

## CHAPTER 230 – ZONING

**PLANNING STAFF NOTE:** Recommended revisions are below in red font. Text to be removed is struck through and new text is underlined.

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

### 230-304 District purpose and summary.

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

A.

[\[Image\]](#)

Rural Conservation (RC) District.

[\[Image\]](#)

- (1) 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.
- (2) 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.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 40,000 square feet          |
| Unsewered                          | 80,000 square feet          |
| Minimum lot area per dwelling unit |                             |
| Sewered                            | 40,000 square feet          |
| Unsewered                          | 80,000 square feet          |
| Street frontage, minimum           | 200                         |
| Front setback, minimum             | 30                          |

| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Front setback, maximum          | n/a                         |
| Side and rear setbacks, minimum | 25                          |
| Lot coverage, maximum           | 20%                         |
| Height, minimum                 | n/a                         |
| Height, maximum                 | 35                          |

B.

[\[Image\]](#)

Low Density Residential (LDR) District.

[\[Image\]](#)

- (1) 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.
- (2) Location. The LDR District is located in four areas of the City, including:
  - (a) A 600-foot-wide corridor along Buxton Road/Route 112 to the west of Loudon Road.
  - (b) Along Flag Pond Road and Cascade Road to the east of I-95.
  - (c) The neighborhoods off of the Ferry Road in southeast Saco and to the east of Ferry Beach State Park.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 20,000 square feet          |
| Unsewered                          | 40,000 square feet          |
| Minimum lot area per dwelling unit |                             |
| Sewered                            | 10,000 square feet          |

| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Unsewered                       | 20,000 square feet          |
| Street frontage, minimum        | 100                         |
| Front setback, minimum          | 30                          |
| Front setback, maximum          | n/a                         |
| Side and rear setbacks, minimum | 20                          |
| Lot coverage, maximum           | 25%                         |
| Height, minimum                 | n/a                         |
| Height, maximum                 | 35                          |

C.

[\[Image\]](#)

Seaside Residential (SR) District.

[\[Image\]](#)

- (1) 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.
- (2) 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.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 7,500 square feet           |
| Unsewered                          | 40,000 square feet          |
| Minimum lot area per dwelling unit |                             |

| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Sewered                         | 7,500 square feet           |
| Unsewered                       | 20,000 square feet          |
| Street frontage, minimum        | 75                          |
| Front setback, minimum          | 25                          |
| Front setback, maximum          | n/a                         |
| Side and rear setbacks, minimum | 15                          |
| Lot coverage, maximum           | 30%                         |
| Height, minimum (feet)          | n/a                         |
| Height, maximum (feet)          | 35                          |

D.

[\[Image\]](#)

West Residential (WR) District.

[\[Image\]](#)

- (1) Purpose. The West Residential (WR) District is a predominately residential district intended to provide higher density residential use, where sewer is available, than other areas to the west of I-95.
- (2) Location. The WR District is located to the west of I-95 along New County Road/Route 5, Buxton Road/Route 112, and Jenkins Road.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 15,000 square feet          |
| Unsewered                          | 30,000 square feet          |
| Minimum lot area per dwelling unit |                             |
| Sewered                            | 7,500 square feet           |

| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Unsewered                       | 15,000 square feet          |
| Street frontage, minimum        | 100                         |
| Front setback, minimum          | 25                          |
| Front setback, maximum          | n/a                         |
| Side and rear setbacks, minimum | 15                          |
| Lot coverage, maximum           | 25%                         |
| Height, minimum                 | n/a                         |
| Height, maximum                 | 35                          |

E.

[\[Image\]](#)

Medium Density Residential (MDR) District.

[\[Image\]](#)

- (1) 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.
- (2) 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 1 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.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 7,500 square feet           |
| Unsewered                          | 20,000 square feet          |
| Minimum lot area per dwelling unit |                             |

| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Sewered                         | 5,000 square feet           |
| Unsewered                       | 17,500 square feet          |
| Street frontage, minimum        | 75                          |
| Front setback, minimum          | 25                          |
| Front setback, maximum          | n/a                         |
| Side and rear setbacks, minimum | 10                          |
| Lot coverage, maximum           | 35%                         |
| Height, minimum                 | n/a                         |
| Height, maximum                 | 35                          |

F.

[\[Image\]](#)

High Density Residential (HDR) District.

[\[Image\]](#)

- (1) 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.
- (2) 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.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 6,000 square feet           |
| Unsewered                          | n/a                         |
| Minimum lot area per dwelling unit |                             |

| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Sewered                         | 3,000 square feet           |
| Unsewered                       | n/a                         |
| Street frontage, minimum        | 75                          |
| Front setback, minimum          | 5                           |
| Front setback, maximum          | 15                          |
| Side and rear setbacks, minimum | 10                          |
| Lot coverage, maximum           | 45%                         |
| Height, minimum                 | n/a                         |
| Height, maximum                 | 50                          |

G.

[\[Image\]](#)

Downtown (D) District.

[\[Image\]](#)

- (1) 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.
- (2) 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.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>  | <b>Dimension<br/>(feet)</b> |
|------------------|-----------------------------|
| Minimum lot area |                             |
| Sewered          | 2,000 square feet           |
| Unsewered        | n/a                         |

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

NOTES:

<sup>1</sup> A zero-foot setback is permitted for party (shared) wall.

<sup>2</sup> Minimum height requirements do not apply to single-family and two-family dwellings.

H.

[\[Image\]](#)

General Business (GB) District.

[\[Image\]](#)

- (1) 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.
- (2) Location. The GB District is located to the west of downtown Saco between Elm Street/Route 1 and Spring Street.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.



| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 7,500 square feet           |
| Unsewered                          | n/a                         |
| Minimum lot area per dwelling unit |                             |
| Sewered                            | 5,000 square feet           |
| Unsewered                          | n/a                         |
| Street frontage, minimum           | 50                          |
| Front setback, minimum             | 15                          |
| Front setback, maximum             | 30                          |
| Side and rear setbacks, minimum    | 15/0 <sup>1</sup>           |
| Lot coverage, maximum              | 50%                         |
| Height, minimum                    | n/a                         |
| Height, maximum                    | 50                          |

NOTES:

<sup>1</sup> A zero-foot setback is permitted for party (shared) wall.

I.

[\[Image\]](#)

Main and Beach (MB) District.

[\[Image\]](#)

- (1) 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.
- (2) Location. The MB District is located along Main Street and Beach Street/Route 9.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

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

J.

[\[Image\]](#)

Highway Business (HB) District.

[\[Image\]](#)

- (1) 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.
- (2) Location. HB is located in three areas:
  - (a) Along Main Street/Route 1 north of King Street and Ocean Park Road/Route 5 to the south of I-195.
  - (b) North of North Street/Route 112 and south of the railroad tracks.
  - (c) Off North Street/Route 112 to the north of Industrial Park Road.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.

(4) Dimensional standards.

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

K.

[\[Image\]](#)

Saco Island (SI) District.

[\[Image\]](#)

- (1) 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.
- (2) Location. Saco Island is located in the Saco River between Saco and Biddeford. Route 9 bisects the SI District.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 20,000 square feet          |
| Unsewered                          | n/a                         |
| Minimum lot area per dwelling unit |                             |
| Sewered                            | 1                           |
| Unsewered                          | n/a                         |
| Street frontage, minimum           | 50                          |
| Front setback, minimum             | 0                           |
| Front setback, maximum             | n/a                         |
| Side and rear setbacks, minimum    | 10                          |
| Lot coverage, maximum              | 60%                         |
| Height, minimum                    | n/a                         |
| Height, maximum                    | 60                          |

NOTES:

<sup>1</sup> Master planned development standards apply.

L.

[\[Image\]](#)

Camp Ellis (CE) District.

[\[Image\]](#)

- (1) 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.
- (2) Location. The CE District is located at the southeast tip of Saco at the mouth of the Saco River.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

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

M.

[\[Image\]](#)

Portland Road (PR) District.

[\[Image\]](#)

- (1) Purpose. The Portland Road (PR) District is a highway commercial and mixed-use corridor that permits diverse businesses as well as high-quality multifamily 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.
- (2) Location. The PR District is located along Portland Road/Route 1 to the east of I-95 and north of I-195.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

**Dimension**

**Standard (feet)**

Minimum lot area

Sewered 20,000  
square  
feet

Unsewered 20,000  
square  
feet

Minimum lot area per  
dwelling unit

Sewered 7,500  
square  
feet

Unsewered 30,000  
square  
feet

Street 200/50<sup>1</sup>  
frontage,  
minimum

Front setback, 40/25<sup>2</sup>  
minimum

Front setback, n/a  
maximum

Side and rear 20  
setbacks,  
minimum

Lot coverage, 60%  
maximum

Height, n/a  
minimum

Height, 60  
maximum

NOTES:

**Dimension**

**Standard (feet)**

<sup>1</sup> The minimum street frontage on Route 1 is 200 feet. For all other roads, the minimum street frontage is 50 feet.

<sup>2</sup> 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.

N.

[\[Image\]](#)

Business-Industrial (BI) District.

[\[Image\]](#)

- (1) 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.
- (2) Location. BI is located southeast of the I-95 and I-195 interchange.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

**Dimension**

**Standard**

**(feet)**

Minimum lot area

Sewered

10,000 square feet

Unsewered

10,000 square feet

Minimum lot area per dwelling unit

Sewered

n/a

Unsewered

n/a

Street frontage, minimum

50

Front setback, minimum

~~50~~ 20

| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Front setback, maximum          | n/a                         |
| Side and rear setbacks, minimum | 25                          |
| Lot coverage, maximum           | 50%                         |
| Height, minimum                 | n/a                         |
| Height, maximum                 | 60                          |

O.

[\[Image\]](#)

Industrial (I) District.

[\[Image\]](#)

- (1) 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.
- (2) 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.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

| <b>Standard</b>                    | <b>Dimension<br/>(feet)</b> |
|------------------------------------|-----------------------------|
| Minimum lot area                   |                             |
| Sewered                            | 40,000 square feet          |
| Unsewered                          | 80,000 square feet          |
| Minimum lot area per dwelling unit |                             |
| Sewered                            | n/a                         |
| Unsewered                          | n/a                         |
| Street frontage, minimum           | 150                         |
| Front setback, minimum             | 50                          |



| <b>Standard</b>                 | <b>Dimension<br/>(feet)</b> |
|---------------------------------|-----------------------------|
| Front setback, maximum          | n/a                         |
| Side and rear setbacks, minimum | 25                          |
| Lot coverage, maximum           | 40%                         |
| Height, minimum                 | n/a                         |
| Height, maximum                 | 60                          |

P.

[\[Image\]](#)

Resource Protection Overlay District (RPOD).

[\[Image\]](#)

- (1) 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.
- (2) Location. 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 100-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.
- (3) Permitted uses. Refer to Zoning Ordinance Table 3-3.
- (4) Dimensional standards.

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

Q.

[\[Image\]](#)

Shoreland Overlay District (SLOD).

[\[Image\]](#)

- (1) 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.
- (2) Location.
  - (a) 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.
  - (b) 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 section are in addition to the provisions of the underlying zone.
- (3) Dimensional standards.

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

R.

[\[Image\]](#)

Coastal Development Overlay District (CDOD).

[\[Image\]](#)

- (1) 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.
- (2) Location.
  - (a) 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.
  - (b) 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 section are in addition to the provisions of the underlying zone.
- (3) Dimensional standards.

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

S.

[\[Image\]](#)

Mobile Home Park Overlay District (MHPOD).

[\[Image\]](#)

- (1) Purpose. The Mobile Home Park Overlay District (MHPOD) provides a location for mobile home parks in the City of Saco.
- (2) Location. The Mobile Home Park Overlay District (MHPOD) includes two locations, both in the northern part of the City in the Portland Road District.
- (3) Dimensional standards.

| <b>Standard</b>   | <b>Dimension<br/>(feet)</b> |
|---|-----------------------------|
| Minimum site area   |                             |
| Sewered   | 6,500 square feet           |
| Unsewered   | 20,000 square feet          |
| With central system approved by Maine Department of Human Services, Saco Plumbing Inspector and Planning Board <sup>1</sup> | 12,000 square feet          |
| Minimum street frontage   |                             |
| Sewered   | 65 square feet              |
| Unsewered   | 100 square feet             |
| With central system approved by Maine Department of Human Services, Saco Plumbing Inspector and Planning Board <sup>1</sup> | 75 square feet              |
| Minimum depth of front yard on private streets  |                             |
| Sites smaller than 10,000 square feet   | 10                          |
| Sites larger than 10,000 square feet  | 15                          |
| Minimum depth of front yard on public streets   | 20                          |
| Width of side and rear yards  |                             |
| Sites smaller than 10,000 square feet   | 10                          |
| Sites larger than 10,000 square feet  | 15                          |
| Maximum lot coverage  | 30%                         |

**Standard**

**(feet)**

Maximum height

35

NOTES:

<sup>1</sup> 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.

T.

[\[Image\]](#)

Historic Preservation Overlay District (HPOD).

[\[Image\]](#)

(1) 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.

(2) 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.

**§ 230-307 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. [Amended 3-22-2021; 11-8-2021; 11-29-2021; 9-25-2023]

Table 3-3

Permitted and Conditional Uses

P = Permitted

C = Conditional

Blank = Not permitted

P\* = Permitted as part of master planned development review

NP = Not permitted

| Use  | RC           | LDR | SR | WR           | MDR   | HDR | D | GB | MB | HB | SI | CE       | PR | BI           | I |
|--|--------------|-----|----|--------------|-------|-----|---|----|----|----|----|----------|----|--------------|---|
| <b>Agriculture Related</b>                                   |              |     |    |              |       |     |   |    |    |    |    |          |    |              |   |
| Agriculture  | P            |     |    | <u>C</u>     |       |     |   |    |    |    |    |          | P  |              | P |
| Agriculture, excluding livestock                             | P            | P   | P  | P            | P     |     |   |    |    |    |    |          | P  |              | P |
| Agriculture-related business                                 | C            |     |    |              |       |     |   |    |    |    |    |          | C  |              | C |
| Commercial greenhouse and nursery                            | P            | C   | C  | C            | C     |     |   |    |    |    |    |          | P  |              |   |
| Farm stand   | P            | C   | C  | C            | C     |     |   |    |    |    |    |          | P  |              |   |
| Riding stable  | C            |     |    |              |       |     |   |    |    |    |    |          |    |              |   |
| Stable   | <del>P</del> |     |    | <del>C</del> |       |     |   |    |    |    |    |          |    |              |   |
| <b>Business</b>  |              |     |    |              |       |     |   |    |    |    |    |          |    |              |   |
| Accessory retail sales of goods manufactured on the premises |              |     |    |              |       |     |   |    |    |    |    |          | P  | P            | P |
| Art studio   |              |     |    |              |       |     | P | P  | P  | P  | P  | P        | P  |              |   |
| Automobile dealer  |              |     |    |              |       |     |   |    |    |    |    |          | C  |              |   |
| Automotive repair services                                   |              |     |    |              |       |     |   |    |    | C  |    |          | C  | C            | C |
| Bed-and-breakfast inn  | C            |     |    |              | C-HPD | C   | P | P  | P  | P  |    | <u>P</u> | P  | <del>P</del> |   |
| Business/professional office                                 |              |     |    |              | C     | C   | P | P  | P  | P  |    |          | P  | P            | P |

**Table 3-3**

**Permitted and Conditional Uses**

**P = Permitted**

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| Use  | RC | LDR | SR | WR | MDR | HDR | D | GB | MB | HB | SI | CE | PR       | BI | I |
|--|----|-----|----|----|-----|-----|---|----|----|----|----|----|----------|----|---|
| Commercial fisheries, wholesale fish and seafood sales |    |     |    |    |     |     | C |    |    |    |    | P  | C        |    |   |
| Contractor or tradesperson                             | C  |     |    |    |     |     |   |    |    | P  |    |    | P        | P  | P |
| Convenience store                                      |    |     |    |    |     |     |   |    |    | C  |    |    | C        |    |   |
| Drive-through window service                           |    |     |    |    |     |     |   |    |    | P  |    |    | P        |    |   |
| Fast-food restaurant                                   |    |     |    |    |     |     | C | C  |    | P  |    |    |          |    |   |
| Food and drink   |    |     |    |    |     |     | P | P  | P  | P  | P  | P  | P        | C  |   |
| Financial institution                                  |    |     |    |    |     |     | P | P  | C  | P  |    |    | P        | P  | P |
| Financial institution - drive-through window service   |    |     |    |    |     |     | C | C  | C  | P  |    |    | P        | P  | P |
| Flea market  |    |     |    |    |     |     |   |    |    |    |    |    | C        |    |   |
| 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  |    | <u>P</u> | P  | P |
| Medical marijuana caregiver, growing facility          |    |     |    |    |     |     |   |    |    |    |    |    |          | P  | P |
| Motor vehicle fueling station                          |    |     |    |    |     |     |   |    |    | C  |    |    | C        |    |   |
| Neighborhood convenience store                         | C  | C   | C  | C  | C   | C   | C | C  |    |    |    |    |          |    |   |
| Outdoor sales associated with principal use            |    |     |    |    |     |     | P |    |    |    |    |    | P        |    | P |



**Table 3-3**

**Permitted and Conditional Uses**

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| Use                           | RC | LDR | SR | WR | MDR | HDR | D | GB       | MB | HB       | SI | CE       | PR | BI | I |
|-------------------------------|----|-----|----|----|-----|-----|---|----------|----|----------|----|----------|----|----|---|
| Personal services             |    |     |    |    |     |     | P | P        | P  | P        |    |          | P  | C  |   |
| Registered dispensary         |    |     |    |    |     |     |   |          |    |          |    |          |    | C  | C |
| Repair services               |    |     |    |    |     |     | P | P        |    | P        |    |          | P  |    |   |
| Research and development      |    |     |    |    |     |     | P |          |    | P        | P  |          | P  | P  | P |
| Retail                        |    |     |    |    |     |     | P | P        | C  | P        |    | P        | P  |    |   |
| Self-service storage facility |    |     |    |    |     |     |   |          |    |          |    |          | C  | C  |   |
| Small engine repair           |    |     |    |    |     |     |   |          |    |          |    |          | P  |    |   |
| <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     | €  |     |    |    |     |     | P |          |    |          |    |          | P  |    |   |
| Places of worship             | P  | P   | P  | P  | P   | P   | P | <u>P</u> | P  | <u>P</u> | P  | <u>P</u> | 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  | P  | P |





**Table 3-3**

**Permitted and Conditional Uses**

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| Use  | RC | LDR | SR       | WR | MDR | HDR | D            | GB           | MB           | HB           | SI           | CE | PR           | BI | I |
|--|----|-----|----------|----|-----|-----|--------------|--------------|--------------|--------------|--------------|----|--------------|----|---|
| Kennel   | C  | C   | C        | C  | C   |     |              |              |              | C            |              |    | C            |    |   |
| Master planned development                         |    |     |          |    |     |     |              |              |              |              | P            |    |              |    |   |
| Passenger transportation terminal                  |    |     |          |    |     |     | P            |              |              | C            | P            |    | P            |    | P |
| Pet care   | P  |     |          |    |     |     | C            | P            |              | P            |              |    | P            |    |   |
| <u>Religious Conference Center</u>                 |    |     | <u>C</u> |    |     |     |              |              |              |              |              |    |              |    |   |
| Timber harvesting                                  | P  |     |          |    |     |     |              |              |              |              |              |    |              |    |   |
| Veterinarian                                       |    |     |          |    |     |     | C            | P            |              | P            | C            |    | P            | P  | C |
| <b>Recreation</b>                                  |    |     |          |    |     |     |              |              |              |              |              |    |              |    |   |
| Amusement park                                     |    |     |          |    |     |     |              |              |              |              |              |    | C            |    |   |
| Amusement center                                   |    |     |          |    |     |     | <u>C</u>     | P            | P            | C            | P            | P  | C            | P  |   |
| Campground*  |    |     |          |    |     |     |              |              |              | <u>C*</u>    |              |    | C            |    |   |
| <del>Commercial</del> <u>Recreational Facility</u> |    |     |          |    |     |     | <u>C</u>     | <u>C</u>     | <u>C</u>     | P            | <u>C</u>     |    | P            | P  | C |
| Enclosed sports facility                           |    |     |          |    |     |     | C            | 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  | C |
| <del>Indoor recreation</del>                       |    |     |          |    |     |     | <del>C</del> | <del>C</del> | <del>C</del> | <del>P</del> | <del>C</del> |    | <del>P</del> |    |   |

**Table 3-3**

**Permitted and Conditional Uses**

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| Use   | RC | LDR | SR | WR | MDR | HDR | D            | GB           | MB | HB           | SI | CE | PR           | BI | I |
|---|----|-----|----|----|-----|-----|--------------|--------------|----|--------------|----|----|--------------|----|---|
| Marina  |    |     |    |    |     |     | C            |              |    |              | P  | P  |              |    |   |
| Outdoor recreational facility   | C  |     |    |    |     |     | C            | C            |    | C            |    |    | C            |    |   |
| Park and playground   | P  | P   | P  | P  | P   | P   | P            | P            | P  | P            | P  | P  | P            | P  | P |
| <del>Recreation and amusement centers</del>   |    |     |    |    |     |     | <del>C</del> | <del>C</del> |    | <del>C</del> |    |    | <del>C</del> |    |   |
| Water recreation  | C  | C   | C  | C  | C   | C   | C            | C            |    |              | C  | C  |              |    |   |
| <u>*Campgrounds that were in existence as of April 15, 2012 are a conditional use in the HB District.</u> |    |     |    |    |     |     |              |              |    |              |    |    |              |    |   |
| <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  | 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 noncongregate, detached housing   |    |     |    |    |     |     |              |              |    |              |    |    | P            |    |   |
| Manufactured housing  | P  |     |    |    |     |     |              |              |    |              |    |    |              |    |   |
| Affordable housing development  |    |     |    |    | P   | P   | P            | P            | P  | P            |    |    | P            |    |   |
| Multifamily residential project (up to 8  |    |     |    |    | C   | C   | P            | P            | C  | C            |    |    | C            |    |   |

**Table 3-3**

**Permitted and Conditional Uses**

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**NP = Not permitted**

| Use   | RC           | LDR          | SR           | WR           | MDR          | HDR          | D            | GB           | MB           | HB           | SI           | CE           | PR           | BI           | I            |
|---|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| units per building)   |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| Multifamily residential project (more than 8 units per building)    |              |              |              |              | C            | P            | P            |              |              | 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)  |              |              |
| Dwelling units permitted by right per State Statute (30-A § 4364-A) | P            | P            | P            | P            | P            | P            | P            | P            | P            | P            | P            | P            | P            |              |              |
| <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            |
| <u>Public utility building</u>                                      | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> |
| Wireless telecommunication facility                                 |              |              |              |              |              |              |              |              |              |              |              |              |              | C            | C            |

**Table 3-4**

**Permitted and Conditional Uses in the Resource Protection Overlay District (RPOD)**

| Permitted Uses  | Conditional Uses  |
|---|---|
| 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 | 1. Small nonresidential facilities for educational, scientific or natural interpretation purposes |



- 9. Fire prevention activities
- 10. Soil and water conservation practices
- 11. Surveying and resource analysis
- 12. Emergency operations
- 13. Selective timber harvesting according to a plan approved by a forester registered in the
- 9. Filling and earthmoving of more than 10 cubic yards (subject to a shoreland permit from the Planning Board)
- 10. High-voltage transmission lines

**Table 3-3**

**Permitted and Conditional Uses**

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**NP = Not permitted**

| Use | RC | LDR | SR | WR | MDR | HDR | D | GB | MB | HB | SI | CE | PR | BI | I |
|-----|----|-----|----|----|-----|-----|---|----|----|----|----|----|----|----|---|
|-----|----|-----|----|----|-----|-----|---|----|----|----|----|----|----|----|---|

State of Maine on a noncommercial basis<sup>1</sup>

- 14. Structures accessory to allowed uses
- 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>1</sup>
- 16. Private sewage disposal systems for allowed uses
- 17. Service drops for allowed uses
- 18. Filling and earthmoving of less than 10 cubic yards<sup>1</sup>
- 19. Agriculture<sup>2</sup>

NOTES:

<sup>1</sup> Subject to obtaining a shoreland permit from the Code Enforcement Officer.



- <sup>2</sup> 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**

§ 230-401 **Requirements; dimensional standards.**

- 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 chapter.
- B. Refer to Article **VIII** for additional standards for lots in Shoreland Zoning Overlay Districts.

**Table 4-1**

**Dimensional Standards for All Zoning Districts**

| Requirements  | 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 (square feet)                                |                       |        |        |        |        |       |                                  |                   |       |        |        |       |                      |        |        |
| 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 |
| Minimum lot area per dwelling unit (square feet) <sup>4</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 (feet)                               | 200                   | 100    | 75     | 100    | 75     | 75    | 30                               | 50                | 75    | 100    | 50     | 50    | 200/50 <sup>2</sup>  | 50     | 150    |
| Front setback, minimum (feet)                                 | 30                    | 30     | 25     | 25     | 25     | 5     | 0                                | 15                | 5     | 15     | 0      | 15    | 40/25 <sup>3</sup>   | 20     | 50     |
| Front setback, maximum (feet)                                 | 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 (feet)                        | 25                    | 20     | 15     | 15     | 10     | 10    | 10/0 <sup>1</sup>                | 15/0 <sup>1</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 (feet) | n/a | n/a | n/a | n/a | n/a | n/a | 35 <sup>5</sup> | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Height, maximum (feet) | 35  | 35  | 35  | 35  | 35  | 50  | 60              | 50  | 35  | 50  | 60  | 35  | 60  | 60  | 60  |

NOTES:

- 1 A zero-foot minimum side setback is permitted for party (shared) wall.
- 2 The minimum street frontage on Route 1 is 200 feet. For all other roads, the minimum street frontage is 50 feet.
- 3 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.
- 4 Density requirements are not intended to overrule state regulations.
- 5 Minimum height requirements do not apply to single-family dwellings, and two-family dwellings, structures not used for habitation like sheds, and structures related to utility uses.
- \* 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/ Not applicable/no requirement.

a

§ 230-402 **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 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 100-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 [for subdivisions and site plans](#). 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 100-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 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 January 2, 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 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 10 feet in height, and is set back at least 10 feet from the edge of the structure's roof, and does not exceed 30% 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 multifamily use. Notwithstanding provisions of Article V of this chapter, dwellings or structures converted to a multifamily 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 single or one 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 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 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 500 feet from a public road or less than 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-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 25% 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:

- (a) Five thousand square feet per dwelling unit in the LDR;
- (b) One thousand square feet per dwelling unit in the MDR; GB; MB; HB; SI; and PR.

N. Affordable housing density bonus eligibility. Refer to § **230-703** for affordable housing density bonus provisions. **[Added 9-25-2023]**

§ 230-505 **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 Article 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. In CE and SR, the closest point of the new construction shall be no nearer to the front property line than what is permissible by the Fire Code.
  - (3) Enlargements constructed under these provisions shall not increase the height of the vertical face of the building more than 10 feet vertically within the setback. The height of the new eaves within the setback shall not exceed 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 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 § 230-505A(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 50% 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.

#### § 230-1002 **Parking design.**

- A. Dimensions. Every parking space shall be a minimum of nine feet in width, and 18 feet in length. Parking spaces in front of a garage door shall be a minimum of nine feet in width, and 22 feet in length. No parking space shall obstruct or intrude into a sidewalk or driveway. Parking lot travel lanes shall be a minimum of 20 feet in width if a herringbone configuration is utilized. Otherwise the travel lanes shall be a maximum of 24 feet in width. One-way aisles may be reduced to 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 feet from side and rear lot lines. All parking spaces shall also be at least fifteen feet from the front lot line. 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 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 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.

**§ 230-1101 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 **TDCSM** 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 new lots shall be established on a private road or private road network. A private road network shall have no more than two 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 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 90 days of such approval. If the plan is not recorded within 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 shall meet TDCSM and the following criteria:
- (1) Minimum aggregate subbase (Type D): 15 inches.
  - (2) Crushed gravel (Type A) or reclaimed surface course: three inches.
  - (3) Maximum length dead end: 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 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 feet of the travel way with an unobstructed vertical clearance of 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 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)~~(12) If public water connection is available within 150 feet of the property, the private road shall be served by public water.

(13) Public sewer connection shall be required based on Chapter 176 of the City Ordinance.

- 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.

**Article XXI**  
**Definitions**

**§ 230-2101 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."

**§ 230-2102 Shoreland zoning definitions.**

Shoreland zoning definitions are located in Article VIII.

**§ 230-2103 Terms defined.**

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

**100-YEAR FLOODPLAIN**

The area that will be inundated by the flood event having a 1% change of occurring in any year, as identified on the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM).

**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 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.

### **AFFORDABLE HOUSING DEVELOPMENT**

**[Added 9-25-2023]**

- A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units as affordable without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units as affordable without spending more than 30% of the household's monthly income on housing costs.
- C. For purposes of this definition, "majority" means more than half of proposed and existing units on the same lot.
- D. For purposes of this definition, "housing costs" include, but are not limited to:
  - (1) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
  - (2) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

### **AGENT OF THE PLANNING BOARD**

The City Planner or authorized designee.

## **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. Agriculture also does not include the growing or cultivation of marijuana or hemp products.

**[Amended 11-29-2021]**

## **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.

## **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 nontower 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 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.A. § 3752, Subsection 1A.

## **AUTOMOBILE RECYCLING BUSINESS**

The business premises of a dealer or a recycler licensed under Title 29-A M.R.S.A. §§ 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.A. § 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.A. § 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 subsection, the vehicle must be removed from the site within 180 days of receipt of title by the business.

### **AUTOMOTIVE REPAIR SERVICES**

An establishment that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. 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 car washes.

**[Amended 11-29-2021]**

### **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 feet or greater.

### **BED-AND-BREAKFAST INN**

An owner-occupied residential structure in which no more than six 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 AND 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.

**CEMETERY**

An area of ground set aside for the burying of human bodies.

[Added 11-29-2021]

**CERTIFICATE OF OCCUPANCY**

The municipal approval for occupancy granted pursuant to 25 M.R.S. § 2357-A or the Maine Uniform Building and Energy Code adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.

[Added 9-25-2023]

**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.

**CHILD-CARE 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 13 or more children under 13 years or age; or
- B. Any location or locations operated as a single child-care program or by a person or persons when there are more than 12 children being cared for.

**CHILD-CARE 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 to 12 children under 13 years of age. Any program for children under five 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 AND 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 AND 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 PROCESSING OF WOOD**

A mechanical device, machine, combination of machines or set-up used for the conversion of logs and other raw wood materials into lumber, veneer, plywood, wallboard, blockboard, paperboard, pulp, paper or other finished wood products.

[Added 11-29-2021]

#### **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. (Referred to as “Commercial Recreational Facility”).

#### ~~**COMMERCIAL SOLAR ENERGY SYSTEM**~~

~~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 SOLAR ENERGY SYSTEM**

A complete assembly consisting of one or more ground-level or pole-mounted 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. Roof-mounted solar energy systems are accessory uses subject to § 230-725 of this chapter and do not comprise commercial solar energy systems as defined herein.

[Amended 10-3-2022]

#### **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 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.A § 4301 et seq.

### **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.A § 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.

### **COVENANT, RESTRICTIVE**

A provision in a deed, or other covenant conveying real property, restricting the use of the land.

**[Added 9-25-2023]**

### **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.

### **DENSITY, BASE**

The maximum number of dwelling units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

**[Added 9-25-2023]**

### **DEVELOPED AREA**

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

### **DIMENSIONAL REQUIREMENTS**

Requirements which govern the size and placement of structures including, but not limited to, the following requirements: building height, lot area, minimum frontage and lot depth.

**[Added 9-25-2023]**

### **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 UNIT**

Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

### **[Amended 9-25-2023]**

- A. **ACCESSORY DWELLING UNIT (ADU)** A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.
- B. **CARETAKER DWELLING UNIT** A 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.
- C. **EXISTING DWELLING UNIT** A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.
- D. **MULTIFAMILY DWELLING** A structure containing three or more dwelling units.
- E. **SEASONAL DWELLING** Certain single-family, two-family, and multifamily units situated east of Seaside Avenue and Camp Ellis Avenue, and 400 feet west of the center line of those streets which are rented for periods of six days to four 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.
- F. **SINGLE-FAMILY DWELLING** A structure containing only one dwelling unit.
- G. **TWO-FAMILY DWELLING** A building containing only two dwelling units.

## **EARTH REMOVAL**

Any operation engaged in the removal of more than 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 NONCONGREGATE, DETACHED HOUSING**

A residential development wherein at least one resident of each individual dwelling shall be age 55 or older, and no resident shall be under age 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 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 three 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 two 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:

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

#### **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.

#### **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.

#### **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. **A. DRINKING ESTABLISHMENT** A business or club where alcoholic beverages are consumed on the premises, such as a tavern.~~

~~C. **B. EATING AND DRINKING ESTABLISHMENT** A business where food and/or 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.~~

[Cross reference: See also definition of "Fast-Food Restaurant"](#)

## **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 10 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 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.

## **GOLF COURSE**

An area of land laid out for golf with a series of nine or 18 holes each, including tee, fairway, and putting green and often one or more natural or artificial hazards.

[Added 11-29-2021]

## **GROWTH AREA, DESIGNATED**

Those areas as specified as "Growth Areas" in Saco's most recently adopted and approved

Comprehensive Plan. "Growth area, designated" does not include those areas specified as "Limited Growth Areas" in the approved Comprehensive Plan. The following zoning districts are considered growth areas: High Density Residential (HDR); Downtown District (DD); Medium Density Residential (MDR); General Business District (GB); Main and Beach District (MB); Highway Business District (HB); and Portland Road District (PR).

**[Added 9-25-2023]**

### **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 domestic 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 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 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. The sale of any form of marijuana or marijuana derived product, whether it is medical or adult use marijuana, except, from a lawfully sited registered dispensary is not a permitted home-based retail use.

**[Amended 11-29-2021]**

## **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.

## **HOUSING**

Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boardinghouses or other similar types of housing units. This also does not include transient housing or short-term rentals.

**[Added 9-25-2023]**

## **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.

## **INCOME, AREA MEDIAN**

The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development.



[Added 9-25-2023]

### **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 or more dogs or five 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 twelve-month period alone does not constitute the operation of a kennel.

### **LAND USE ORDINANCE**

An ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

[Added 9-25-2023]

### **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.

### **LIVESTOCK**

Includes cattle, sheep, horses, goats, and other domestic animals ordinarily raised or used on a farm. Turkeys or domesticated fowl are considered poultry and not livestock under this definition.

[Added 11-29-2021]

## **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 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 nonvegetated 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, two types of manufactured housing are included. Those two 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 subsection 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.

#### **MARINA**

A docking area providing secure moorings for pleasure boats and often offering supply, repair, and other related services for boats.

[Added 11-29-2021]

#### **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 CAREGIVERS, GROWING**

An individual or business that has registered with the state pursuant to 22 M.R.S.A. § 2422, Subsection 8-A, as a caregiver. The individual or business has established patients and is engaged in growing medical marijuana outside of the caregiver's primary residence (see "growing facility") pursuant to 22 M.R.S.A. § 2423-A, Subsection 2B.

[Added 11-29-2021]

#### **MEDICAL MARIJUANA CAREGIVERS, GROWING FACILITY**

A building where marijuana plants are stored and cultivated and may have patient rooms on site separate from plant cultivation and processing. The facility must be locked and secured. The facility cannot contain more than five separate licensees. The facility is located separately from the caregiver's primary residence.

[Added 11-29-2021]

#### **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 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.

## **MULTIFAMILY RESIDENTIAL PROJECT**

A residential or mixed-use 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 multiunit residential project is that it is designed and developed with a common, consistent architectural style. The dwelling units in a multifamily residential project may be in single-family dwellings, two-family dwellings, or multifamily dwellings, or any combination thereof, and may be located on a single lot or on multiple lots.

**[Amended 9-25-2023]**

## **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.

## **NONRESIDENTIAL STRUCTURE**

Nonresidential structure means a commercial or non-habitable building that does not qualify as a residential building. This category includes but is not limited to: small businesses, churches, schools, recreational buildings, mercantile buildings, industrial buildings, warehouses, nursing homes, licensed bed and breakfasts, hotels, and motels.

## **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.

## **PARK or PLAYGROUND**

A piece of land used for and equipped with facilities for recreation, especially by children.

[Added 11-29-2021]

## **PARKING LOT, COMMERCIAL**

Any premises used for the storage of four 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.

## **PARTY WALL**

A party wall is a dividing partition between two adjoining buildings that is shared by the occupants of each residence or business.

## **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.

## **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.

### **PRIVATE ROAD**

A category of road not intended to be dedicated to the City as a public street, but built to City street standards.

### **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 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.

### **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.

### **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.

### **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, PARK MODEL (CAMP MODEL)**

A recreational vehicle containing no more than 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.A § 2425-A, that manufactures, sells, supplies or dispenses marijuana plants, harvested marijuana, marijuana-based products, or related supplies and educational materials to qualifying patients and the caregivers of those patients. A registered dispensary shall only be allowed as an accessory use to a medical marijuana growing facility (see definition above). Only one dispensary shall be allowed on a property.~~

~~[Amended 11-29-2021]~~

Registered dispensary or dispensary. "Registered dispensary" or "dispensary" means an entity registered under M.R.S.A section 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis plants or harvested cannabis or related supplies and educational materials to qualifying patients and the caregivers of those patients.

## **RELIGIOUS CONFERENCE CENTER**

A church-affiliated building or complex, including sleeping facilities and common dining facilities, at which meetings of a religious or educational nature are held. This use can include the hosting of seasonal events, such as summer camps, and other seasonal events and activities.

## **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 AND 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. The sale of any form of marijuana or marijuana derived product, whether it is medical or adult use marijuana, except from a lawfully sited registered dispensary is not a permitted sale.

**[Amended 11-29-2021]**

## **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 through 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 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 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 35 feet.

### **SHED**

An accessory detached structure used for residential storage. This definition shall also include shipping containers or storage containers.

### **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-PREMISES SIGN**A sign that is not located on the lot of which it is appurtenant.
- D. **OFF-PREMISES 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 chapter.
- F. **PROJECTING SIGN**A sign attached to the outside wall of a building and projecting therefrom at a 90° 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 SIGNA** 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 § 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 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-SCALE ENERGY FACILITIES**

Small-scale Energy Facilities: Facilities or equipment that produces energy from the sun, wind, or water and does not comprise a commercial solar energy system. Equipment is typically mounted to building roofs, freestanding poles or supports, or directly on the ground. (Cross reference Section 230-726)

## **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.

## **SPAGHETTI LOT**

A parcel of land with a lot depth to shore frontage ratio greater than 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 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, or requires specialized equipment to move, 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.A § 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.A § 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 § 230-1604.

**VETERINARIAN**

A place where qualified persons practice the science of prevention, cure, or alleviation of disease and injury in animals (especially, but not limited to, domestic animals).

[Added 11-29-2021]

**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 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 days in any six-month period.