include the following:
    - i. Location plan(s) showing, at a minimum, the location of structures, disturbed land, pre-construction site topography, post-construction site topography, on-site or adjacent water resources, and all erosion and sediment control measures.
    - ii. Detail plan(s) showing the following:

1. Erosion and sedimentation control notes including, but not limited to, permanent stabilization measures, seeding and mulching rates, and a construction schedule with the proposed construction dates and timeframe for major earth moving and construction events.
2. Construction and installation details for erosion and sedimentation control measures including, but are not limited to, sedimentation barriers, ditch lining, rip rap, and culvert inlet and outlet designs.
3. Inspection and maintenance requirements for the temporary and permanent erosion and sedimentation controls for the project site shall be specified for each BMP in accordance with Maine DEP Stormwater Rule Chapter 500 Appendices A and B. At a minimum, the inspection and maintenance plan must include the following:
  - a. List of the erosion control measure and stormwater management measures to be inspected and maintained (e.g., “parking lot catch basins”).
  - b. Inspection and maintenance tasks specific to each erosion control measure or stormwater management measure (e.g., “remove accumulated sediments in basin sumps”). Submit the specific qualifications of the person performing each task (e.g., “a professional engineer registered in the State of Maine will inspect the retention pond embankment”).
  - c. Specify required frequency of each inspection and maintenance task (e.g., “accumulated sediments will be removed from all catch basins annually in early spring”).
4. Responsible parties. Submit the name, job title, employer, employer address, phone number, and current email contact information for the person responsible for ensuring that inspection and maintenance tasks are completed. Submit the names, job titles, employer addresses, phone number, and any current email contact information of the engineers or other design professionals who designed the erosion control measures and stormwater management measures for the site. Include suppliers of proprietary erosion control measures or proprietary stormwater management measures used on the site.
5. For stormwater management pond(s) or basin(s) include a Maintenance Plan that specifies, at a minimum, the inspection and maintenance requirements for the pond’s embankments, outlet structure, and emergency spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the pond and the control of woody vegetation on the pond’s embankments.
6. For infiltration structure(s) or basin(s) include a Maintenance Plan that specifies, at a minimum, the inspection and maintenance requirements for the structure’s pretreatment measures, embankments, surface lining, and overflow spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the structure and for the rehabilitation of clogged surface linings.

7. For vegetated underdrained filter basins include a Maintenance Plan that specifies, at a minimum, the inspection and maintenance requirements for the filter embankments, surface lining, underdrain piping, and overflow spillway. Include as part of this plan provisions for the removal and disposal of accumulated sediments in the structure, the rehabilitation of clogged surface linings, and the flushing of underdrain piping.
  8. For stormwater buffer(s) include a Maintenance Plan that specifies, at a minimum, the inspection and maintenance requirements to ensure the integrity and function of the project's stormwater buffers. As part of this plan, include provisions for the inspection, maintenance, and, if necessary, reconstruction of any level spreaders or ditch turnouts used to spread runoff into the buffers. Include as part of this plan provisions for the frequent removal and disposal of accumulated sediments and debris in the level spreader and turnout bays, provisions for the inspection and repair of any eroded areas within the buffer, and provisions for the re-establishment of buffer vegetation destroyed by post-construction activities.
  9. For manufactured stormwater treatment system(s) include a Maintenance Plan that specifies, at a minimum, the inspection and maintenance requirements for the system's inlet, treatment chamber(s), and outlet. The plan shall conform to the inspection and maintenance guidelines recommended by the manufacturer based on the estimated runoff and pollutant load expected to the system from the project. As part of this plan, include provisions for the frequent removal of accumulated sediments, debris, and contaminated waters from the system and, if applicable, provisions for the removal, disposal, and replacement of any clogged or spent filter media.
  10. For ditches, culverts, and storm drains include a Maintenance Plan that specifies, at a minimum, the inspection and maintenance requirements for all stormwater conveyances to be built or installed on the site – including, but not limited to, ditches, swales, culverts, catch basins, and storm drain piping. As part of this plan, include provisions for the repair of eroded areas at the inlet, within, and at the outlet of each conveyance and include provisions for the frequent removal and disposal of accumulated sediments and debris at the inlet, within, and at the outlet of each conveyance.
3. Submit a Housekeeping Plan in accordance with the requirements contained in Maine DEP Stormwater Rule Chapter 500, Appendix C. The Housekeeping Plan shall address spill prevention, groundwater protection, fugitive sediment and dust, debris and other materials, trench or foundation de-watering, or non-stormwater charges, as applicable to the specific site.

## Article XIII. General Provisions for Impact Fees

### § XIII1. Authority

These impact fee provisions are adopted by the City under the authority of 30-A M.R.S. §4354 and under statutory and constitutional home rule provisions.

### § XIII2. Purpose

The purpose of these impact fee provisions is to ensure that new development in Saco will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded, or modified infrastructure necessary to service the development through:

- A. The payment of impact fees that shall be dedicated to paying for the needed improvements.
- B. The construction of appropriate improvements as provided for herein.

### § XIII3. Standard

The amount of impact fees or the value of constructed improvements required of a development must be reasonably related to the development's share of the cost of infrastructure improvements made necessary by the development, or if the improvements were constructed at municipal expense prior to the development, shall be reasonably related to the portion or percentage of the infrastructure used by the development.

- A. Impact fee accounts. As required by State law, funds received from impact fees must be segregated from the City's general fund and revenues, and such funds shall be expended solely for the purposes for which they were collected. There are four impact fee fund accounts:
  - 1. Recreational facilities impact fee account;
  - 2. Open Space impact fee account;
  - 3. Fire Department/emergency medical service impact fee account; and
  - 4. Traffic Mitigation & Bicycle & Pedestrian Infrastructure impact fee account.
- B. Use of impact fees. Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvements specifically associated with the impact fee accounts as identified below. No portion of the fee shall be used for routine maintenance or operational activities.
  - 1. Acquisition of land or easements, including conservation easements.
  - 2. Engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the construction of the improvement.

3. The actual construction of the improvement, including, without limitation, demolition costs, clearing, and grading of the land, and necessary capital equipment.
  4. Mitigation costs.
  5. Legal and administrative costs associated with construction of the improvement, including any borrowing necessary to finance the project.
  6. Debt service costs, including interest if the City borrows for the construction of the improvement.
  7. Relocation costs.
  8. Similar costs that are directly related to the project.
- C. Modification of impact fees. The City Council may, by formal vote following a public hearing, reduce or eliminate the payment of a required impact fee if it finds that:
1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected, or an equivalent improvement approved by the City Council; or
  2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee; or
  3. The project subject to the impact fee involves the construction of affordable housing as defined by the United States Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Council may waive only the portion of the fee attributable to the affordable units; or
  4. The project involves the construction of an elder/disability housing facility or other eldercare facilities.
- D. Review and revision. The City Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes to the impact fee.
- E. Payment of impact fees. The impact fees provided for under this article shall be paid to the City of Saco in care of the Code Enforcement Department.
- F. Refunds. Impact fees shall be refunded in the following cases:
1. If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that

project. A request for a refund shall be made in writing to the City Planner and shall occur within 90 days of the lapse of the approval or the expiration of the permit.

- 2. Any fees collected that are not spent or obligated by contract for the specified improvements or acquisitions by the end of the calendar quarter immediately following 10 years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid, together with interest calculated at three (3) percent per year from the date of the payment of the fee.

**§ XIII4. Recreational Facilities and Open Space Impact Fees**

**A. Description of the improvements.**

- 1. This project involves the acquisition of land for and the development of new community-wide recreational facilities and the acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space. The recreational facilities portion of this impact fee may be used for the following improvements:
  - a) The development of the City's former landfill on Foss Road into a multipurpose community recreational complex;
  - b) The development of a skating area at Pepperell Park or another location;
  - c) The construction of a baseball field at the Middle School Recreational Area;
  - d) The construction of pedestrian and bicycle trails, including the City's share of the cost of the development of the Eastern Trail;
  - e) The acquisition of land for the future development of community recreation facilities; and/or
  - f) The development of other community recreational facilities that expand the City's supply of recreational areas or facilities.
- 2. The open space facilities portion of this impact fee may be used for the following improvements:
  - a) The acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space.

**B. Need for the improvements.** The need for community recreation facilities and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, playgrounds, natural areas, and open spaces. The City's duly adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population. The need for the specific improvements is set out in the City of Saco's Recreational Facilities and Open Space Impact Fee Methodology.

C. Activities subject to the fee.

1. Any construction or development that involves the creation of a new dwelling unit, as defined by this chapter, including single-family homes, apartment units, mobile home units, and mobile homes, shall be subject to the payment of an impact fee for this project, except as provided below:
  - a) The recreational facilities portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided recreational facilities in accordance with the requirements of the City's Subdivision Regulations.
  - b) The open space portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided open space in accordance with the requirements of the City's Subdivision Regulations.
  - c) No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use within the last twelve (12) months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.
  - d) No impact fee shall be paid if the dwelling unit is moved from one (1) lot within the City to another lot within the City.
  - e) Downsizing provisions for elderly homeowners.
2. Persons building new single-family dwelling units which meet the following requirements, which shall be memorialized in an agreement outlining the limitations on the waiver shall be recorded at the York County Registry, and evidence of the recording shall be presented to the CEO before the building permit is issued, are not required to pay the recreation and open space impact fee:
  - a) The person or persons proposing to build the new single-family dwelling unit have previously owned and occupied an existing permanent residence in Saco and paid property taxes on it continuously for at least twenty (20) years.
  - b) The owner(s) are selling or transferring their existing permanent residence in Saco and are planning to make the new house their permanent residence.
  - c) At least one (1) owner of the proposed house is sixty-two (62) years old or older.
  - d) The proposed house is a single-family dwelling unit with one (1) or two (2) bedrooms.
  - e) The property is not transferred by any means during the five (5) years following the issuance of a building permit.
  - f) The property is not be leased or rented during the five (5) years after the issuance of a building permit.

- D. Calculation of the Fee. The recreational facilities and open space impact fee is a per capita fee and is based upon the City's Impact Fee Calculation Methodology. The per capita fee consists of a recreational facilities component and an open space component. The amount of the fee paid by a development project shall be determined by multiplying the per capita fee by the number of people expected to reside in the project. The occupancy ratios in Table 13-1 shall be used in determining the fee, unless the applicant provides verifiable written documentation from an independent, objective source demonstrating other occupancy levels.

**Table 13-1. Occupancy ratios for determining recreational facilities and open space impact fee**

Type	Ratio (people per unit)
Single-family dwellings and mobile homes	3.2
Dwelling unit in a 2-family or multifamily dwelling with:	
1 bedroom	1.2
2 bedrooms	2.0
3 or more bedrooms	3.0
Dwelling unit in elderly housing, assisted living facility, or other eldercare facility limited to occupancy by households 65 years of age or older	1.2

- E. Impact fee. Fees shall be determined by Council.
- F. Collection of the fee. The CEO shall collect the impact fee prior to the issuance of a building, plumbing or other permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in **Subsection D** above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule, provided that appropriate arrangements are in place to guarantee collection of the fees.

**§ XIII5. Fire Department / Emergency Medical Services (FD/EMS) Impact Fee**

- A. Description of the Improvements. The FD/EMS impact fee will be used to ensure an adequately capitalized and funded Fire Department in the provision of fire, rescue and emergency medical services. The fee may be used for the following purposes:
  1. Acquisition of vehicles and/or purchases of equipment used by Fire Department personnel for fire, rescue, and emergency medical services.
  2. Construction of capital improvements, including the expansion or replacement of existing infrastructure facilities, or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion of percentage of the infrastructure used by the development.
  3. Acquisition of land or easements necessary for or related to existing and proposed Fire Department facilities.



4. Engineering, surveying, and environmental assessment services directly related to the design, construction, and oversight of the construction of the improvement.
  5. The actual construction of the improvement, including, without limitation, demolition costs, clearing, and grading of the land, and necessary capital equipment.
  6. Mitigation costs.
  7. Legal and administrative costs associated with construction of capital improvements, including any borrowing necessary to finance the project.
  8. Debt service costs, including interest if the City borrows for the construction of the improvement.
- B. Need for the improvements. The need for public safety equipment and facilities is a function of the growth of the community's population. As the community grows, increased capacity is required to meet the public safety needs of greater numbers of residents. The City's duly adopted Comprehensive Plan identifies the need to expand the ability of the Fire Department and emergency medical services to serve a growing population. The need for the specific improvements is set out in the City of Saco's FD/EMS impact fee methodology.
- C. Activities subject to the fee. Any construction or development that involves the creation of a new dwelling unit, as defined by this chapter, including single-family homes, apartment units, mobile home units, and mobile homes, shall be subject to the payment of a Fire Department/emergency medical services impact fee, except as provided below:
1. No impact fee shall be paid if a new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use within the last twelve (12) months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.
  2. No impact fee shall be paid if a dwelling unit is moved from one lot within the City to another lot within the City.
  3. No impact fee shall be paid if a proposed dwelling unit is created as the result of a conveyance of a parcel to a family member.
  4. No impact fee shall be paid for the creation of an accessory apartment in a single-family dwelling.
- D. Calculation of the fee. The FD/EMS impact fee is based upon the City's Impact Fee Calculation Methodology.
- E. Impact fee. Fees shall be determined by the Council.
- F. Collection of the fee. The CEO shall collect the impact fee prior to the issuance of any building, plumbing, or other permit for construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in **Subsection D** above. The City Administrator may approve the payment of impact fees over time in accordance with an

approved payment schedule, provided that appropriate arrangements are in place to guarantee collection of the fees.

- G. Effective dates. This impact fee shall be applicable to activities subject to the impact fee 30 days after the date of amendment of this article.

**§ XIII6. Traffic Mitigation and Bicycle & Pedestrian Infrastructure Fee**

- A. Description of the Improvements. This impact fee will be used to mitigate traffic congestion and to enhance the safety of motorists, bicyclists and pedestrians in the City's public ways. The fee may be used for the following purposes:
1. Roadway improvements
  2. Bicycle & pedestrian infrastructure improvements.
- B. Impact fee. Fees shall be determined by the Planning Board.

**§ XIII7. Other Impact Fees**

- A. Refer to Chapter 176 for sewer-related impact fees.

## Article XIV. Conditional Uses

### § XIV1. Applicability

Conditional Use Permit (CUP). The following are eligible for a CUP:

- A. Uses that are designated “C” for conditional use in Table 3-3.
- B. Changing one nonconforming use to another use that is equally or more appropriate to the zoning district and meets the standards of **Article V** and this section.
- C. Certain conversions of buildings to multi-family use as described in **Article V**.

### § XIV2. Review and Approval Authority

The Planning Board shall review and approve, or approve with conditions, or deny applications for a Conditional Use Permit.

### § XIV3. Procedures

- A. Applicants shall submit a complete application.
- B. If the development proposal under conditional use permit review is also subject to site plan review, conditional use permit review, and site plan review may occur simultaneously.
- C. Waiver
  1. Applicants may submit a written request for a waiver of submission requirements with their Conditional Use Permit application.
  2. The Planning Board may grant a waiver(s) of application submission requirement(s) if it finds that, due to special circumstances of a particular plan, the submission of required exhibits is not necessary or is inappropriate because of the nature of the proposed development.
  3. The Planning Board may request additional information as it deems necessary for proper review to ensure that sufficient information is presented to the Planning Board when it initially reviews an application.
- D. An application is not deemed to be complete until declared to be so by vote of the Planning Board, which may, in any case, request additional information and materials.
- E. Public Hearing Requirements for a Conditional Use Permit
  1. For each application for a CUP, the Planning Board shall conduct a public hearing.
  2. The Planning Board shall cause public notice to be posted and published in both the City Building and at least one (1) newspaper of circulation in the area, of any

public hearing which the Planning Board shall conduct, indicating the property involved, the nature of the application, and the time and place of the public hearing.

3. The Planning Board shall also notify all property owners within two hundred (200) feet when the applicant's property is located in the HDR District or any business district, and within six hundred (600) feet of the property when the applicant's property is located in any other zoning district. The Planning Board shall cause a list of such property owners to be drawn from the Assessor's records, and such notices to property owners shall be sent by mail at least seven days prior to the date set for the public hearing.
  4. The Planning Board shall not continue hearings to a future date except for good cause.
- F. Conditions of approval. The Planning Board may attach conditions to further the purposes of this chapter. These conditions include, but are not limited to, specifications for type of vegetation and sewage disposal and water supply facilities, landscaping and planting screens, operational hours, operational controls, professional inspection and maintenance, sureties, deed restrictions, restrictive covenants, type of construction, or any other reasonable conditions necessary to fulfill the purposes of this chapter.
- G. Appeals. An aggrieved person may appeal a Planning Board decision on a conditional use application to the Maine Superior Court under Rule 80B within 30 days from receipt of a written decision.

#### § XIV4. Application Submission Requirements

##### CUP Application Submission Requirements

- A. A signed copy of the application.
- B. The name and address of the owner and conditional use permit application with evidence of sufficient right, title, or interest in the premises to permit the application to undertake the proposed use.
- C. Names, addresses, and tax map and lot number of all abutting property owners.
- D. Building plans, which shall include line drawings of all sides of the proposed building(s) that show, the first-floor plan, all elevations, and the proposed construction material.
- E. A plan that includes the following information:
  1. A map of the site with reference to surrounding area and existing street locations.
  2. A plan of the area showing the lot line dimensions, applicable zone or zones, and the normal high-water mark, if applicable.
  3. The location of all existing and proposed buildings and structures, streets, easements, driveways, entrances, and exits on the site and within one hundred (100) feet thereof.

4. All setbacks from bodies of water and lot lines.
  5. Parking, loading and unloading areas with dimensions, traffic patterns, access aisles, and curb radii.
  6. The location and design of existing and proposed stormwater systems, sanitary waste disposal systems and potable water supply, and methods of solid waste storage and disposal.
  7. A landscaping and buffering plan showing what will remain and what will be planted, indicating botanical and common names of plants and trees, dimensions, approximate time of planting and maintenance plans.
  8. Lighting details indicating type of fixtures, location, radius, and intensity of light.
  9. The location, dimensions, and details of signs.
  10. The proposed use of all floor area.
  11. Improvements such as roads, curbs, bumpers, and sidewalks with cross sections, design details, and dimensions.
  12. All existing physical features on the site and within two hundred (200) feet of the site, including streams, watercourses, and existing woodlands.
  13. Soil conditions as reflected by a medium-intensity survey (such as wetlands, rock ledge, and areas of high-water table). The City Planner or Planning Board may require a high-intensity soils survey where necessary.
  14. A narrative and sketch sufficient to describe trees and other vegetation located on the site. The City Planner or Planning Board may require mapping of trees proposed to be preserved as part of the site and landscaping plans presented for approval.
  15. Topography showing existing and proposed contours at five (5) foot intervals for slopes averaging five (5) percent or greater and at two (2) foot intervals for land of lesser slope. A reference benchmark shall be clearly designated. Where variations in the topography may affect the layout of buildings and roads, the City Planner or Planning Board may require that the topographic maps be based on an on-site survey.
- F. The application for conditional use permit review for business, commercial, and industrial uses shall also include:
1. A written description of the proposed operations in sufficient detail to indicate the degree to which the operations will create traffic congestion, noise, toxic or noxious matter, vibration, odor, heat, glare, air pollution, waste, and other objectionable effects, along with engineering and architectural plans for mitigating such effects.
  2. The proposed number of shifts to be worked and the maximum number of employees on each shift.

3. A list of all hazardous materials to be hauled, stored, used, generated, or disposed of on the site, and state or federal permits required.
4. Completed Industrial Waste Discharge Application.

#### § XIV5. **Minor conditional uses**

In order to process applications more efficiently, certain conditional uses, due to the limited nature of the proposed use, may be reviewed by the Planning Office, as authorized in 30-A M.R.S.A. § 4353. The Planning Office may, however, decline to review an application requesting approval for a minor conditional use and forward such application to the Planning Board. Only uses that meet all of the following applicability standards may be reviewed as minor conditional uses:

##### A. Applicability. This article shall apply to:

1. Home occupations in which there is no point of purchase for retail merchandise at the home. Phone and mail order businesses, wholesale businesses and other similar businesses may be reviewed as minor conditional uses.
2. Home occupations in which the required number of parking spaces for all uses on the lot does not exceed four spaces.
3. Home occupations in which there are not significant exterior alterations to the building or site.
4. Two-family dwellings.

##### B. Administration

1. Application contents. An application for a minor conditional use shall include four copies of the information required under **Subsection XIV4**.
2. Notice and public comment. Upon receipt of an application for minor conditional use, the Planning Office shall send a notice of the application, including the name of the applicant, address of the applicant, the nature and address of the proposed use, to all property owners within 200 feet. The notice shall also include a deadline for comment on the application, to be 10 calendar days from the date of the notice.
3. Time frame for decisions. The Planning Office shall act upon all applications for minor conditional uses, approval, or referral to the Planning Board, within five days of the close of the public comment period.

##### C. Criteria for approval. Minor conditional use applications shall be approved, or approved with conditions, by the Planning Office unless the proposed use does not satisfy the approval criteria in **Subsection XIV3**, or other relevant sections of this chapter, or other local, state and federal laws. Notice of decisions by the Planning Office shall be provided to those parties detailed above in **Subsection XIV5B**. If, in the opinion of the Planning Office, an application does not meet the applicability criteria set out in **Subsection XIV5B**, then the application shall be referred to the Planning Board for a full conditional use review.

- D. Planning Board jurisdiction. The Planning Board shall review any application for a minor conditional use upon a determination by the Planning Office that the potential impacts from a proposed use warrant a public hearing before the Planning Board. Upon referral to the Planning Board, the applicant shall submit a full application for conditional use.

#### § XIV6. Standards

- A. Standards for a CUP. It is the applicant's burden to establish that the proposal satisfies each of the following standards:
1. The proposed use will meet the definition and specific requirements set forth in this chapter and will comply with applicable state or federal laws.
  2. The proposed use will not impede vehicular and pedestrian circulation, or access for emergency responders, nor create hazards on site and on adjacent streets. The proposed exterior lighting will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants or users of the site and will not damage the value and diminish the usability of adjacent properties.
  3. The provisions for buffers and on-site landscaping will provide adequate protection to neighboring properties from detrimental features of the proposal.
  4. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, glare, fire hazard, hours of operation, nor unreasonably restrict access to light and air, or other cause.
  5. The proposed use will not have a significant detrimental effect on the value of adjacent properties that could be avoided by reasonable modification of the plan.
  6. The design of the project will not result in significant flood hazards or flood damage and will be in conformance with applicable flood hazard protection requirements.
  7. Adequate provision has been made for disposal of wastewater and solid waste and for the prevention of ground or surface water contamination.
  8. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitats that could be avoided by a reasonable modification of the plan.
  9. The use will not cause safety hazards for pedestrians, cyclists, and operators of motor vehicles, and will not result in a decrease in the Level of Service (LOS) D at nearby intersections or at the project driveway during the peak hour. However, the Planning Board may approve the application under the following circumstances if it finds that an adequate level of safety can be attained through imposing certain conditions of approval:
    - a) At signalized intersections where the level of service is already below LOS D;
    - b) At signalized intersections predicted to drop below LOS D where physical improvements cannot be made to attain LOS D;

- c) At unsignalized intersections where physical improvements cannot be made to improve the level of service to LOS D;
  - d) Where warrants for a traffic signal are not met; or
  - e) Where signal installation is not desirable.
- B. These conditions of approval may include as upgrades in signalization, one-way driveways, prohibiting certain turning movements, construction of turning lanes, sidewalks, bicycle paths, or other improvements, or through implementation of transportation demand management measures.
- C. Additional standards for projects situated within the RPOD, SLOD, and CDOD Districts. The Planning Board shall find that the proposed conditional use:
- 1. Will maintain safe and healthful conditions.
  - 2. Will not result in water pollution, erosion, or sedimentation to surface waters.
  - 3. Will adequately provide for the disposal of all wastewater.
  - 4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitats.
  - 5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.
  - 6. Will protect archaeological and historic resources in accordance with the Comprehensive Plan.
  - 7. Will not adversely affect existing commercial fishing or maritime activities in the CE District.
  - 8. Will avoid problems associated with floodplain development and use.
  - 9. Is in conformance with the provisions of §VIII3, Land Use Standards.
  - 10. If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any state law.
- D. Additional Standards for Offices in Residential Districts:
- 1. In order to preserve neighborhood character, offices shall be located only within converted residential structures, except as allowed in Subsection D(4) below.
  - 2. Parking for offices shall be located to the side or rear of the building.
  - 3. All outdoor lighting shall be shielded to avoid glare and light trespass.
  - 4. In special situations where a building is extremely dilapidated and structurally unsound and where reuse is therefore not practicable or economically feasible or where a building is not judged to be a significant component of the neighborhood's overall architectural and historic character, the Planning Board may approve plans to replace an existing residential building with a new office building whose scale and design would be compatible with the neighborhood. The Planning Board shall obtain



the recommendation of the Saco Historic Preservation Commission before granting permission to demolish. In the Historic District, and on historic sites, the decision on demolition shall rest entirely with the Historic Preservation Commission.

5. Outdoor storage is prohibited.

#### § XIV7. **Limits and Expiration**

- A. Construction, or occupancy if no construction is involved, shall commence within twenty-four (24) months of the issuance of a conditional use permit. If construction or occupancy is not commenced within this period, the conditional use permit shall be null and void. The deadline may be extended for one (1) additional year by the Planning Board or City Planner, upon a written request. The request for an extension must be submitted before the date of expiration of the CUP. After the CUP has expired, or an extension is denied by the Planning Board, the applicant may reapply for a CUP at any time without prejudice.
- B. Requests for extensions shall be approved unless one or more of the following occurs:
  1. Additional information indicates that the plan does not meet the conditional use standards.
  2. Failure to meet a condition of approval.
  3. An amendment in this chapter prohibits or alters the proposed conditional use.

#### § XIV8. **Reapplication**

If a conditional use permit is denied, a second request of a similar nature shall not be resubmitted within two years from the date of the first request, unless, in the opinion of the majority of the Planning Board, substantial new evidence is brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this chapter which changes the status, circumstances, or conditions of the application which was originally submitted.

#### § XIV9. **Nonconformance**

Conditional uses may be permitted in buildings that are nonconforming in respect to dimensional standards.

## Article XV. Enforcement

### § XV1. Administrative Official

Unless otherwise specifically stated, this chapter shall be administered and enforced by the City of Saco Code Enforcement Officer (“CEO”).

- A. It shall be the duty of the CEO to enforce this chapter and, in connection therewith, to investigate all complaints of alleged violations of this chapter and cases that violate this chapter.
- B. Furthermore, it shall be the duty of the CEO to enforce the City of Saco Subdivision Ordinance and, in connection therewith, to investigate complaints of alleged violations of the Subdivision Ordinance and cases that violate the Subdivision Ordinance.
- C. Furthermore, it shall be the duty of the CEO to enforce the City of Saco Site Plan Ordinance and, in connection therewith, to investigate complaints of alleged violations of the Site Plan Ordinance and cases that violate the Site Plan Ordinance.
- D. Other City officials. It shall be the duty of the Mayor, City Council, and members of the Fire Department, Police Department, Electrical Inspector, Local Plumbing Inspector, City Planner, Health Officer, and Tax Assessor to assist the CEO by reporting new construction, reconstruction, or land use in apparent violation of this chapter.

### § XV2. Permits Required

- A. Building Permit and Certificate of Occupancy (CO)
  1. CO. No new structure shall be occupied or used, nor shall the occupancy of any commercial or industrial building change, prior to the issuance of a CO by the CEO. The CEO shall not issue a CO unless the new structure or proposed use is in conformance with this chapter.
- B. Building codes. Building permits and COs shall be issued in conformance both with this chapter and with Chapter **73** and all applicable ordinances of the City of Saco.
- C. Shoreland Zoning Overlay Districts
  1. Shoreland Permits Required. No person shall, without first obtaining a shoreland zoning permit, engage in any activity or use of land or structure requiring a permit or expand, change, or replace an existing use or structure, or renew a discontinued nonconforming use.
  2. Shoreland Standards. Prior to making a decision on an application for a Shoreland Zoning permit, the permitting authority shall make findings, based on the information presented, that the proposed use:
    - a) Will maintain safe and healthful conditions;

- b) Will not result in water pollution, erosion, or sedimentation to surface waters;
  - c) Will adequately provide for the disposal of all wastewater;
  - d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitats;
  - e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
  - f) Will protect archaeological and historic resources as in accordance with the Comprehensive Plan;
  - g) Will not adversely affect existing commercial fishing or maritime activities
  - h) Will avoid problems associated with floodplain development and use;
  - i) Is in conformance with the provisions of §VIII3 Land use standards;
  - j) If located in a structure, the structure is located in an approved subdivision and will not violate any other local ordinance or regulation or any state law.
- D. Exemptions. No permit shall be required for the construction, alteration, relocation, or replacement of any building or part thereof having a total cost of construction of \$500 or less, provided it conforms with the provisions of this chapter.
- E. Material Accompanying Applications. The application for the permit shall be in writing and shall be made on such form as the CEO shall prescribe and shall contain a scale drawing of the proposed new, altered or relocated building, or the replacement contemplated, including a plot plan (unless waived by the CEO). The application shall be filed with the CEO.
- F. Residential and Shoreland Zoning Overlay Districts. This subsection applies only to Residential Districts and Shoreland Zoning Overlay Districts. The CEO will notify abutting landowners by mail that a building permit has been issued whenever a building permit will lead to the construction of a new dwelling unit, will lead to the creation or expansion of a commercial use, or will lead to the creation or expansion of an accessory use with commercial aspects. In addition, in the Shoreland Zoning Overlay Districts, the notice will be issued for any exterior change requiring a building permit. These notices are not required if earlier approvals required for such a permit have been the subject of a public hearing, such as those held for conditional use, site plan review, subdivision, shoreland zoning, a variance, or other similar permitting actions. The notice will be mailed within one week of the issuance of the building permit, and shall describe briefly what the permit is for, and describe briefly the appeals process. Failure to receive the notice shall not invalidate any action taken by the CEO.
- G. Permit Approval. The CEO, after proper examination of the application, shall either issue the requested permit or transmit a Notice of Refusal within ten (10) calendar days. Notice of Refusal shall be in writing and shall state the reasons therefor. However, when the CEO has reason to believe that the proposed construction would not be in

compliance with other local regulations or state laws, the building permit shall not be issued until all questions have been resolved to the CEO's satisfaction. When a violation of subdivision standards is believed to exist, the Planning Board shall be given an opportunity to examine the proposal.

- H. Record of Permit Applications. Each application for a building permit, together with all plans, drawings, correspondence, and a copy of the issued building permit, shall be made part of a permanent file, and such file shall be kept in a locked cabinet in a City Building or electronically on a secure City server.
- I. Installation of Public Utility Service. No public utility, water district, sanitary district or any utility company may install services to new structures located in the Shoreland Zone unless all permits required under this chapter or any previous ordinance have been issued by the appropriate municipal officials.
- J. Limits on Shoreland Approvals.
  - 1. If substantial construction is not commenced within twenty-four (24) months of the Planning Board's or CEO's written approval of a shoreland permit, the shoreland permit shall be null and void. "Substantial construction" shall mean the completion of a foundation, addition, or other evidence satisfactory to Department staff. The deadline may be extended for one (1) additional year by the appropriate permitting authority upon written request of the applicant. The written request for an extension must be submitted before the date of expiration of the shoreland permit. After the shoreland permit has expired or an extension denied by the permitting authority, the applicant may reapply for a Shoreland Zone approval at any time without prejudice.
  - 2. The permitting authority shall approve the request for an extension unless:
    - a) Additional information indicates that the plan does not meet the standards of this chapter.
    - b) Failure to meet a condition of approval within required timeframe.
- K. Contractor certification. When an excavation contractor proposes an activity that results in more than one cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management

practices for erosion and sedimentation control are used; and municipal, state, and federal employees engaged in projects associated with that employment.

### § XV3. Enforcement of Shoreland Zoning Overlay District Provisions

- A. Nuisances. Violations of shoreland zoning overlay district provisions, including this chapter's performance standards, shall be deemed a nuisance.
- B. Code Enforcement Officer.
  - 1. It shall be the duty of the CEO to enforce provisions of **Article VIII**. If the CEO finds that any provision of **Article VIII** is violated, the CEO shall notify, in writing, the person(s) responsible for such violation, indicating the nature of the violation and ordering action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notice shall be submitted to the City Administrator, Mayor, and City Council and be maintained as a permanent record.
  - 2. The CEO shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of **Article VIII**.
  - 3. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

### § XV4. Violations and Penalties

- A. The CEO is hereby authorized to institute or cause to be instituted by the City Solicitor in the name of the City of Saco all actions that may be appropriate or necessary for the enforcement of this chapter. This section shall not prevent a person entitled to equitable relief from enjoining an act contrary to the provisions of this chapter.
- B. Furthermore, the CEO is hereby authorized to institute or cause to be instituted by the City Solicitor in the name of the City of Saco all actions that may be appropriate or necessary for the enforcement of the Subdivision Regulations. This section shall not prevent a person entitled to equitable relief from enjoining an act contrary to the provisions of the Subdivision Regulations.
- C. Any person, firm, corporation, or other business association, being the owner or having control of land, building, or other structures, or part thereof, which violates the provisions of this chapter, shall be penalized in accordance with 30-A M.R.S. §4452, with fines of not less than one hundred dollars (\$100) nor more than those amounts set forth in 30-A M.R.S. § 4452. Each day may constitute a separate offense. Fines shall apply following issuance of a notice of violation signed by the CEO. Such notice shall be mailed by certified mail, with return receipt requested, or served in person by the CEO.

**§ XV5. Actions and Proceedings**

- A. When the actions in §XVI4 do not result in the correction or abatement of the violation or nuisance condition, the CEO is hereby authorized to institute actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this chapter in the name of the City. City officers, or their authorized agents, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this chapter and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized city official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety, or will result in substantial environmental damage.
- B. Any person, including, but not limited to, a landowner, a landowner's agent, or a contractor, who orders or conducts any activity in violation of this chapter shall be penalized in accordance with 30-A M.R.S. §4452, with fines of not less than \$100 nor more than those amounts set forth in 30-A M.R.S. §4452. Each day may constitute a separate offense.

## Article XVI. Zoning Board of Appeals

### § XVI1. Organization

- A. Establishment. The City of Saco Zoning Board of Appeals, hereinafter the "BoA," is hereby created, which BoA shall consist of seven regular members and two alternates, who shall be appointed by the Mayor, subject to confirmation by the City Council, none of whom shall hold any elective office or any other appointive position in the City government. The BoA shall elect a Chair and a Secretary from its members.
- B. Quorum. A quorum shall consist of four (4) members. All decisions by the BoA shall be by a majority vote by members present and voting at the meeting, but under no circumstances shall fewer than three (3) members comprise a majority. Alternates shall vote only in the absence of regular members. In the event of the absence of a regular member or member(s), the alternate who has served the longest time shall fill the first vacancy, and the other alternate shall fill the second vacancy. In the event that both alternates shall have served the same period of time, selection of an alternate shall be at the discretion of the Chair.
- C. Qualifications.
  - 1. Only residents of Saco may serve as a member of the BoA.
  - 2. There shall be no more than two (2) members on the BoA who are residents of the same ward.
  - 3. No City Council member, nor spouse of a City Councilor, may be a member of the BoA.

### § XVI2. Terms of Office, and Vacancies

- A. Terms. The term of the members shall be (5) five years, and terms shall be staggered with twelve (12) month intervals. Any vacancy during the unexpired term of a member shall be filled for the remainder of the term.
- B. Vacancies.
  - 1. Vacancies on the BoA occur under the following circumstances:
    - a) A member submits their resignation in writing to the Mayor.
    - b) A member's official residence is no longer within the City of Saco, in which instance the Secretary of the BoA shall notify the Mayor.
    - c) Upon expiration of the term of a member.
    - d) A member fails to attend three or more consecutive meetings of the BoA, without being excused by the BoA.
  - 2. In the case of vacancies occurring in the manner described in **Subsection B(1)(d)** above, the Chair shall first contact the absent member to determine their ability to

attend future hearings on a regular basis. The BoA shall then recommend appropriate action to the City Council.

3. A vacancy during the unexpired term of a member shall be filled by a person appointed by the Mayor for the duration of the unexpired term.
4. A member of the BoA may be removed for cause by the City Council, provided that the member shall first be notified in writing and given the opportunity for a hearing.

### § XVI3. Powers and Duties

The BoA shall hear the following matters:

- A. Administrative Appeals from decisions by the CEO. An aggrieved party may appeal a decision of the CEO regarding a zoning violation, a building permit or a certificate of occupancy in those cases where it is alleged the CEO has made an error of law, or has abused their discretion, or the evidence of record compelled a different decision. An aggrieved party may also appeal to the BoA if a permit holder has meaningfully exceeded the authority granted in their building permit or their certificate of occupancy. An appeal filed hereunder must be brought within thirty (30) days of the alleged act, action or failure to act. This provision is intended to effectuate the process set out by the Legislature in 30-A M.R.S. §2691 (4). The appeal review shall be de novo as set out below in §XVI5(G). The BoA may affirm, reverse or modify the decision of the CEO, and that decision may be appealed as set out in this Article.
- B. Variances from Decisions by the CEO
  1. The BoA has authority to approve, approve with conditions, or deny applications for variances from decisions made by the CEO regarding standards of this chapter as allowed under this Article. The review conducted by the BoA on such variances shall be de novo as set out below in this Article. Such decisions by the BoA may be appealed as set out in this Article.
  2. All variances, including those described here, and in Subsections C and E below, shall meet the requirements and conditions set out in this Article.
- C. Variances from historic preservation conditions. The BoA shall have authority to approve, approve with conditions, or deny applications for variances as further detailed in Article XIX. The review conducted by the BoA shall be de novo as set out below in this Article.
- D. Historic Preservation Commission. The BoA may hear appeals of decisions made by the Historic Preservation Commission. A decision by the Historic Preservation Commission on an application for a certificate of appropriateness may be appealed, in writing, to the BoA within thirty (30) days of the Commission's decision. The BoA may affirm the decision, or it may reverse the Commission's decision upon a finding that there has been an error of law or that the facts leading to the decision of the Commission were erroneous. The review made by the BoA shall be appellate. If the BoA reverses the decision of the Commission, it shall be remanded to the Commission for further



consideration, but not more than once. Thereafter, the parties shall have their appeal rights as allowed under this Article.

- E. Shoreland and Natural Resource District Variances. The BoA shall have authority to approve, approve with conditions, or deny applications for a variance from shoreland and natural resource standards set out in §VIII of this Chapter. The review conducted by the BoA shall be de novo as set out in this Article.

#### § XVI4. Variances

- A. Applicability. A variance is authorized only for the following space and bulk requirements:
1. Minimum lot area.
  2. Lot area per dwelling unit.
  3. Minimum street frontage.
  4. Minimum yards and setbacks.
  5. Maximum lot coverage.
  6. Maximum height.
  7. On lots divided by district boundaries, the extension of uses allowed in the less-restricted zone more than fifty (50) feet into the more-restricted zone.
  8. Curb cut standards.
  9. Sign standards.
- B. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconforming structures in the particular zone or adjoining zones.
- C. Authority. Except as provided in D and E, below, the BoA may only grant a variance upon finding that the application meets the standards for a variance, below, as well as the standards for a variance in shoreland areas, when applicable.
- D. Standards for a Variance.
1. That strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" shall mean specifically that:
    - a) The land in question cannot yield a reasonable return unless a variance is granted;
    - b) The need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;

- c) That the granting of the variance will not alter the essential character of the locality; and
  - d) The hardship is not the result of action taken by the applicant or a prior owner.
2. No variance shall be granted merely to relieve inconvenience to the property owner or for economic considerations alone.
  3. Any variance granted by the BoA shall be the minimum variance from the terms of this chapter as will relieve the hardship pleaded.

E. Special standards for certain variances for single-family dwellings.

1. Pursuant to 30-A M.R.S. §4353 (4-B), the BoA may also grant setback variances for single-family detached dwellings under the alternate definition of "undue hardship" below. Variances granted under this section are limited to single-family detached dwellings that are the primary year-round residence of the petitioner, and are subject to the following:
  - a) Variances in front yard or side yard and rear yard, not to exceed twenty (20) percent of the setback requirement;
  - b) Variances granted under this subsection shall not cause the area of the dwelling to exceed the maximum lot coverage permitted in the district;
  - c) Variances granted under this subsection shall be the minimum variance needed; and
  - d) Variances granted under this subsection shall not cause the house which receives the variance to be within ten (10) feet of an occupied building on the adjacent lot.
2. Prior to voting to grant a variance, the BoA shall review the application and find that all of the following standards of the alternative definition of "undue hardship" for this subsection have been met:
  - a) The need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;
  - b) The granting of a variance will not alter the essential character of the locality;
  - c) The hardship is not the result of action taken by the applicant or a prior owner;
  - d) The granting of the variance will not substantially reduce or impair the use of abutting property; and
  - e) The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

F. Disability variance. The BoA may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling.

1. The BoA shall restrict any variance granted under this section solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.
2. The BoA may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this paragraph, the term “structures necessary for access to or egress from the dwelling” is defined to include railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

G. Standards for a Variance in Shoreland Areas.

1. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the BoA. Comments received from the Commissioner prior to the action by the BoA shall be made part of the record and shall be taken into consideration by the BoA.
2. Prior to voting to grant a variance within the mandated shoreland area, the BoA shall, in addition to the undue hardship standards in **Section D** above, find that the proposed variance:
  - a) Will not result in unsafe or unhealthful conditions;
  - b) Will not result in erosion or sedimentation;
  - c) Will not result in water pollution;
  - d) Will not result in damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitats;
  - e) Will conserve shoreland vegetation;
  - f) Will conserve visual points of access to waters as viewed from public facilities;
  - g) Will conserve actual points of public access to waters;
  - h) Will conserve natural beauty; and
  - i) Will avoid problems associated with floodplain development and use.
3. The BoA shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the BoA's decision.

H. Conditions of approval. The BoA may impose such conditions on its approval of a variance as are necessary, in its judgment, to protect surrounding property owners or the City from adverse impacts resulting from the variance.

I. Limits on variances. A variance granted by the BoA shall expire if the work or change involved is not commenced within six (6) months of the date on which the variance was

granted or if the work or change is not substantially completed within a twelve (12) month period, unless extended by the BoA.

- J. Prior work. Any construction activity commenced prior to the granting of a required variance shall be a violation of this chapter.

#### § XVI5. Procedures

- A. Application for a variance. Application to the BoA for a variance shall be submitted to the CEO on forms provided for that purpose, accompanied by a fee as may be established by the City Council for such applications. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance.
- B. Denial of building permit. All applicants for building permits denied for any reason shall be advised, in writing, of the right of appeal.
- C. Application for a variance and filing of an appeal.
1. An appeal or application for a variance shall be commenced as set forth below in **Subsection 2**.
  2. Such appeal or application for a variance shall include the following information:
    - a) A concise, written statement indicating what relief is requested and why it should be granted.
    - b) A description of the regulation, ordinance provision, or permit that is subject to review or from which relief is requested.
    - c) A sketch, drawn to scale, showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
    - d) If applicable, a demarcation on the sketch showing low tide and mean high tide and designating the 100-year flood area, wetlands, shorelines, or other pertinent natural features.
    - e) If applicable, color pictures of the exterior features at issue if the appeal or variance concerns a structure found in the Historic District.
  3. Upon being notified of an appeal or of an application for a variance, the CEO or designee shall arrange to secure and transmit to the BoA all of the papers and evidence constituting the record of the decision that is to be reviewed.
- D. Public hearing required.
1. For all appeals from decisions of the CEO, for all requests for any variance, the BoA shall hold a public hearing, but the BoA shall only take and hear new evidence or testimony in those matters where de novo review is expressly permitted. The BoA will hear argument from the parties only when it conducts appellate review, and oral argument will be limited to the record of proceedings before the Planning

Board. The hearing shall be held within thirty-five (35) days of the receipt of an appeal or application for variance.

2. The BoA shall cause public notice to be posted and published in both the City Building and at least one newspaper of circulation in the area, of any public hearing which the BoA shall conduct, indicating the property involved, the nature of the appeal, and the time and place of the public hearing.
3. The BoA shall also cause to have notified all property owners of property within six hundred (600) feet of the property when the applicant's property is located in the RR, I, LDR, and MDR Districts, and within two hundred (200) feet when the applicant's property is located in the HDR District or any business district. The BoA shall cause a list of such property owners to be drawn from the Assessor's records, and such notices to property owners shall be sent by mail at least seven days prior to the date set for the public hearing.
4. The BoA shall not continue hearings to a future date except for good cause. Written notice of the decision of the BoA shall be sent to the appellant and the CEO.

E. Time for appeal, forms and fees.

1. When a person is aggrieved by a decision of the CEO, by a decision of the Historic Preservation Commission, or by a decision of the Planning Board, if an appeal or variance application is authorized elsewhere under this chapter, the aggrieved person must file their appeal or variance application with the Code Enforcement Department within thirty (30) days of the day the decision was rendered.
2. Any appeal or application for variance to the BoA shall be accompanied by a fee as established by the City Council.

F. Rules of procedure. The BoA shall adopt its own rules of procedure for the conduct of its business not inconsistent with this chapter and the statutes of Maine and may amend the same after notice and public hearing. Such rules shall be filed with the BoA Secretary and the City Clerk. Any rule so adopted and not mandated by this chapter or the statutes of Maine may be waived by the Chair of the BoA for good cause shown.

G. Submission of evidence. Where the BoA conducts *de novo* review of a decision, the BoA may receive oral or documentary evidence, including new evidence and testimony, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. In a *de novo* proceeding, every party shall have the right to present their own case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

H. Presence of CEO. The CEO, unless prevented by illness or absence from the state, shall attend all hearings and shall present to the BoA all plans, photographs, or other factual material that is appropriate to an understanding of the appeal.

- I. Conflict of interest. No member of the BoA shall vote on a matter in which they have a direct or indirect financial or personal interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is either requesting a decision or who is being challenged.
- J. Records and decisions.
  - 1. The Secretary shall maintain a permanent record of all BoA meetings and all correspondence of the BoA. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the BoA. All records to be maintained or prepared by the Secretary are deemed public, shall be filed in the City Clerk's office, and may be inspected at reasonable times.
  - 2. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented and the appropriate order, relief, or denial thereof.
  - 3. Notification of decision. The City Clerk, Planning Board, and CEO shall be notified, in writing, within seven days of all decisions of the BoA. Written notice to the appellant shall be sent within seven days after the date of the decision. The notice shall include, as every decision of the BoA shall include, findings of fact; shall refer to the evidence in the record and the exhibits, plans, or specifications upon which such decision is based; shall specify the reason or reasons for such decision; and shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denied.
- K. Reapplication. If the BoA denies a variance, a second request of a similar nature shall not be brought before the BoA within two years from the date of the first request, unless, in the opinion of a majority of the BoA, substantial new evidence can be brought forward, or unless the BoA finds, in its sole and exclusive judgment, that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this chapter which changes the status, circumstances, or conditions of the matter which was appealed.

#### § XVI6. **Reconsideration**

The BoA may reconsider any decision reached under this section within forty-five (45) days of its prior decision. A request to the BoA to reconsider a decision must be filed within ten (10) days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. The BoA may conduct additional hearings and receive additional evidence and testimony as provided in this subsection. Notwithstanding **Section XVII7**, appeal of a reconsidered decision must be made within fifteen (15) days after the decision on reconsideration or within the applicable time period under 30-A M.R.S.

Section 4482-A. if the final municipal review of the project is by a municipal administrative review board other than a board of appeal.

**§ XVI7. Appeals**

Any aggrieved party may take an appeal, within forty-five (45) days of the date of the vote on the original BoA decision, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B.

## Article XVII. Amendments

### § XVII1. Administration and Enforcement

- A. On petition, or recommendation of the Planning Board, or on its own motion, the City Council may amend, supplement, or repeal the regulations and provisions of this chapter.
- B. The City Council shall refer all proposed amendments to the Board for a report thereon. The Board shall hold a public hearing for consideration of the proposed amendment at least ten (10) days before the report is submitted to the City Council. Notice of the hearing before the Board shall be made in at least one newspaper of general circulation in the area with published notice including a small map of the area to be affected, and mailed notice also shall be made, all as required by 30-A M.R.S. §4352(9) and (10).

### § XVII2. Amendments to Shoreland Zoning Overlay Districts

The shoreland zoning overlay district provisions in this chapter may be amended by majority vote of the City Council, pursuant to the procedures in [Article XV](#). Copies of amendments, attested and signed by the City Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the City Council. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. An application for a permit received by the City within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

### § XVII3. Petitions

- A. An application for change or amendment of the text and/or map of this chapter shall include the submittal of a written petition to the City Clerk setting forth the proposed change and the reasons therefor, which shall be promptly referred to the Planning Board for the setting of the hearing date, in accordance with this chapter. In the case of a proposed textual change, the petition shall clearly identify and describe that section or portion of the text to be changed and shall identify the proposed revision or amendment being requested.
- B. In the case of a proposed map change, the petition shall include the legal description of the parcels of land involved, a scaled drawing of the parcel of land showing all boundary dimensions and the existing and total area, and the proposed zoning classification(s) applying to the parcel(s) of land.
- C. The petitioner shall bear the cost of advertising (to notify the general public) and postage (to notify abutters and neighborhood property owners) of the change or amendment. The petitioner shall also furnish such additional information as may be necessary to enable the Planning Board to properly evaluate the petition.



### § XVII4. Repetitive Petitions

A proposed change in this chapter which has been unfavorably acted upon by the City Council on the merits of the petition shall not thereafter be considered by the City Council for a period of two years, unless adoption of the proposed change is recommended by the unanimous vote of the Planning Board at a meeting where at least two-thirds (2/3) of the full membership is present.

### § XVII5. Contract Zoning

- A. Purpose. Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures, such as variances, conditional use permits, and alterations to the zone boundaries, are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change. In consideration of a change in zoning classification for a particular property or group of properties, it may be determined that public necessity, convenience, or the general welfare requires that provisions be made to impose certain limitations or restrictions on the use or development of the property. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the City, and to secure appropriate development consistent with the City's Comprehensive Plan.
- B. Authorization. Pursuant to 30-A M.R.S. §4352 (8), contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or the unique location of the property, the City Council finds its necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions in order to ensure that the rezoning is consistent with the City's Comprehensive Plan. Contract zoning shall be limited to property for which a rezoning is requested by the owner or other person with sufficient right, title and interest. Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Comprehensive Plan. Areas rezoned under this provision shall be consistent with, but not limited to, the existing and permitted (whether permitted or conditional) uses within the original zones. Contract zoning is permitted in all zones except RP. By "contract zoning," this section means both contract and conditional zoning as enabled in 30-A M.R.S. §4352 (8).
- C. Application. A request for a contract rezoning shall include a written petition to the Planning Board requesting a rezoning, including the following:
1. Evidence of right, title, or interest in the property.
  2. A plot plan showing the boundaries of the parcel and its dimensions, as well as the existing and proposed buildings and structures.
  3. A plan showing the location of existing streets and driveways within two hundred (200) feet of the property.

4. A detailed statement of the proposed use of the property and the precise zoning change requested.
5. A statement explaining how it is consistent with the Comprehensive Plan, and permitted and existing uses within the original zone.
6. A description of the property's unusual nature or unique location.
7. A statement setting forth the conditions or restrictions that the applicant proposes.
8. The Planning Board may propose additional conditions or restrictions.

D. Hearing and notice.

1. The Planning Board shall conduct a public hearing before forwarding its recommendation to the City Council under this provision.
2. Notice of the hearing shall be posted in City Hall at least fourteen (14) days before the public hearing.
3. Notice shall also be published twice in a newspaper of general circulation, the date of first publication to be at least seven (7) days before the hearing.
4. Public hearing notices shall be mailed to the owner of the property to be rezoned and all abutters of that property. Property owners in residential (except HDR) and industrial districts, and the RP district shall be notified by mail if their property is within six hundred (600) feet of the applicant's property. Property owners in the HDR District, business, and mixed-use districts shall be notified by mail when the applicant's property is located within two hundred (200) feet. This notice shall be sent out at least seven days prior to the public hearing. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.
5. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board or City Council.

E. Conditions and Restrictions. Conditions and restrictions imposed under this section shall relate only to the physical development and operation of the property and may include, by way of example:

1. Limitations on the number and types of uses permitted;
2. Conditions on the scale and density of development, including the height, lot coverage, and other space and bulk provisions;
3. Specifications for the design and layout of buildings and other improvements;
4. Schedules for commencement and completion of construction;
5. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
6. Preservation of open space and buffers, and protection of natural areas and historic sites;

7. Provision of municipal services required by the development;
  8. Provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met;
  9. The dedication or conveyance of property for public purposes, including, but not limited to, streets, easements, parks, and utility systems.
- F. Recommendation. Before forwarding a recommendation on a contract zoning amendment to the City Council, the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether:
1. The rezoning is for land with an unusual nature or location;
  2. The rezoning is consistent with the Comprehensive Plan;
  3. The rezoning is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and
  4. The conditions proposed are sufficient to meet the intent of this section.
- G. Final Action. Before amending this chapter for contract zoning, the City Council shall adopt the Planning Board's findings or other findings indicating that the rezoning is consistent with all four standards referenced above.
- H. Status of amendments. Amendments to the Zoning Map and this chapter made under this section may be amended or repealed by the City Council.
- I. Other permits. All applications for contract zoning are subject to site plan review. An applicant may seek other permits at the same time as the contract zoning as if the contract zoning were already in effect, or may seek them after the City Council has approved the zoning amendment. If the applicant seeks approval before final Council action on the amendment, the Planning Board shall make its approval of these other permits contingent on the City Council's approval of the contract zoning amendment.

## Article XVIII. Legal Provisions

### § XVIII1. Conflict with Other Provisions

Whenever the regulations of this chapter conflict with those of another ordinance or regulations of Saco, the stricter regulations shall prevail.

### § XVIII2. Severability

The invalidity of any section or provision of this chapter shall not be held to invalidate any other section or provision of this chapter.

### § XVIII3. Effective Date

This chapter shall take effect upon its adoption by the City Council. All amendments hereafter enacted shall likewise take effect upon adoption by the City Council.

# Article XIX. Special Preservation Standards in the Downtown District

## § XIX1. Applicability

The following provisions apply to any proposal involving the demolition or removal of any building or structure built before 1895, or any appurtenance thereto, in the in the area depicted in Figure 20-1.



Figure 20-1 Map of the Downtown District, excluding areas within the HPOD.

## § XIX2. Demolition.

Buildings within this area may not be demolished without a certificate for demolition.

## § XIX3. Certificate for Demolition in the Downtown District

- A. Scope and purpose.
- B. The purpose of this section is to afford the City the opportunity to preserve neighborhood character and to preserve historic buildings and structures or important portions and features thereof.
- C. Procedure and submissions. The Planning Board shall hold a public hearing on each application within thirty (30) days of submission. Notice shall be given in the same manner as required for a site plan review. The Planning Board may waive any application requirement if it determines it is not necessary to an application. There is no

fee for this application. Applicants shall file with the Planning Board an application for a certificate for demolition, which shall include at least the following:

1. The applicant's name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
2. The owner's name, address, and signature, if different from the applicant's.
3. The address and the Tax Map and lot number.
4. The present use and zoning classification of the subject property.
5. Photographs of the building involved and of adjacent buildings.
6. A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the certificate of demolition.
7. Evidence which supports one or more of the standards of approval below. This might include evidence from a structural engineer, a Building Inspector, an architectural historian, a builder, an appraiser, or other qualified expert.

D. Standards of approval for a certificate for demolition.

1. The building may be demolished within sixty (60) days, unless the Planning Board makes the following three findings based on the record:
  - a) The building is of historical significance as defined in Article XIX of this chapter;
  - b) Prudent and feasible alternatives to demolition exist; or
  - c) The property is not deteriorated beyond reasonable repair.
2. If the Planning Board finds that any of the three standards are not met, it shall issue a certificate for demolition. If it does not make such findings within 60 days of the public hearing or if it issues a certificate of demolition, the Code Enforcement Officer may issue a demolition permit.

E. Conditions of approval. In approving an application for the demolition, the Planning Board may impose reasonable conditions, including, but not limited to, the following conditions:

1. Photographic, video, or drawn recording of the property to be demolished; and/or
2. Reasonable salvage and curation of significant elements and/ or other reasonable mitigation measures.

F. Hazard buildings. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature. Nothing in the section shall prevent the construction, reconstruction, or demolition of any building or feature which the Code Enforcement Officer determines is required because of concerns about structural deficiencies, the safety of the building and the safety of its occupants.

## Article XX. Definitions

### § XX1. Interpretation

- A. In the interpretation and enforcement of this chapter, undefined terms are given their common and generally accepted meanings unless the context requires otherwise. In the case of any difference of meaning or implication between the text of this chapter and any map, illustration, or table, the text shall control.
- B. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.
- C. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- D. The words "shall" and "will" are mandatory; the word "may" is permissive.
- E. The word "lot" includes the words "plot" and "parcel."

### § XX2. Shoreland Zoning Definitions

Shoreland Zoning definitions are located in [Article VIII](#).

### § XX3. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

#### **ACCESSORY STRUCTURE**

A structure that is customarily both incidental and subordinate to the principal structure. The term "incidental," in reference to the principal structure, shall mean both subordinate and minor in significance to the principal structure, and attendant to the principal structure.

#### **ACCESSORY USE**

A use that is customarily both incidental and subordinate to the principal use. The term "incidental," in reference to the principal use, shall mean both subordinate and minor in significance to the principal use, and attendant to the principal use. Such accessory uses, when aggregated, shall not subordinate the principal use of the lot.

#### **ADDICTION TREATMENT FACILITY**

A facility for the outpatient treatment of chemically or narcotic-dependent persons that administers or dispenses narcotic drugs under the direction of a physician in a rehabilitative context in order to alleviate, suppress, or eliminate adverse psychological or physiological effects associated with the continuous or sustained use of chemical substances or a narcotic drug.

#### **ADJACENT LOT**

Lots which adjoin at any point or are separated at any point by a body of water less than forty (40) feet wide.

**ADULT BUSINESS**

Any business otherwise permitted as a retail business or service establishment, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe specified sexual activities. If more than 30% of the active display area of a facility is devoted to materials or devices which depict or describe specified sexual activities, or videotapes rated X, NC-17, or classified as suitable only for adults or persons 18 years of age or older, or are displayed in a portion of a facility only open to persons older than 18 years of age, it will be deemed to be a significant or substantial portion of the business.

**ADULT DAY-CARE CENTER**

A program of care and activities licensed by the Maine Bureau of Elderly and Adult Services, carried out on a regular basis in a private dwelling or other facility, for a fee, for any part of the day, for three or more adults, 19 years of age or older, who are not blood relatives, as described in the licensing requirements of Section 61 of the State Bureau of Elder Services Policy Manual. Type 1 accommodates five or fewer clients. Type 2 accommodates more than five clients.

**AGENT OF THE PLANNING BOARD**

The City Planner or authorized designee.

**AGRICULTURE RELATED BUSINESS**

A business that provides goods and/or services, a substantial portion of the market for which is agricultural or other natural resources businesses, including uses such as farm equipment dealers, feed and grain stores, and similar uses. This does not include convenience stores, fueling stations, or other retail or service businesses that cater primarily to the general public.

**AGRICULTURE**

The production, keeping or maintenance for sale or lease of plants, including, but not limited to: forages and sod crops, grains and seed crops, fruits and vegetables, and ornamental products, accessory farm stands; and, unless expressly prohibited, the keeping of livestock, including, but not limited to: dairy animals and dairy products, poultry and poultry products, cattle and cattle products, or horses and riding stables. Agriculture does not include forest management and timber harvesting activities.

**ALTERATION**

Any addition, modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

**ALTERNATIVE TOWER STRUCTURES**

A non-tower mounting structure, such as a clock tower, steeple, light pole, water tower or other structure upon which an antenna may be mounted, and which camouflages or conceals the presence of the antenna.

**AMUSEMENT CENTER**

A private commercial premise that is maintained or operated for the amusement, patronage, or recreation of the public, containing four or more video game machines, or similar electronic games.



**AMUSEMENT PARK**

An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for conduct of games or sale of items and buildings for shows and entertainment.

**ART STUDIO**

The place of work of an artist, craftsman, photographer, or person similarly skilled in the production of small craft or artistic products. A studio may include the retail sale of items produced on the premises, but incidental items produced off premises shall not be sold unless retail uses are permitted in the district. This definition does not include building or industrial trades, automobile-related uses, adult businesses, or the production of items larger than household furniture.

**AUTOMOBILE DEALER**

An establishment engaged primarily in the retail sale of automobiles and/or trucks, which may include repair, service and parts facilities.

**AUTOMOBILE GRAVEYARD**

A yard, field or other outdoor area used to store three (3) or more unregistered or uninspected motor vehicles, or parts of the vehicles, and includes an area used for automobile dismantling, salvage, and recycling operations, but does not include those areas listed in 30A M.R.S. §3752 1.A.

**AUTOMOBILE RECYCLING BUSINESS**

The business premises of a dealer or a recycler licensed under Title 29-A M.R.S., sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations. "Automobile recycling business" does not include:

- A. Financial institutions as defined in Title 9-B M.R.S., section 131, subsections 17 and 17-A;
- B. Insurance companies licensed to do business in the State;
- C. New vehicle dealers, as defined in Title 29-A M.R.S., section 851, licensed to do business in the State; or
- D. That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

**AUTOMOTIVE, REPAIR & FUEL SERVICES**

A motor vehicle fueling station or an establishment that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable or small engine repair. Such repair work includes, but is not limited to, the maintenance, care, repair, or refinishing of motor vehicles, including paint, body, mechanical, and auto upholstery work, and carwashes.

**BARN**

A large farm building typically used for storing farm or agricultural products and sheltering livestock, or similarly a very large garage for the housing of vehicles.

**BASEMENT**

The enclosed area underneath a structure, typically having a masonry floor, and the walls of which are typically part of the structure's foundation. To be considered a "basement," the clear height of that enclosed area up to the joists supporting the floor directly above must be three (3) feet or greater.

**BED-AND-BREAKFAST INN**

An owner-occupied residential structure in which no more than six (6) rooms are made available for a fee to overnight travelers and which may provide guests with a morning meal. Such establishments are further distinguished from a motel or hotel in that they do not provide guests with the independent living quarters and eating facilities normally associated with a motel or hotel.

**BOARDINGHOUSE**

A residential structure where lodging alone or lodging in conjunction with meals, is provided for compensation for a period of at least one week. There shall be no provisions for cooking in any individual guest room. Such terms as tourist homes, lodging houses, and terms suggesting a similar context shall be included under the term. However, this definition shall not apply to private homes used as lodging houses only, where no meals are served to guests, where no more than three rooms are let to the public.

**BOAT BUILDING & REPAIR FACILITIES**

A business or activity primarily involved in business of building, repairing and servicing boats. This use shall not include provisions for fueling watercraft.

**BREWERY, SMALL**

A facility that brews, lagers, and kegs, bottles or packages its own malt liquor, not to exceed 30,000 barrels per year.

**BUFFER**

Vegetation, fences, and other means used to form a visual separation of one use from another, or to shield or block noise, lights, or other nuisances.

**BUSINESS/PROFESSIONAL OFFICE**

A place of business where professional or clerical duties are performed, including limited sales incidental to the principal use. Office uses in residential districts are subject to additional performance standards.

**CAMPGROUND**

A parcel of land containing where sites are rented for short-term use for recreational vehicles or tents.

**CHICKEN PEN**

A wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

**CHILDCARE CENTER**

- A. A house or other place in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for thirteen (13) or more children under thirteen (13) years or age; or
- B. Any location or locations operated as a single childcare program or by a person or persons when there are more than twelve (12) children being cared for.

**CHILDCARE FACILITY, SMALL**

A house or other place, not the residence of the operator, in which a person maintains or otherwise carries out a regular program, for consideration, for any part of a day providing care and protection for three (3) to twelve (12) children under thirteen (13) years of age. Any program for children under 5 years of age that is located in a private school and programs that contract with one or more Child Development Services System sites are required to be licensed as a Child Care Facility.

**CITY ENGINEER**

The person or firm employed or retained by the City to review plans, specifications, and other engineering data.

**CLUB (PRIVATE)**

Any voluntary association of persons organized for social, religious, benevolent, recreational, literary, scientific, or political purposes; where facilities, especially a clubhouse, are open to members and not the general public; and not generally engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities, teen centers, and social clubs generally.

**CO-LOCATION**

The use of a wireless telecommunication facility, including but not limited to Alternative Tower Structures, by more than one wireless telecommunication provider

**COMMERCIAL FISHERIES, WHOLESALE FISH & SEAFOOD SALES**

A parcel or building where commercial water dependent fishery facilities are located, including structures for the packing, processing, canning, or freezing of fin fish, crustaceans, mollusks, amphibians and reptiles, including related activities such as wholesale and retail sales, product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities.

**COMMERCIAL GREENHOUSE & NURSERY**

A retail business including the growing of plants, all or part of which are sold on site at retail or wholesale. Commercial greenhouses and nurseries shall not include the growing or selling of marijuana and marijuana products.

**COMMERCIAL RECREATION**

A commercial enterprise which receives a fee in return for the provision of some recreational activity, including, but not limited to racquet clubs, gyms, amusement parks, and golf courses. Freestanding golf-related facilities not associated with golf courses, such as pitch and putt courses, miniature golf courses, and driving ranges also are categorized as commercial recreation.

**COMMERCIAL SOLAR ENERGY SYSTEM**

Means a complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment that occupies more than 2,000 square feet of surface area (surface area shall be measured by the total surface area of the solar collector at maximum tilt that occupies a given space), intended to provide for the collection, storage and distribution for sale or credit including, but not limited to, net energy billing, of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems,; these may be ground-mounted systems.

**COMMERCIAL USE**

The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings or dwelling units.

**COMMUNITY LIVING ARRANGEMENT**

A state-approved, authorized, certified or licensed housing facility for eight or fewer persons with disabilities. A community living arrangement may include a group home, foster home, or intermediate care facility.

**COMMUNITY SEPTIC SYSTEM**

A subsurface septic system which is not administered by the City of Saco and which serves more than two (2) dwelling units.

**COMPLETE APPLICATION**

An application shall be considered complete upon the Planning Board's decision that all information required by these regulations has been submitted and the required fee under the City's cost recovery ordinance has been submitted.

**COMPREHENSIVE PLAN**

Any part or element of the over-all plan or policy for development of the City as defined in Title 30-A M.R.S. §4301 *et seq.*

**COMMUNITY SEPTIC SYSTEM**

A subsurface septic system which is not administered by the City of Saco, and which serves more than two (2) dwelling units.

**CONDITIONAL USE**

A use which would not be appropriate without restriction, but which would be allowed if controlled as to number, area, location, relation to the neighborhood and similar criteria. The term "conditional use" is used interchangeably with the term "special exception."

**CONDITIONAL USE PERMIT (CUP)**

A permit authorized by the Planning Board for a conditional use, as defined above. Conditional use permits are subject to the relevant application and review procedures in this chapter, in order to ensure due process of law.

**CONDOMINIUM**

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to the Maine

Condominium Act, 33 M.R.S. §1601-101 et seq. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single-family residences is not a condominium, unless so designated in the declaration.

**CONFORMING USE**

A use of buildings, structures or land which complies with all applicable provisions of this chapter.

**CONTRACTOR OR TRADESPERSON**

A business that provides building construction or similar services on a contract basis at a client's site and in which all material or equipment storage at the place of business is contained within a building or other screened area.

**CONVENIENCE STORE**

A retail business selling convenience merchandise, including but not limited to items such as foodstuffs, nonprescription medical supplies, sanitary supplies, newspapers, emergency home repair articles, household cleaners, toiletries, and other similar items which may include the sale of motor vehicle fuels or electric vehicle charging stations on premises, and which may include the sale of food for consumption on or off the premises as an integrated part of the business operation.

**CRAWL SPACE**

The non-habitable area underneath a structure, where the clear height up to the joists supporting the floor directly above is less than three feet.

**CUTOFF FIXTURE**

A lighting fixture or luminaire that controls glare by directing light well below the horizontal. A cutoff fixture shall limit the direction of light so that a maximum of 2.5% of the total lamp lumens shines above 90° or a line parallel to the surface of the ground and a maximum of 10% of the lamp lumens shines above 80° as shown in the following sketch. Refer to Figure 6-1 of this Chapter.

**DEVELOPED AREA**

Any area on which a site improvement or change is made, including, but not limited to, buildings, landscaping, parking areas, and streets.

**DIRECTOR OF PUBLIC WORKS**

The Director of the City's Department of Public Works or other person(s) designated by the City.

**DISTILLERY, SMALL**

A distiller that produces spirits in an amount that does not exceed 50,000 gallons per year.

**DISTURBED AREA**

All land areas that are stripped, graded or grubbed at any time during the site preparation for, or construction of, a project, unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance.

**DRIVE-THROUGH WINDOW SERVICE**

A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

**DWELLING**

Any building or structure or portion thereof designed or used exclusively for residential purposes.

**A. SINGLE-FAMILY DWELLING**

A structure containing only one dwelling unit for occupancy by not more than one family.

**B. SINGLE-FAMILY DWELLING (ATTACHED)**

A building containing single-family dwelling units, each with two (2) or more fire separation walls, or one fire separation wall in case of a dwelling unit at the end of a group of attached units; which have no dwelling units above or below them; and which have no common hallways.

**C. TWO-FAMILY DWELLING**

A building containing only two dwelling units, for occupation by not more than two families.

**D. MULTI-FAMILY DWELLING**

A building containing three or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes apartments located in structures containing commercial uses as the principal first-floor use.

**E. DWELLING UNIT**

A room or suite of rooms containing independent living, sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**F. SEASONAL DWELLING**

Certain single-family, two-family, and multi-family units situated east of Seaside Avenue and Camp Ellis Avenue, and four hundred (400) feet west of the center line of those streets which are rented for periods of six (6) days to four (4) months. The rental of dwelling units as part of a house swap, and the renting of a dwelling units for caretaking purposes at a rent that is substantially below the market rent, are not to be construed as Seasonal Dwellings. See Chapter 173, Seasonal Property Rental.

**G. ACCESSORY DWELLING UNIT (ADU)**

A small apartment that is accessory to an owner-occupied single-family dwelling or is located within a detached building accessory to an owner-occupied single-family dwelling.

**H. CARETAKER DWELLING UNIT**

An accessory dwelling unit that is incorporated into, and is part of, a nonresidential

use and is occupied by an owner or an employee of the business occupying the principal use, and having a gross floor area of less than 2,000 square feet.

### **EARTH REMOVAL**

Any operation engaged in the removal of more than fifty (50) cubic yards, in any twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

### **ELDER NON-CONGREGATE, DETACHED HOUSING**

A residential development wherein at least one resident of each individual dwelling shall be age fifty-five (55) or older, and no resident shall be under age eighteen (18). Residences are not congregated but are detached and shall be manufactured housing or traditional on-site built homes. Lots may be separately owned or owned by one person or entity and leased. Public water and public sewer service shall be provided to all residences. All such residences shall be year-round homes and may be sited within a development serviced by private but paved streets. The development may include a community center, an exercise and fitness center for development residents and their guests only, management and sales offices, and temporary storage of mobile homes. Permitted accessory uses and structures include, but are not limited to, stormwater maintenance facilities, parking areas, utility services, site amenities and outside recreational areas. Such a development is subject to both site plan and subdivision review.

### **ELDER/DISABILITY CARE FACILITY**

A care facility that provides housing in dwelling units or other accommodations such as suites or individual rooms for households in which a head of household is at least 55 years old or for disabled persons regardless of age. In addition to residential facilities, the project may include common facilities to provide services for residents. The use may include facilities that are commonly referred to as retirement housing, congregate housing, nursing care facilities, or independent living centers, with an average of 1.5 bedrooms per unit. "Disabled" means having a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, etc.) that substantially limits one or more major life activities, and having a record of such disability or regarded as having such a disability.

### **ELDER/DISABILITY HOUSING**

A housing project or development that provides housing in dwelling units for households in which a head of household is at least 55 years old or for disabled persons regardless of age, with an average of 1.5 bedrooms per unit. "Disabled" means having a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, etc.) that substantially limits one or more major life activities, and having a record of such disability or regarded as having such a disability.

### **ENCLOSED SPORTS FACILITY**

A facility used for indoor sports, such as hockey, figure skating, basketball and soccer, as well as social and business functions, such as conventions, dances, home shows and similar events. This definition includes indoor recreation uses. The facility can include as accessory uses eating and drinking places, a retail sales area for sports-related merchandise, and other accessory uses if permitted in the district.

**ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance by public and private utilities or municipal or other governmental agencies of gas, electrical, or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated tanks. Such systems may include public utility buildings, towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services. Electrical power transmission lines which carry or have the capacity to carry more than seventy thousand (70,000) volts are not included within this definition but shall fall within the definition of "high-voltage transmission lines" herein. Essential services do not include radio or TV transmission towers or cellular communications towers. This definition includes equipment that connects an electric vehicle (EV) to a source of electricity to recharge electric cars.

**EXPANSION OF A STRUCTURE**

An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches and greenhouses.

**FAMILY**

A group of individuals, not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit, sharing common use and access to all living, eating, and bathroom areas.

**FAMILY CHILD CARE PROVIDER**

A person who provides day care in that person's home on a regular basis, for consideration, for 3 to 12 children under 13 years of age who are not the children of the provider or who are not residing in the provider's home. If a provider is caring for children living in that provider's home and is caring for no more than 2 other children, the provider is not required to be certified as a family child care provider.

**FARM STAND**

An agricultural building or portion thereof, or a freestanding structure, for the retail sale of agricultural products, foodstuffs, and handicrafts as part of a commercial agricultural business.

**FAST-FOOD RESTAURANT**

An establishment whose primary business is the sale of "fast food" for consumption on or off the premises, and does not necessarily include drive-through window service. The term "fast food" shall be interpreted as food which is:



1. Primarily intended for immediate consumption;
2. Available upon a short waiting time; and
3. Prepackaged or presented in such a manner that it can be readily eaten off the premises where it is sold.

**FINANCIAL GUARANTEE**

An irrevocable Letter of Credit (a non-lapsing irrevocable letter of credit issued by a federally or state- chartered U.S. financial institution (a bank or credit union) in good standing in the name of the City of Saco), or for an escrow, a deposit of money to a federally or state-chartered U.S. financial institution (bank or credit union), or to the City of Saco (for an escrow) to an escrow account shall be made by cash or a certified check made out to the City, either of which is intended to secure completion and maintenance of improvements, and to guarantee against defects.

**FINANCIAL INSTITUTION**

Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

**FINANCIAL INSTITUTION – DRIVE THROUGH WINDOW SERVICE**

A Financial Institution that includes a building opening that features windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

**FINAL SUBDIVISION PLAN**

The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the Registry of Deeds.

**FLAG LOT**

A parcel that lies at the end of a long driveway.

**FLEA MARKET**

An outdoor market customarily involving tables or space rented to vendors selling antiques, used household goods, curios, and the like, at a frequency of more than four days in any six-month period.

**FLOOR AREA**

The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure, such as porches and decks.

**FOOD AND DRINK**

**A. EATING ESTABLISHMENT**

A business which sells prepared food, and which does not serve alcoholic beverages.

**B. DRINKING ESTABLISHMENT**

A business or club where alcoholic beverages are consumed on the premises, such as a tavern.

**C. EATING AND DRINKING ESTABLISHMENT**

A business where food and alcoholic beverages are sold for consumption on the premises, such as, but not limited to, a Class A restaurant. Eating and drinking places shall offer a variety of meals at all hours they are open and shall be equipped with a full commercial kitchen for the preparation of meals. A full commercial kitchen includes a stove, a stovetop, refrigeration equipment, a dishwasher, and numerous cooking utensils.

**FOUNDATION**

The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

**FRESHWATER WETLAND**

- A. Freshwater swamps, marshes, bogs and similar areas other than forested wetlands, which are:
  - 1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of ten (10) acres; and
  - 2. Inundated or saturated by surface water or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
- B. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**FRONTAGE**

The linear distance of the continuous line separating the lot from a public road or private road.

**FRONTAGE STREETS**

A street that is parallel to arterial street and provides access to adjacent lots.

**FUNERAL HOME**

A building or part thereof used for human funeral services. Such building may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and funeral chapels. This definition shall not include facilities for cremation.

**GLARE**

Excessive brightness that makes it difficult to see or that causes discomfort. Glare includes direct glare, disability glare, and discomfort glare as follows:

**A. GLARE, DIRECT**

Glare resulting from insufficiently shielded light sources or areas of excessive luminance within the field of view.

**B. GLARE, DISABILITY**

The effect of stray light in the eye whereby visibility and visual performance are reduced.

**C. GLARE, DISCOMFORT**

Glare producing discomfort. It does not necessarily interfere with visual performance or visibility.

**HAZARD TREE**

A tree with a structural defect, combination of defects, or disease resulting in a structural defect that, under the normal range of environmental conditions at the site, exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to hurricanes; hurricane-force winds; tornadoes; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**HEALTH CLUB**

A facility for use for a fee by the public, including uses such as game courts, gymnasiums, exercise equipment, locker rooms, sauna baths, and swimming pools. Eating and drinking establishments are permitted as an accessory use within such facilities.

**HEAVY INDUSTRY**

- A. Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials;
- B. Uses or manufacturing processes making extensive use of flammable or explosive materials (other than gas welding) or which involve commonly recognized offensive conditions;
- C. Uses involved in the storage of flammable or explosive or hazardous materials.

**HEIGHT OF STRUCTURE**

The vertical distance between the existing grade at the highest point around the footprint of the existing or proposed structure and the highest point of the structure itself, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

**HENHOUSE**

A structure for the sheltering of female chickens.

**HIGH INTENSITY SOIL SURVEY**

A map prepared by a Certified Soil Scientist in accordance with the National Cooperative Soil Survey that identifies the soil types down to one eighth (1/8) acre or less at a scale equivalent to the subdivision plan submitted. The map shall show the location of all test pits used to identify the soils and shall be accompanied by a log of each sample point identifying the textural classification and the depth to seasonal high water table or bedrock at that point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

**HIGH-VOLTAGE TRANSMISSION LINES**

Electrical power transmission lines which carry or handle more than seventy-thousand (70,000) volts of electricity.

**HOME OCCUPATION**

An occupation or profession within a dwelling unit or structure accessory to a dwelling unit by a member of the family residing in the dwelling unit which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof; and which conforms with the requirements set forth in this chapter.

**HOME-BASED RETAIL USE**

A business in combination with an occupied residence, involving the sale of retail goods, that has a low impact on neighboring properties and low volume of vehicular traffic relative to other retail uses of the same size.

**HOSPITAL**

An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

**HOTEL OR MOTEL**

A building containing guest rooms kept, used, maintained, or held out to the public as a place where lodging alone or lodging and meals are provided to the general public. A hotel or motel may include general kitchen and dining room facilities open to the public. The hotel or motel may also contain accessory services and facilities such as newsstands, and personal grooming facilities for the benefit of its guests, and only incidentally for the general public.

**IMPERVIOUS AREA**

- A. The area covered by:
  1. Buildings and associated constructed facilities;
  2. A low-permeability material such as asphalt or concrete; and/or
  3. Gravel roads and parking areas that will be compacted through use or design so as to reduce their permeability.
- B. Common impervious areas include, by way of example, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, compacted

gravel, packed earthen materials, macadam, swimming pools, and other surfaces that impede the natural infiltration of stormwater.

### **INDOOR RECREATION**

Nonprofit, governmental, or for-profit facilities designed and equipped for the conduct of indoor sports, leisure-time and recreational activities, and similar activities in which all activity occurs within a building or fully enclosed structure. Indoor recreation includes, by way of example only, skating rinks, bowling alleys, gymnasia, racquetball clubs and indoor tennis facilities.

### **JUNKYARD**

A yard, field, or other parcel of land used as a place for the disposal or long-term storage of:

- A. Discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances, or furniture;
- B. Discarded, scrap, and junked lumber; or
- C. Old or scrap copper, brass, rope, rags, batteries, paper, rubber, and all scrap iron, steel and other ferrous or nonferrous material, including motor vehicles.

### **KENNEL**

Except as provided for in the definition of "pet care," the term "kennel" shall apply to five (5) or more dogs or five (5) or more cats owned singly or jointly and living on a single premises, for any purpose, including, but not limited to, breeding, hunting, show, training, hobby, trails or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

### **LARGE COMMERCIAL VEHICLE SALES AND SERVICE**

An establishment primarily for the sale of new and used specialized vehicles all larger than 10,000 pounds gross vehicle weight rating, including but not limited to fire and rescue apparatus, drivable RV's, and semi-tractor trailer trucks. This use includes repair, manufacturing, fabrication and assembly, but does not include the processing or storage of raw materials or salvaging operations. This use will be allowed as a permitted use within the City's Business-Industrial (BI) Zoning District and is restricted to parcels over 10 acres.

### **LIGHT INDUSTRY**

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, incidental storage, sales, and distribution of such products. The use includes, by way of example only, the following: bakeries, breweries, bottling, distilleries, printing and publishing, pharmaceutical, machine shops, precision instruments, wood products, assembly of electrical components, tool and die shops, and the packaging of foods. Light industrial uses do not include the processing of raw materials or salvaging operations.

### **LOT**

A continuous area of land in single or joint ownership, described on a deed, plot plan, or similar legal document and meeting the dimensional standards of the Chapter.

**LOT AREA**

The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas within rights-of-way serving more than two (2) lots.

**LOT COVERAGE**

The percentage of the lot area covered or occupied by principal and accessory structures. In the Shoreland Zone, lot coverage shall also include all non-vegetated areas, e.g., driveways, patios, and pools.

**LOT LINES**

The lines bounding a lot as defined below:

**A. FRONT LOT LINE**

The lot line separating the lot from a public road or private road.

**B. REAR LOT LINE**

The line opposite the front lot line, which, if extended in either direction, would not cross the lot.

**C. SIDE LOT LINE**

Any lot line other than the front lot line or rear lot line.

**LOT OF RECORD**

A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds.

**MANUFACTURED HOUSING**

A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are:

- A. Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and

Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

- B. Those units commonly called "modular homes" that the manufacturer certifies are constructed in compliance with Title 10, chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

**MANUFACTURING**

The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing, and reconditioning or remanufacturing.

**MASTER PLANNED DEVELOPMENT**

A development project comprehensively planned that permits flexibility in building siting, mixtures of land uses, usable open spaces and the preservation of significant natural features. Planned development is also referred to as master planned development.

**MEDICAL MARIJUANA CAREGIVER**

A person or an assistant of that person that provides care for a qualifying patient in accordance with Section 22 M.R.S. §2423-A, subsection 2.

**MINERAL EXPLORATION**

Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land, and which include reasonable measures to restore the land to its original condition.

**MINIMUM LOT WIDTH**

The closest distance between the side lot lines of a lot.

**MIXED-USE**

**A. DEVELOPMENT**

A type of development or zoning that blends residential, commercial, cultural, institutional, or entertainment uses into one space, where those functions are to some degree physically and functionally integrated, and that provides pedestrian connections.

**B. STRUCTURE**

A building in which both residential and commercial uses are located.

**MOBILE HOME PARK**

A parcel of land under unified ownership approved by the City and used for the placement of three (3) or more mobile home units. Unified ownership does not include condominium associations, homeowners' associations, or similar organizations.

**MONUMENT**

A permanent marker set by a land surveyor to mark or reference a point on a property, or land line which is permanently marked.

**MOORING**

A stationary underwater device, such as a granite block or mushroom anchor, which, with chains, lines and mooring buoy, is intended to hold fast a vessel, aircraft, floating dock or buoy.

**MOTOR VEHICLE FUELING STATION**

Buildings and premises where gasoline and/or other motor fuels such as compressed natural gas (CNG), electricity, and hydrogen may be dispensed, and where oil, grease, batteries, tires and automobile accessories may be sold at retail, and where repairs may be made.

**MULTI-UNIT RESIDENTIAL PROJECT**

A residential development consisting of three or more dwelling units in which the buildings are designed and constructed as part of the overall development. The distinguishing characteristic of a multi-unit residential project is that it is designed and developed with a common, consistent architectural style. The dwelling units in a multi-unit residential project may be in single-family dwellings, two-family dwellings, or multi-family dwellings, or any combination thereof, and may be located on a single lot or on multiple lots.

**MUNICIPAL USES**

Facilities which are owned or operated by the City of Saco for the conduct of the City's business, including, but not limited to, municipal office buildings, public schools, public works garages and facilities, public safety buildings, parks and playgrounds, solid waste disposal systems and sewerage facilities.

**NEIGHBORHOOD CONVENIENCE STORE**

A business that sells prepackaged food and beverages and/or food and beverages prepared on the premises for consumption on the premises or for take-out, together with sundries, household goods, and other convenience goods, primarily to residents or occupants of a specific area, such as an employment center or residential neighborhood. All activity shall occur within a fully enclosed building with no provisions for drive-through service and/or the sale of motor fuels.

**NONCONFORMING LOT OF RECORD**

A single lot of record which, at the effective date of adoption or amendment of this chapter, does not meet the lot area, lot area per dwelling unit, lot coverage, or frontage requirements of the district in which it is located.

**NONCONFORMING STRUCTURE**

A structure that does not meet one or more of the space and bulk standards of the district in which it is located, including those for setbacks and height.

**NONCONFORMING USE**

A use of premises that is not permitted in the district in which it is located but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

**OFFICIAL SUBMITTAL DATE**

The date upon which the Planning Board issues a receipt indicating that a complete application has been submitted.



**OUTDOOR RECREATIONAL FACILITY**

A facility for outdoor recreational activity operated by an entity other than the City of Saco, including cross country ski centers, riding stables, ballfields, parks and playgrounds, and similar uses, but not including motorized rides and uses allowed as part of an amusement park.

**OUTDOOR SALES ASSOCIATED WITH PRINCIPAL USES**

The regular display by a retailer of stock-in-trade outside of an enclosed structure. The term includes, but is not necessarily limited to, businesses which involve an outside parking or display area for the sale of cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, or mobile homes; businesses involved in the outdoor sale of used merchandise, other than at flea markets, which is separately defined; and similar outdoor sales activities. For purposes of this chapter, the serving of food by an eating and drinking place at outside tables shall not constitute outdoor sales.

**OUTDOOR STORAGE**

Keeping of goods, material, vehicles, and any other equipment associated with the principal use of a building outside.

**OUTPATIENT CLINIC SERVICES**

A building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.

**PARKING LOT, COMMERCIAL**

Any premises used for the storage of four (4) or more motor vehicles at any time and on or in which no gasoline or automobile accessories sales or other business is located. Such commercial lots shall be operated as private business ventures in and of themselves and not accessory to another commercial enterprise, such as shopping centers and restaurants.

**PASSENGER TRANSPORTATION TERMINAL**

A place or building adjacent to a railroad line which provides access to a train for passengers and/or goods. This term also includes a bus station. A terminal may include such uses as ticket counters, restaurant and coffee shops, travel agents, postal services, retail uses, and other uses normally associated with transit stations.

**PARTY WALL**

A party wall is a dividing partition between two adjoining buildings that is shared by the occupants of each residence or business.

**PRIVATE ROAD**

A category of road not intended to be dedicated to the City as a public street, but built to City street standards.

**PERMITTING AUTHORITY**

Person or entity responsible for review of applications and issuance of particular approvals under this chapter. The term, "permitting authority," refers to the Code Enforcement Officer, City Planner, or Planning Board, depending on the applicable ordinance section.

**PERSON**

An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**PERSONAL SERVICES**

Establishments engaged in providing services involving the care of the person or personal apparel, including but not limited to, barbershops, beauty shops and manicurists, tailors, laundromats, shoe repair shops, tattoo parlors, massage therapists, and photographic portrait studios.

**PET CARE**

Any place, building, tract of land, abode, or vehicle wherein or whereon privately owned dogs or other pets, or both, are kept for their owners in return for a fee. This definition shall also include the temporary keeping of animals for grooming purposes in return for a fee.

**PLACES OF PUBLIC ASSEMBLY OR ENTERTAINMENT**

A commercial, nonprofit, or governmental use that provides a place for public gatherings and events, such as theaters, concert halls, auditoriums, function halls, clubs, and similar venues. A place of public assembly or entertainment may include facilities for the provision or sale of food and beverages to people attending activities or events or the sale of related merchandise, such as souvenirs, specialty apparel, or items related to the activities occurring at the site.

**PLACES OF WORSHIP**

A building or structure, or groups of buildings or structures, that, by design, construction or intent, are primarily intended for conducting organized religious services and associated accessory uses. A place of worship may include but is not limited to a church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs.

**PRINCIPAL USE**

The primary use to which the premises are devoted, and the main purpose for which the premises exist.

**PUBLIC FACILITY**

Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which is owned, leased, or otherwise operated, or funded by the governmental body or public entity.

**PUBLIC UTILITY BUILDING**

A building necessary for the furnishing of essential services (as defined herein). This building shall not be intended for personnel, but for such things as, but not limited to, switching stations, relay stations and sewage pumping stations.

**PUBLIC USE**

A facility for a recognized public purpose, such as an auditorium, library, or park, which is operated by a nonprofit organization or by a public agency other than the municipality.

**RECREATIONAL FACILITY**

A place designed and equipped for the conduct of sports, leisure-time activities, and other customary and usual indoor and outdoor recreational activities, excluding boat launching facilities.

**RECREATIONAL VEHICLE**

A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling, and which may include a pick-up camper, travel trailer, tent trailer and motor home.

**RECREATIONAL VEHICLE ACCESSORY ENCLOSURE**

A factory-manufactured rigid metal or vinyl enclosure, with the dimensions not exceeding eight (8) feet in width nor the length of the recreational vehicle and designed for use with recreational vehicles. The term shall not include decks, patios, awnings, awning tents, screen panels or unenclosed roof projections.

**RECREATIONAL VEHICLE, PARK MODEL (CAMP MODEL)**

A recreational vehicle containing no more than four hundred (400) square feet of floor area, not counting recreational vehicle accessory enclosures.

**RECYCLING CENTER**

A facility for the collection and processing of recyclables, excluding sewage sludge, into marketable resources. Such facilities include, but are not limited to, materials recovery facilities and recycling drop-off centers. The term does not include incinerators, other disposal facilities, or facilities that process general municipal solid waste.

**REGISTERED DISPENSARY or DISPENSARIES**

An entity registered under 22 M.R.S. §2425-A, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

**REPAIR SERVICES**

A business providing for the repair of personal and business property, such as radios and televisions; electrical and electronic equipment; computers; cell phones; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; musical instruments; small engine repair, and similar items, but not including the repair of motor vehicles, boats, or heavy equipment. Retail sales of parts and supplies shall be allowed, provided such sales are accessory to the repair service.

**RESEARCH & DEVELOPMENT**

A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**RETAIL**

The sale of goods and services to end users of the goods and services. For purposes of this chapter, eating and drinking establishments do not constitute a retail use.

**RE-SUBDIVISION**

The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the applicant not indicated on the approved plan.

**REVERSE FRONTAGE**

Frontage on a street other than an existing or proposed arterial street.

**RIDING STABLE**

An establishment where the public is permitted to ride horses. Horse riding lessons may also be provided.

**RIVER, STREAM or BROOK**

- A. A channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:
1. It is depicted as a solid or broken blue line on the most-recent edition of the United States Geological Survey 7.5-minute series topographic map or, if not available, a fifteen-minute series topographic map;
  2. It contains or is known to contain flowing water continuously for a period of at least six months of the year in most years;
  3. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water;
  4. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed;
  5. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.
- B. River, stream or brook does not mean a ditch or other drainageway constructed, or constructed and maintained, solely for the purpose of draining stormwater, or a grassy swale.

**ROAD**

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

**A. PUBLIC ROAD**

Any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

**B. PRIVATE ROAD OR DRIVEWAY**

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**SCHOOLS****A. PUBLIC AND PRIVATE (INCLUDING PAROCHIAL SCHOOLS)**

Institutions for education or instruction in any branch or branches of knowledge or a place where knowledge is imparted, and which satisfies either of the following requirements:

1. The school is not operated for a profit or as a gainful business; or
2. The school teaches courses of study which are sufficient to qualify attendance there as compliance with state compulsory education requirements.

**B. COMMERCIAL SCHOOLS**

Schools or institutions which are commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

**C. NURSERY SCHOOL**

A house, facility, or other place licensed by the state as a nursery school in which a person or combination of persons maintains for consideration during the day a regular program which provides care for three or more children under eight years of age.

**SELF-SERVICE STORAGE FACILITY**

A building or structure accommodating individual storage rooms or area leased or rented to the public exclusively for the storage of personal or business-related property, such rooms or areas being accessible though individual private entrances. This use does not fall within "wholesale trade and warehousing" herein defined.

**SERVICE DROP**

Any utility line extension which does not cross or run beneath any portion of a water body provided that in the case of electric service, the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and the total length of the extension is less than one thousand (1,000) feet. In the case of telephone service, the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**SHADE TREE**

A species of tree, typically deciduous, that provides shade, has a branch structure that does not conflict with or obstruct vehicle sight distances or pedestrian circulation, and that has a height at maturity in excess of thirty-five (35) feet.

**SHED**

An accessory detached structure used for residential storage.

**SHORELINE**

The normal high-water line or upland edge of a coastal or freshwater wetland.

**SIGN**

A device, structure, banner, fixture, inflatable, awning, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of communication, advertising, or identifying products, goods, services, or activity.

**A. FREESTANDING SIGN**

A sign supported by pole(s), and permanently attached in the ground or attached to something buried in the ground, and not supported by any building or structure. Monument signs are included in this category.

**B. LED SIGN**

Light Emitting Diode sign.

**C. OFF-PREMISE SIGN**

A sign that is not located on the lot of which it is appurtenant.

**D. OFF-PREMISE DIRECTIONAL SIGN**

A sign designed to aid the traveling public in locating a business on another property.

**E. NONCONFORMING SIGN**

A sign that does not entirely comply with the terms of this ordinance.

**F. PROJECTING SIGN**

A sign attached to the outside wall of a building and projecting therefrom at a 90-degree angle.

**G. ROOF SIGN**

A sign erected above or on the roof of a building.

**H. TEMPORARY SIGN**

A sign not intended for long-term use, and that is not permanently attached to the ground.

**I. WALL SIGN**

A sign painted on or attached to and erected parallel to the outside wall of any building.

**SIGNIFICANT WILDLIFE HABITAT**

- A. The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal list of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and critical spawning and nursery areas for Atlantic salmon as defined by the Department of Marine Resources; and
- B. Except for solely forest management activities, for which "significant wildlife habitat" is as defined and mapped in accordance with section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the

Department of Environmental Protection or are within any other protected natural resource:

1. Significant vernal pool habitat;
2. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; and
3. Shorebird nesting, feeding and staging areas.

### **SMALL ENGINE REPAIR**

A business that services and repairs small equipment, such as snow blowers, lawnmowers, rototillers, chainsaws, trimmers, garden tractors, and similar equipment powered by a gasoline engine or motor of less than twenty (20) horsepower or its equivalent. Small engine repair includes the sales of parts, supplies, and accessories for small equipment. Small engine repair does not include the repair or servicing of motor vehicles, motorcycles, boats or marine engines, all-terrain vehicles (ATVs), or heavy equipment.

### **SMALL ACCESSORY WIND ENERGY SYSTEM (SWES)**

A structure consisting of a wind turbine, a tower, and associated control or conversion electronics, and which is intended to primarily reduce the on-site consumption of utility-supplied power. An SWES may also be mounted on an existing structure, such as a roof, chimney, or wall of a building.

### **SOLAR COLLECTOR**

A solar photovoltaic cell, panel, or array, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation electricity or transfer of stored heat.

### **COMMERCIAL SOLAR ENERGY SYSTEM**

Means a complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment that occupies more than 2,000 square feet of surface area (surface area shall be measured by the total surface area of the solar collector at maximum tilt that occupies a given space), intended to provide for the collection, storage and distribution for sale or credit including, but not limited to, net energy billing, of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems; these may be ground-mounted systems.

### **SPAGHETTI LOT**

A parcel of land with a lot depth to shore frontage ratio greater than five to one (5:1).

### **SPECIFIED SEXUAL ACTIVITIES**

Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, fellatio or sodomy; and fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.

### **STABLE**

A structure where two (2) or more animals are sheltered and fed. This definition includes operations which chiefly board, train and show horses, but does not include riding stables open to the public.

**STORMWATER**

The part of precipitation including runoff from rain or melting ice and snow that flows across the surface as sheet flow, shallow concentrated flow, or in drainageways.

“Stormwater” has the same meaning as “storm water.”

**STORMWATER BEST MANAGEMENT PRACTICES (BMPS)**

Methods, techniques, designs, practices, and other means to control the quality and quantity of stormwater that are approved by the Maine Department of Environmental Protection. Stormwater BMPs are identified in "Stormwater Management in Maine: Best Management Practices," which is published periodically by the Maine Department of Environmental Protection.

**STREET**

A public or private way, including, but not limited to, alleys, avenues, boulevards, highways, roads and streets.

**STREET WALL**

A "wall" that generally abuts the sidewalk and helps to define and enclose the street corridor, creating a sense of activity, intensity and spatial containment. In Saco, Main Street from the railroad tracks to Beach Street, and several other downtown streets, provide examples of desirable street walls.

**STRUCTURE**

Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, commercial swimming pools, and other building features, but not including sidewalks, fences, driveways, parking lots and noncommercial swimming pools (whether aboveground or in-ground).

**A. ACCESSORY STRUCTURE**

A structure that is customarily both incidental and subordinate to the principal structure. The term "incidental," in reference to the principal structure, shall mean both subordinate and minor in significance to the principal structure, and attendant to the principal structure.

**B. PRINCIPAL STRUCTURE**

The building in which the principal use of the lot is conducted.

**SUBDIVISION**

Subdivision shall be defined as in the state subdivision law, 30-A M.R.S. §4401 *et seq.* as amended from time-to-time.

**SUBSTANTIAL CONSTRUCTION**

For subdivisions which include roads, substantial construction shall mean the completion of the road base. For subdivisions without roads the completion of one unit and the issuance of an occupancy permit shall constitute substantial construction.

**SUPPLY YARD**

A commercial establishment storing or offering for sale building supplies, including, but not limited to, lumber, raw earthen materials, steel supplies, coal, heavy equipment, feed and



grain, and similar goods. The term does not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**SUSTAINED SLOPE**

A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**TECHNICAL DESIGN CONSTRUCTION STANDARDS MANUAL (TDCSM)**

The City's design manual, outlining design standards and specifications for certain development infrastructure requirements.

**TEEN CENTER**

A club organized for teenagers.

**TIMBER HARVESTING**

The cutting and removal of trees from their growing site, and the attendant operating of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

**TOWER**

A vertical structure upon which can be located one or more antennas for the purpose of transmitting or receiving telecommunications as authorized by the Federal Communications Commission. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

**TOWER, SMALL WIND ENERGY SYSTEM**

The vertical component of a small wind energy system that elevates the wind turbine generator and attached blades above the ground.

**TRACT OR PARCEL OF LAND**

These terms shall be defined as in 30-A M.R.S. §4401

**TRUCK TERMINAL**

Land or buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include facilities for the repair of those trucks associated with the terminal.

**UNSEWERED**

Lots not connected to the municipal sewer system.

**UNUSUAL NATURAL AREA**

Any land or water area, usually only a few acres in size, which is undeveloped, and which contains natural features of unusual geological, botanical, zoological, ecological, hydrological, other scientific, educational, scenic, or recreational significance. By way of illustration, and not limitation, such areas may include: rare or exemplary plant communities; individual plant species of unusual interest because of size, species or other reasons; unusual or exemplary bogs; unusually important wildlife habitats, particularly those of rare or endangered species; unusual landforms; fossils and other deposits of importance to geologists; outstanding scenic areas; and others of similar character.

**VARIANCE**

A relaxation of the dimensional standards as stated in §XVI4.

**VOLUME OF A STRUCTURE**

The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**WAREHOUSE AND DISTRIBUTION FACILITY**

A building intended for the shipping and receiving of goods and articles, which may include associated assembly, finishing, and packaging.

**WASTE COMPOSTING CENTER**

A building or area for the biological decomposition and stabilization of organic matter under aerobic conditions of high temperature resulting in a humus-like product that can be used as a soil amendment.

**WATER BODY**

Any pond, lake, river, stream, brook or tidal area, except that for purposes of Shoreland Zoning, "water body" shall mean any great pond, river or stream.

**WATER RECREATION**

Uses related to docks, piers, wharves, relative to the recreational use of waters, for which uses or structures a permit from the Department of Environmental Protection and/or the permitting authority is required.

**WATER STORAGE FACILITIES**

Facilities that store water, such as reservoirs, fish hatcheries, sewage lagoons, and farm ponds. This term does not include swimming pools.

**WETLAND**

Refer to Shoreland Zoning Article.

**WIRELESS TELECOMMUNICATION FACILITY**

Any structure, antenna, tower or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common-carrier wireless exchange phone services, personal communications service (PCS) or pager services. Wireless telecommunications facilities shall be considered a principal use.

**YARD**

The horizontal area of land on a lot not occupied by a structure. The three types of yards are as below:

**A. YARD, FRONT**

The area of land between the front lot line and the nearest part of the principal building, and the two side lot lines.

**B. YARD, SIDE**

The area of land between the side lot line and the nearest part of the principal building.

**C. YARD, REAR**

The area of land between the rear lot line and the nearest part of the principal building, and the two (2) side lot lines.

**YARD (OR GARAGE) SALE**

A sale, conducted indoors or out-of-doors, of used household goods, curios, and the like. Yard (or garage) sales, as distinguished from flea markets, shall be considered to be accessory uses under this chapter and shall not be conducted more frequently than four (4) days in any six (6)-month period.

**100-YEAR FLOODPLAIN**

The area that will be inundated by the flood event having a one (1) percent chance of occurring in any year, as identified on the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM).

# APPENDIX

## Appendix 1 Official Zoning Map

### City of Saco Proposed Zoning Map

