

Chapter 149

LICENSING

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[HISTORY: Articles I through III adopted by the Town (now City) of Sanford as indicated in article histories. Subsequent articles adopted by the City Council of the City of Sanford as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 90.

Disorderly housing — See Ch. 114.

Fire prevention — See Ch. 128.

Retail use of marijuana — See Ch. 161, Art. I.

Odor nuisance control and abatement — See Ch. 183, Art. I.

Zoning — See Ch. 280.

ARTICLE I

Business Licensing

[Adopted 4-11-1977 as § 6.2 of the 1977 Code; amended in its entirety by the City Council 5-15-2018 by Order No. 18-116-01]

§ 149-1.0. Purpose.

To protect the health, safety, and welfare of the citizens of the City of Sanford (the City), the City requires licensing of certain uses and businesses.

§ 149-1.1. Definitions. [Amended 4-19-2022 by Order No. 22-151-01]

In general, all words, phrases, and terms used in this chapter shall have their customary and usual meanings; as used in this chapter, the following words, phrases, and terms shall have the meaning indicated:

CONTAMINATION OF PROCESSES OR PRODUCTS — The act of rendering or making a process or product impure, unsuitable, or unusable by introducing harmful or undesirable elements, whether biological or chemical.¹

§ 149-1.2. License required.

No person, firm, corporation, or other entity shall carry on any business or other activity subject to a license requirement under this chapter or code or any other regulation or law without such a license. All licenses shall be kept on site for inspection.

§ 149-1.3. Taxes and fines owed. [Amended 4-19-2022 by Order No. 22-151-01]

The licensee and the licensee's place of business shall not have property taxes, business taxes, or other fees, fines, charges, penalties, or interest owing to the City. Failure to comply with this condition shall be deemed a violation of this chapter and adequate grounds for the denial, revocation, or suspension of a license.

§ 149-1.4. Fees.

It is the intent and purpose of this section to establish fees which bear a reasonable relationship to the costs incurred by the City in the administration and enforcement of this chapter and other applicable laws and regulations.

A. To accomplish such purposes:

- (1) All fees and charges for licenses or permits shall be paid to the City Clerk at the time of application to the City Clerk. **[Amended 4-19-2022 by Order No. 22-151-01]**
- (2) All fees are nonrefundable regardless of whether a license or permit is issued.

B. No license shall be issued until each specific annual fee (unless an alternative duration is specified by the business category) for all applicable business categories, required in this chapter have been paid including, payment of the City's expenditure for notification of public hearings and background

1. Editor's Note: The former definitions of "extraction," "hemp," "marijuana grower," "marijuana manufacturing facility," "marijuana property," and "marijuana retail sales," which immediately followed this definition, were repealed 2-20-2024 by Order No. 24-60-01.

checks as required by State or local regulation, and payment of the City's expenditure for inspections and emergency services as may be necessary for the specific license or permit. Any new application for a Category 1 license received after July 1 or alternative dates specified in this chapter may have the annual fee prorated for the number of months or partial months remaining until the expiration date. Prorated fees shall be calculated by determining the annual fee for the license type, divided by twelve (12), then multiplied by the number of months or partial months left in the license period. If a new application is received after December 1 of any year it will be valid until December 31 of the following year. [Amended 7-21-2020 by Order No. 19-954-01; 4-19-2022 by Order No. 22-151-01]

- C. Fee schedule, business license categories: [Amended 6-19-2018 by Order No. 18-117-01; 3-5-2019 by Order No. 18-553-01; 1-21-2020 by Order No. 19-580-01; 5-5-2020 by Order No. 19-874-01; 7-21-2020 by Order No. 19-954-01; 4-19-2022 by Order No. 22-151-01; 6-20-2023 by Order No. 23-77-01; 9-19-2023 by Order No. 23-289-01; 2-20-2024 by Order No. 24-60-01]

Category 1 Licenses (Administrative Approval)	Fee	Statutory or Code Reference
Alcohol- and drug-free housing	\$100 per year	Ch. 149, Art. XIII
Auctioneer, nonresident certificate	\$10 per day or \$25 for 3 days	§ 149-1.4
B.Y.O.B. function	\$25 per event	Ch. 74, Art. III
Brewery, distillery, winery	\$100 per year	Ch. 149, Art. VII
Closing-out sale	\$50 per 60 days	Ch. 149, Art. VIII
Coin-operated entertainment device, electronic video machine, arcade device	\$50 per year	Ch. 149, Art. III
Flea market	\$100 per year	Ch. 256
Flea market vendor	\$25 per year	Ch. 256
Home occupation	\$50 per year	Ch. 280
Kennel	\$50 per year	Ch. 78, Art. IX; 7 M.R.S. §§ 3931 through 3950-A
Liquor license renewal application (Tier I)	\$300 per application	Ch. 149, Art. I; 28-A M.R.S. §§ 653 et seq. and 1051
Liquor license renewal application (Tier II)	\$500 per application	Ch. 149, Art. I; 28-A M.R.S. §§ 653 et seq. and 1051
Liquor license transfer (Tier I or Tier II)	\$25 per application	Ch. 149, Art. I; 28-A M.R.S. §§ 653 et seq. and 1051
Lodging establishment	\$100 per unit	Ch. 155 and Ch. 149, Art. V
<u>Marijuana grower, registered dispensary</u>	<u>\$5,000 per application</u>	<u>See Ch. 161, Ch 280</u>
Marijuana grower, adult use	\$2,200 per application	See Ch. 161, Ch. 280
Marijuana grower, medical	\$2,200 per application	See Ch. 161, Ch. 280

Category 1 Licenses (Administrative Approval)	Fee	Statutory or Code Reference
Marijuana manufacturing facility, Tier 1 (up to 40 pounds)	\$2,200 per application Additional \$1,500 fee for facility engaging in extraction using hazardous substances	See Ch. 161, Ch. 280
Marijuana manufacturing facility, Tier 2 (up to 200 pounds)	\$3,200 per application Additional \$1,500 fee for facility engaging in extraction using hazardous substances	See Ch. 161, Ch. 280
Marijuana property, Tier 1	\$5,000 up to buildings with less than 30,000 square feet of gross floor area plus \$750 for each licensed facility on the property	See Ch. 161, Ch. 280
Marijuana property, Tier 2	\$7,500 for buildings with 30,000 square feet or more gross floor area plus \$750 for each licensed facility on the property	See Ch. 161, Ch. 280
Massage therapist	\$50 per year	Ch. 164
Mental health and abuse clinic renewal application	\$500 per year	Ch. 149, Art. II
Off-premises catering permit	\$25 per application	Ch. 149, Art. I
Pawnbroker	\$300 per year	Ch. 193
Peddler	\$50 per year or \$25 per day	Ch. 149, Art. IX
Places of assembly	\$100 per year	Ch. 149, Art. X
Rental housing		Ch. 149, Art. V, for qualifications
Single-family	\$100	
Two-family	\$200	
Three-family	\$300	
Four- to seven-family	\$400	
Eight-plus unit	\$500	
Mixed use property	\$100 plus \$100 for each dwelling unit up to maximum of \$500	
Residential care facility	\$50 per year	Ch. 149, Art. XIV
Salvage collector	\$25 per year	Ch. 213
Salvage dealer	\$500 per year	Ch. 213

Category 1 Licenses (Administrative Approval)	Fee	Statutory or Code Reference
Secondhand dealer	\$200 per year	Ch. 193
Special amusement permit renewal application	\$100 per year	Ch. 74, Art. I
Sport shooting ranges	\$100 per year	Ch. 149, Art. XI
Tattoo artist, body piercing	\$200 per year	Ch. 149, Art. XII
Taxicab		§ 232-23
Business license	\$60 per year	
Operator license	\$40 per year	
Vehicle license	\$10 per year	
Vehicle transfer of license	\$10 per transfer	
Inspection and background check	\$50 per year	
Tobacco retailer	\$25 per year	Ch. 215, Art. II
Vacant building	See § 149-6.8 \$300 for each six-month license for vacant, abandoned buildings \$100 for each twelve-month license for vacant buildings maintained by owner or under owner's direct control Fee escalates at rate of 2 times the prior year's fee for each additional year building continues as abandoned	Ch. 149, Art. VI
Victualer	\$75 per year	Ch. 209
Waste hauler	\$500 per year	Ch. 220
Yard sale permit	\$10 per day	Ch. 256

Category 2 Licenses (City Council Approval)	Fee	Statutory or Code Reference
Beano-bingo application	\$100 per application	Ch. 149, Art. I; 13-A M.R.S. § 311 et seq.
Bottle club	\$100 per year	Ch. 74, Art. II
Circus, carnival, temporary exhibitions	\$200 per day	Ch. 149, Art. X

Category 2 Licenses (City Council Approval)	Fee	Statutory or Code Reference
Games of chance application	\$65 per application	Ch. 149, Art. I; 17 M.R.S. § 1831 et seq.
Hemp grower	\$1,500 plus \$50 per acre	See Ch. 161, Ch. 280
Liquor license new application (Tier I)	\$300 per application	Ch. 149, Art. I; 28-A M.R.S. §§ 653 et seq. and 1051
Liquor license new application (Tier II)	\$500 per application	Ch. 149, Art. I; 28-A M.R.S. §§ 653 et seq. and 1051
Marijuana, retail sales adult use	\$22,500 per application	See Ch. 161, Ch. 280
Mental health and abuse clinic, new applications	\$500 per year	Ch. 149, Art. II
Shelter	\$50 per unit	Ch. 155
Special amusement permit, new applications	\$100 per year	Ch. 74, Art. I

§ 149-1.5. Duration of license. [Amended 3-5-2019 by Order No. 18-553-01; 4-19-2022 by Order No. 22-151-01; 2-20-2024 by Order No. 24-60-01]

All licenses shall expire annually on December 31, except as otherwise provided by the general laws of the State or stated elsewhere in the City Code.

§ 149-1.6. Liquor license applications. [Amended 7-21-2020 by Order No. 19-954-01; 4-19-2022 by Order No. 22-151-01]

Upon receipt of an application for a liquor license, the City Clerk or the City Council shall follow the procedure established by this chapter, the City Code and 28-A M.R.S. §§ 651 to 654, as amended. The fees for an application shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for new liquor license applications, liquor license renewal applications and transfers of liquor license applications either as Tier I or Tier II.

A. Tier I shall mean that food gross income shall be in excess or equal to liquor gross income.

B. Tier II shall mean that liquor gross income shall be in excess of food gross income.

§ 149-1.6.1. Off-premises catering permit. [Amended 4-19-2022 by Order No. 22-151-01]

Upon receipt of an application for an off-premises catering permit, the City Clerk shall follow the procedure established by this chapter, the City Code and 28-A M.R.S. § 1052, as amended. The fees for an application shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for an off-premises catering permit.

§ 149-1.6.2. Games of chance license. [Amended 4-19-2022 by Order No. 22-151-01]

Upon receipt of an application for a games of chance license, the City Clerk shall follow the procedure established by this chapter, the City Code and 17 M.R.S. § 1831 et seq. The fees for an application shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for a games of chance application.

§ 149-1.6.3. Beano and bingo license. [Amended 4-19-2022 by Order No. 22-151-01]

Upon receipt of an application for a beano and bingo license, the City Clerk shall follow the procedure established by this chapter, the City Code and 13-A M.R.S. § 311 et seq. The fees for an application shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for a beano and bingo application.

§ 149-1.7. Authority to issue licenses. [Amended 7-21-2020 by Order No. 19-954-01]

The City Clerk shall have the authority to issue all licenses shown as Category 1 licenses in this chapter to qualified applicants. If the City Clerk or the Inspection Team find violations of the standards for denial, suspension, or revocation as listed in § 149-1.11.1, or excessive and verified complaints against an applicant or premises, a public hearing shall be held so that the facts may be heard and if the City Council so chooses, issue the license with conditions to remedy nuisance conditions as so determined by the City Council. Only the City Council shall have authority to issue Category 2 licenses and, when applicable, shall follow the procedures outlined in State law for their issuance.

§ 149-1.8. Licensing application requirements.

- A. All applications for licenses under this chapter shall be filed with, and in a form satisfactory to, the City Clerk, together with such supporting documents and information, as the City Clerk may prescribe.
- B. Such application may include, but is not limited to, the following:
 - (1) Name, address, and contact information, including phone number and email address, of the applicant, all other persons having a legal interest in the facility and property, and the individual(s) designated by the applicant to manage operation of the facility, if any.
 - (2) Location within the premises for which a license is sought, identified by both City Tax Map and lot number and street address.
 - (3) Dimensions and acreage of the property.
 - (4) Copy of a signed, approved site plan, and supporting documents, if required under Chapter 280, Zoning. **[Amended 4-19-2022 by Order No. 22-151-01]**
 - (5) Description of the use and facility and how the location and improvements associated with the proposed facility comply with the requirements of Chapter 280, Zoning, and this chapter.
 - (6) Type, location, and total cubic feet and equivalent pounds of carbon dioxide, gas, super-cooled liquid, pesticide, fertilizer, or other chemical stored or used in the operation of the facility, if any, and location of all alarms and shut offs.
 - (7) Any other approvals required by City, State, or federal agencies.
 - (8) Other information specified in this chapter or any other applicable regulation, codes, or law.
 - (9) Two (2) copies of the license application and all supporting documentation and one (1) digital copy, in the form of a USB, CD, email, Drop Box, or Google Drive link, containing pdf files for the application and each piece of supporting documentation. **[Amended 4-19-2022 by Order No. 22-151-01]**

§ 149-1.9. Administration.

- A. City Clerk review. A license application shall be filed with and reviewed by the City Clerk to determine if it is complete. If the application is not deemed complete, the application shall be returned to the applicant and shall be considered to be denied. If the application is deemed to be complete, and the facility has not secured site plan, conditional use, or other required permits under Chapter 280, Zoning, the applicant shall be directed to schedule a meeting with the Planning Department.
- B. Planning Board review. Upon referral from the City Clerk and submission of the appropriate site plan, conditional use, or other required permits under the provisions of Chapter 280, Zoning, the Planning Department shall process applications for review. Upon approval, the Planning Department shall forward the determination to the City Clerk, who shall schedule the licensing application for review by the City Council. **[Amended 4-19-2022 by Order No. 22-151-01]**
- C. City Council review. The City Council may impose conditions on the approval of any license application it deems necessary to ensure compliance with the provisions of this chapter or any other provision of law. Such conditions may include, but are not limited to, documentation of the following requirements:
 - (1) All landscaping, screening, reclamation, and/or other requirements approved and/or imposed by the Planning Board have been installed, completed, and approved by appropriate City staff. **[Amended 4-19-2022 by Order No. 22-151-01]**
 - (2) All requirements imposed by any other regulatory bodies having jurisdiction have been installed, completed, and approved.
 - (3) All other measures required to improve the operations of the facility or minimize its impacts on the surrounding neighborhood have been constructed or implemented.
 - (4) The applicant shall meet with the Chief of Police, Director of Code Enforcement, and/or other State or municipal officials, upon request, to establish a good working relationship between the City and the owner and operators of the facility and to provide for review of the operation of the facility. **[Amended 4-19-2022 by Order No. 22-151-01]**

§ 149-1.10. Records; disposition of fees.

A record of the issuance of such license, with the name of the licensee and the fee paid, shall be kept by the City Clerk. The fees collected by the City Clerk for all licenses provided herein shall be turned over to the City Treasurer in the same manner as tax moneys, and to be credited to the Licenses and Fees Account.

§ 149-1.10.1. Investigation of applicant and review of application. [Amended 4-19-2022 by Order No. 22-151-01; 6-20-2023 by Order No. 23-265-01; 9-19-2023 by Order No. 23-358-01]

Upon receipt of an application for any license or permit, other than a renewal application substantially identical to the original application, the City Clerk shall inquire of other City departments, including the Inspection Team, as appropriate, for comments as to whether a license may be granted consistent with the provisions of the laws and codes enforced by such department. In all appropriate cases, the Code Enforcement Officer shall verify that the premises to be used for the proposed facility comply with the Building Code, Electrical Code, Plumbing Code, and Zoning Code, including development permit approval and if applicable, Junkyard Screening Law; the Fire Chief and/or designee shall cause inspection to be made for the purpose of determining if codes, State law, or State regulation concerning fire and safety have been complied with; and if the license is not issuable to any class of persons, firms, or corporations;

the Police Chief and/or designee shall cause an investigation to be made of the principal officers or person to be licensed; the Tax Collector shall verify that taxes have been paid or payment arrangements made. All persons shall report to the City Clerk in writing, and copies of any such report shall be deemed a public record.

§ 149-1.11. Inspections. [Amended 4-19-2022 by Order No. 22-151-01]

As a condition of granting a license, unless otherwise specified, an inspection may be required. Submission of a license application shall constitute permission for entry and inspection. The Inspection Team, which consists of a representative of the Police Department, Fire Department and the Code Enforcement Department, and/or his/her designee, may inspect every facility to be licensed under this chapter for the purpose of determining if the applicant and premises is in compliance with all applicable laws, codes, rules, regulations, and development permits. Inspections shall take place at a reasonable time and prior to a determination on the license application. Businesses with no regularly scheduled hours shall be given twenty-four (24) hours' notice for an annual inspection. When an inspection is conducted for a use that is sensitive to contamination of its processes or products, the Inspection Team shall use the following protection from contamination protocols to the extent practicable:

A. The facility operator shall:

- (1) Prior to inspection, provide a floor plan of the facility which identifies, at a minimum, all walls, the layout of operations, including storage, and the location of exits, signs, key components of emergency, security, growing and other lighting, fire extinguishers, mechanical rooms, key components of the ventilation system, including but not limited to intake and exhaust vents, key components of any filtration system, key components of the sprinkler system and sprinkler heads, including clearance heights, electrical panel, storage areas for hazardous materials, including but not limited to chemicals and gases, plumbing fixtures; and
- (2) Maintain a Material Safety Data Sheet for any chemicals it uses in its operation and described in its Operations Manual and Safety Plan, required in Chapter 280, Zoning, which shall be made available to the Inspection Team upon request.
- (3) Provide a flow chart of the operation that identifies and directs the Inspection Team first to the area of the site that is cleanest and most sensitive to contamination and proceed to progressively less clean and/or sensitive areas until the inspection is complete.

B. The Inspection Team shall:

- (1) Don disposable boot covers, gowns, gloves, and hairnets if provided by the facility operator.
- (2) Provide the operator of the production facility a camera, heat-temperature gun, and a two-way communication device. The facility operator will work with the Inspection Team, which will direct the facility operator to designated areas, to provide visual access and direct feedback to allow the inspection to take place without requiring the Inspection Team to enter areas of the facility that are sensitive to potential contamination.

C. If the Inspection Team observes violations, modifications of the facility which required a permit which was not obtained, or cannot satisfactorily conduct the inspection through remote observation then the Inspection Team may have to enter the facility to complete the inspection. If physical entry is required, the Inspection Team shall use the protection from contamination protocols described in this chapter to minimize the likelihood of contamination.

§ 149-1.11.1. Standards for denial, suspension or revocation. [Amended 4-19-2022 by Order No. 22-151-01]

In addition to any other provision of this code authorizing such action, a license or permit may be denied, suspended, or revoked upon determination of one (1) or more of the following regarding the applicant, application, or premises:

- A. Failure to fully complete the application forms; knowingly making an incorrect statement of a material nature on such form; failure to supply any additional documentation required or reasonably necessary to determine whether such license is issuable; or failure to pay any fee required hereunder;
- B. The applicant or related persons or entities have caused one (1) or more breaches of the peace;
- C. Failure to comply with laws, code, development permits, rules, or regulations;
- D. Failure to license and operate a safe and proper place of business compliant with all relevant fire, health, and safety codes; or
- E. The applicant, licensee, or employee of the licensee or person representing the licensee has been convicted of any Class A, Class B, Class C, or Class D crime or crime of equivalent severity or has proven and known ties to criminal gangs or criminal organizations as defined by federal law as verified by the Police Department.

§ 149-1.12. Violations and penalties. [Amended 4-19-2022 by Order No. 22-151-01]

Any person, firm, or corporation who violates any provision of this chapter or the terms of a license may be penalized in the following manner:

- A. Temporary suspension. The Code Enforcement Officer or Police Department, with prior approval of the City Manager or his/her designee, is authorized to immediately and temporarily suspend any license. The City Manager, or his/her designee, shall determine if the licensed premises has not met the requirements of the license.
- B. Revocation. The Code Enforcement Officer or Police Department, with prior approval of the City Manager, or his/her designee, is authorized to immediately revoke any license. The City Manager, or his/her designee, shall determine if the licensed premises has not met the requirements of the license.
- C. Unlicensed activity. Any person, firm, or corporation failing to apply for a license and pay the required fee shall be in violation of this chapter and such violation is a civil penalty or land use violation pursuant to 30-A M.R.S. § 4452, enforced by the Police Department or Code Enforcement Officer and subject to a fine in the amount of one hundred dollars (\$100) in addition to any other fines for violating this chapter and the fee for licensing.
- D. Civil penalties. In addition to any other fines or penalties for violating any provisions of this chapter or the terms of the license, violation of this chapter is a civil penalty pursuant to 30-A M.R.S. § 4452, enforced by the Police Department or Code Enforcement Officer. In any such proceeding, the City may order that the licensee or unlicensed activity abate any violations, pay a penalty between one hundred dollars (\$100) and two thousand five hundred dollars (\$2,500) per violation, per day, and pay the court costs, attorneys and expert witness fees incurred by the City.

§ 149-1.13. Appeals. [Amended 5-7-2019 by Order No. 19-258-01]

The Board of Appeals, acting in an appellate capacity, shall act as the Licensing Board of Appeals in order

to hear appeals of orders, decisions, or determinations made relative to application and interpretations of this Code. Appeals to the Board of Appeals shall be submitted as otherwise set forth in City Code, Chapter 10, regarding administrative appeals.

§ 149-1.13.1. Severability.

If any clause, sentence, paragraph, section, article, or part of this ordinance, or of any ordinance included in this Code or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE II

Mental Health and Abuse Clinics; Outpatient Addiction Treatment Clinics
[Adopted 11-25-2008;² amended in its entirety by the City Council 7-19-2016 by Order No. 16-61.10]

§ 149-2.1. Purpose and findings.

- A. The City Council finds that an outpatient addiction treatment clinic can be a valuable component of our health-care system if operated by qualified and responsible operators and subject to reasonable regulations to assure effective operation. The City Council also recognizes the importance of appropriately siting clinics in order to protect the public health, safety, and welfare. This requires restricting the proximity of clinics to schools, child-care providers, public parks and playgrounds, and other locations where children and young adults may frequent. It requires siting in locations accessible by public transportation, zoned to assure the compatibility of other allowed uses in the zone with and to such clinics, and selected to assure the personal safety and privacy of the patients and clients of such clinics. In addition, the City and private interests have devoted substantial resources and made significant efforts to attract retail and commercial development into the downtown sections of Sanford and the Village of Springvale, and location of a clinic in these areas may conflict with this development plan.
- B. The City Council finds that it is in the best interests of the City to protect areas where efforts are currently being made to stimulate new business investment, and encourage focused and planned economic growth, which includes the areas identified above. The location of outpatient addiction treatment clinics in these areas could detract from these efforts without benefiting the patients and clients of such facilities. Proper locating shall also avoid adverse law enforcement impacts and the overburdening of police and rescue resources while at the same time protect the personal privacy, convenience, and interests of the patients and clients of such facilities. The City Council finds that with the reasonable and necessary location restrictions listed herein and in the City's Land Use Code, there remain sufficient suitable areas within the City to site mental health and abuse centers, including outpatient addiction treatment clinics. Licensing of these facilities shall enhance community relations with the providers of such clinics, establish lines of communications with operators of the facilities, and provide for periodic review of and reasonable control over their operations. Licensing of these facilities is appropriate and consistent with the City's policies and practices to review and license business activities that can have an adverse impact on its citizens. The licensing is not meant to conflict with the licensing done at the state level pursuant to 14-118 CMR Ch. 4, Regulations for Licensing/Certifying Substance Abuse Treatment Programs in the State of Maine, but to provide separate and additional requirements as necessitated by the above findings to protect the local interests of persons in Sanford, Maine.
- C. In addition, the City Council has delegated to the Planning Board application of the land use development standards in Chapter 280, Zoning. Also the City Council finds that using the North American Industry Classification System to identify the activity regulated hereunder is the fairest and most equitable method available and treats all similarly classified uses the same.

§ 149-2.2. Applicability.

- A. This article shall apply to any outpatient addiction treatment clinic which is located or to be located

2. Editor's Note: This ordinance was originally adopted as Ch. 153, but was renumbered as Ch. 149, Art. II, to maintain the organization of the Code.

within the City. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this article applies to any application relating to the establishment or operation of a mental health and abuse center or outpatient addiction treatment clinic, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this article.

- B. Allowed locations and setback requirements for an outpatient addiction treatment clinic is described in Chapter 280, Zoning. In addition, at the time of application, the applicant must demonstrate that it is not within 1,000 feet of a child-care provider.

§ 149-2.3. Definitions.

For purposes of this article, the following definitions shall apply unless the content clearly implies otherwise:

CHILD-CARE PROVIDER — This term is defined in Chapter 280, Zoning.

MENTAL HEALTH AND ABUSE CLINIC — This term is defined in Chapter 280, Zoning.

OUTPATIENT ADDICTION TREATMENT CLINIC — This term is defined in Chapter 280, Zoning.

SANFORD DOWNTOWN AREA — That area identified by the Sanford Downtown Legacy and shown on the map entitled "Sanford Downtown," as it may hereafter be amended, and it also includes the area identified by the Lafayette Circle, which includes all property within 1,320 feet of the Lafayette School.

SCHOOL — A building, together with its contiguous accessory buildings and grounds and uses, for the education and learning of children. Uses within the meaning of this definition shall include, but are not limited to, private and public preschool, elementary, middle and high school.

SPRINGVALE VILLAGE — That area defined in the study prepared by Kent Associates and referenced in the Springvale Design Guidelines in Chapter 280, Zoning, as it may be hereafter amended.

§ 149-2.4. Licensing application requirements.

- A. All applications for licenses under this chapter shall be filed in accordance with § 149-1.8. **[Amended 4-19-2022 by Order No. 22-151-01]**
- B. In addition to the information specified in § 149-1.8, an application for a mental health and abuse clinic or outpatient addiction treatment clinic shall provide:
 - (1) The social security number of a person designated by the applicant as the responsible operator, and shall include the written consent of such person to a full background and reference check by the City.
 - (2) A detailed description of the proposed outpatient addiction treatment clinic to include the following: population to be served, client services, methods of treatment, identification of controlled substances to be kept on site and how the applicant shall prevent their theft or misuse, staffing requirements, security provisions, hours of operation, anticipated parking demand, peak-hour traffic, and identification and copies of other required licenses.³

§ 149-2.5. Administration.

The application shall be administered under the provisions of § 149-1.9, except as noted below.

3. Editor's Note: Former Subsection B(3), which required a nonrefundable application fee, was repealed 4-19-2022 by Order No. 22-151-01. For current fee provisions, see § 149-1.4C.

- A. City Clerk review. When a license application for an outpatient addiction treatment clinic is filed with the City Clerk, the Clerk shall order a background check from the Police Department for the applicant, individuals with a legal interest in the facility, and any individual(s) hired to manage operation of the facility. The license application with the background check shall then be reviewed by the City Clerk to determine if the application is complete.
- B. City Council review.
 - (1) The City Council must conduct a public hearing on any new application to allow adequate time for public comment and review. **[Amended 7-21-2020 by Order No. 19-954-01]**
 - (2) The City Council may require the applicant to construct or implement other measures when those measures are designed to improve the operations of the clinic or minimize the impact of the clinic on the surrounding neighborhood.
- C. That the applicant meet with the Chief of Police or other state or municipal official semiannually. The purpose of said meetings is to establish a good working relationship between the City and the owner and operators of clinics and to provide for review of the operation of the clinic on a regular basis.

§ 149-2.6. Nonconforming uses.

Any mental health and abuse center or outpatient addiction treatment clinic in lawful existence on the effective date of this article may remain in operation in its present location without applying for or obtaining the license required hereunder until the later of December 31 of the calendar year in which this article is adopted or 12 months following the effective date of this article. Thereafter, such clinics shall be required to comply with all the licensing provisions of this article. A clinic in lawful existence and operation on the effective date of this article may continue as sited and being operated on that date but shall be considered a lawful nonconforming use subject to all restrictions and regulations on nonconforming uses in this article and Chapter 280, Zoning, as from time to time amended.

ARTICLE III

Electronic Video Machines

[Adopted 12-30-2008;⁴ amended in its entirety by the City Council 7-19-2016 by Order No. 16-61.10]

§ 149-3.1. Purpose. [Amended 5-15-2018 by Order No. 18-116-01]

The City Council has determined that the regulation of arcade devices, coin-operated amusement devices and electronic video machines promotes the health, safety, and welfare of Sanford's citizens by assuring that all arcade devices, electronic video machines and coin-operated amusement devices are operated in conformance with the laws of the State of Maine and of the City.

§ 149-3.2. Definitions.

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

ARCADE DEVICE — A coin-operated amusement device for amusement and entertainment. **[Added 5-15-2018 by Order No. 18-116-01]**

COIN-OPERATED AMUSEMENT DEVICES — Any machine or device which upon the insertion of a coin may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score, and which is operated for amusement only and does not dispense any form of payoff, prize, or reward except free replays. For the purposes of licensing, the owner of the establishment where the device is located shall be the party responsible for obtaining the license. **[Added 5-15-2018 by Order No. 18-116-01]**

ELECTRONIC VIDEO MACHINE — A machine, however operated, which has a video screen featuring an electronically simulated game or games, and delivers or entitles the person playing or operating it to receive the privilege of playing the electronic video machine, but does not deliver or entitle the person playing or operating the electronic video machine to receive any cash, premiums, merchandise, tickets or something of value other than the privilege of playing the electronic video machine without charge.

§ 149-3.3. License required. [Amended 5-15-2018 by Order No. 18-116-01]

No person, firm, or corporation shall keep, maintain, operate, lease, or otherwise establish an arcade device, coin-operated amusement device or devices or electronic video machines, in any premises, building, apartment, or place without first obtaining a license from the City Clerk. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-3.3.1. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the annual fee required has been paid through the City Clerk's office. The fee for an electronic video machine license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for electronic video machines, arcade devices, and coin-operated amusement devices.

4. Editor's Note: This ordinance was adopted as Ch. 154 but was renumbered as Ch. 149, Art. III, to maintain the organization of the Code.

§ 149-3.4. Licensing information; affidavit.

In addition to the requirements of § 149-3.3 and Article I of this chapter, each applicant must annually submit the following information with an application for licensing each electronic video machine:

- A. The following affidavit must be signed by each member of the governing board of the applicant and by the applicant's manager and shall be duly notarized. **[Amended 5-15-2018 by Order No. 18-116-01]**

"I _____(Name) do declare under the penalties of false swearing, pursuant to 17-A M.R.S.A. § 452, and/or the revocation of any licenses granted pursuant to Chapter 149: Licensing of the Code of the City of Sanford, Maine, that in my capacity as an officer or manager of the _____(Name) I am familiar with the laws, both state and local, which govern the operation of electronic video machines. I am unaware of any illegal activity, including but not limited to illegal gambling as defined in Title 17-A M.R.S.A. Part 2, Chapter 39, regarding our electronic video machines, and should I become aware of any illegal activity I will immediately notify the Maine State Police, Bureau of Non-Profit Gaming Licenses."

§ 149-3.5. Posting of affidavit.

All affidavits required by § 149-3.4 of this Code shall be posted in a prominent location within 25 feet of the electronic video machines licensed under this article.

City of Sanford § 149-4.1

LICENSING

§ 149-4.1

ARTICLE IV
(RESERVED)⁵

§ 149-4.1. (Reserved)

5. Editor's Note: Former Article IV, Medical Marijuana Production Facilities, adopted 7-19-2016 by Order No. 16-61.10, as amended 6-20-2017 by Order No. 17-77.08, 12-19-2017 by Order No. 17-210-01, and 2-20-2018 by Order No. 18-115-01, was repealed 3-5-2019 by Order No. 18-553-01. For current provisions, see Ch. 161, Marijuana.

ARTICLE V
Rental Housing

[Adopted 7-18-2017 by Order No. 17-83.06]

§ 149-5.1. Purpose; intent.

- A. The purpose of this rental housing license and associated rental housing inspection program is to protect the health, safety, and general welfare of the people of the City by recognizing that the offering for rental of housing is a business, classifying and regulating such rentals as a rental housing business, establishing a permanent mode of protecting and regulating the living conditions and life safety of residents of the City who rent dwellings, and to provide a means for imposing license fees separate from property taxes to help the City defray the cost necessary for housing inspections and enforcement of this license and further including in the aims of the license and inspection program, as beneficial purposes to:
- (1) Correct and prevent conditions that adversely affect the life, safety, welfare and health of occupants of rental housing.
 - (2) Preserve and improve the value of land and buildings throughout the City; and discourage speculation. **[Amended 6-20-2023 by Order No. 23-77-01]**
 - (3) Eliminate substandard and deteriorating rental housing.
 - (4) Provide minimum standards for the health and safety of the occupants of rental housing.
 - (5) Provide minimum space standards to prevent overcrowding.
 - (6) Enforce minimum standards for the maintenance of existing residential buildings to prevent slum and blight.
 - (7) Preserve the residential quality of neighborhoods and residential uses to the benefit of Sanford residents; and discourage conversion of housing to transient uses. **[Added 6-20-2023 by Order No. 23-77-01]**
 - (8) Support economic opportunities for residents of Sanford and support the tourism economy in Sanford through positive overnight accommodation experiences. **[Added 6-20-2023 by Order No. 23-77-01]**
- B. It is not the intent of the City to intrude upon the contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be receptive to the complaints from a tenant or landlord not specifically and clearly relevant to the provisions of this article. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal rights as are available to them without the intervention of the City.

§ 149-5.2. Definitions. [Amended 4-19-2022 by Order No. 22-151-01]

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this chapter, which are defined in chapters adopted by reference, have the meanings ascribed to them as stated in those chapters.

RENT — Payments made for the use of a premises, including, but not limited to, money, services, trade, or a combination thereof; or the sharing of housing expenses with persons not part of the homeowner's

immediate family.

RENTAL HOUSING — Any property that contains a building or division of a building that is rented or available for rent as a dwelling or habitation to any person or persons. Rental housing includes rental of a house, home, apartment, room, or bed for a time period which may terminate upon a certain event, a specific term, for a series of periods until canceled, or at-will.

SHORT-TERM RENTAL — The renting of rental housing for a period of less than 30 days. **[Added 6-20-2023 by Order No. 23-77-01]**

§ 149-5.3. Applicability; exceptions.

- A. The provisions of this article apply to all rental housing, including and not limited to dwellings and dwelling units, rooms, or beds rented within dwelling units. The provisions apply to rental of single-family dwellings, dwelling units in owner-occupied dwellings, condominiums, townhouses, and to leasehold cooperative dwelling units. The provisions apply to tiny homes and seasonal dwellings. The provisions also apply to lodging establishments including guest homes and cottages as defined in Chapter 155. **[Amended 6-20-2023 by Order No. 23-77-01]**
- B. The provisions of this article do not apply to owner-occupied single dwelling units where no portion of the dwelling is rented; owner-occupied dwelling units in cooperative, condominium, or townhouse buildings where no portion of the dwelling is rented; dwelling units occupied by a family as defined in Chapter 280, Zoning; hotels, motels, or bed and breakfasts; hospitals; convalescent, rest, or nursing homes; residential care or congregate care facilities; or other institutional beds or rooms used for medical or mental health treatment services; or mobile homes regulated by the Federal Department of Housing and Urban Development (HUD) Construction Code.

§ 149-5.4. License required.

A valid rental housing license under the terms of this article is required, and no person, including without limitation a property owner, owner's associate, real estate broker, associate real estate broker, real estate agent, or property manager, shall allow any rental housing unit to be occupied, or let or offer to another any rental housing unit for occupancy, or charge, accept or retain rent for any rental housing unless the owner has a valid license under the terms of this article. Any person carrying on such a business activity without a license is in violation of these provisions.

§ 149-5.5. Issuance of license; transferability.

A license pursuant to this article may be issued to the property owner for the property named on the approved license application. One license may be issued for each property with rental housing units and shall be deemed to cover only such dwelling units under single ownership. No transfer of a license is allowed between property owners or between properties.

§ 149-5.6. Renewal; license term.

Before December 31 the owner shall apply for or renew his or her annual rental housing license for the successive year. Within 60 days of purchasing, transferring, or converting a property into a rental housing unit or units the owner shall apply for a rental housing license. All licenses expire on December 31.

§ 149-5.7. Fees; credits and exemptions.

- A. A license may be issued for a property owner after the annual fee required has been paid through the

Code Enforcement Office. [Amended 7-21-2020 by Order No. 19-954-01; 4-19-2022 by Order No. 22-151-01]

- B. Property owners that apply for and are issued a license by December 31, have corrected any violations upon a second inspection, maintain good standing, and meet all licensing standards are eligible for a credit of 50% per rental housing property per year commencing in the second year through the so-called "Good Neighbor Program."
- C. Rental housing which has been newly constructed or has undergone substantial renovations impacting all aspects of the building are exempt from the fee for a period of two years because inspections were conducted as part of the receiving a certificate of occupancy. These properties are automatically eligible to roll into the so-called "Good Neighbor Credit Program."
- D. Rental housing may deduct \$100 from the fee for each owner-occupied unit.

§ 149-5.8. Application for license.

A license application shall be made to the Code Enforcement Office on a form furnished by the Code Enforcement Office for such purpose and shall include the following information:

- A. Name, business or residence address, cell phone and primary telephone numbers, email address of the owner or owners of the property;
- B. Name, business or residence address, cell and primary telephone numbers, e-mail address of the primary responsible party for the property which shall be the primary contact for the City to schedule inspections and who takes responsibility for maintaining the property and who may also be named if enforcement action is unavoidable.
- C. Street address of the property, parcel identification code or map and lot for the property.
- D. Number and kind of rental housing units within the property. For each rental housing unit, specify the floor number and unit number and/or letter and/or designation.

§ 149-5.9. Licensing standards.

The following minimum standards and conditions shall be met in order to hold a rental housing license and maintain good standing. Failure to comply with any of these standards and conditions shall be deemed a violation of this article and adequate grounds for the denial, revocation, or suspension of a rental housing license.

- A. The licensee shall provide all application information and have paid the required license fee.
- B. Rental housing shall not exceed the maximum number of dwelling units permitted by this Code.
- C. No rental housing shall be over-occupied or illegally occupied in violation of this Code.
- D. No rental housing shall have outstanding code violations or alternatively be without an plan of action to correct those violations of this Code approved by the Code Enforcement Officer.
- E. The rental housing shall not have been used or converted to rooming units in violation of this Code.
- F. The rental housing shall not be under condemnation as hazardous or unfit for human habitation under this Code.

G. The rental housing shall not have delinquent real estate taxes due and owing.

§ 149-5.10. Authority to issue licenses.

The Code Enforcement Office shall have the authority to issue all licenses pursuant to this article to applicants meeting the licensing standards.

§ 149-5.11. Authorized entry for inspection.

To safeguard the health, safety, and welfare of the public, Code Enforcement Officers are authorized to enter any licensed rental housing at any reasonable time for the purpose of inspecting.

§ 149-5.12. Inspections.

- A. Regular inspections are required for all rental housing.
- B. After a license has been issued, the Code Enforcement Office will schedule an initial inspection of a licensed property with the owner or responsible party for a mutually agreed upon time.
- C. Inspections of properties will be conducted as follows:
 - (1) Properties categorized as single-family, two-family, and three-family will have all units and common areas inspected.
 - (2) Properties categorized as four-through-seven-unit and mixed use with four to seven units will have a sampling of four units and the common areas inspected, unless life safety and more than two code violations are found, then all units will be inspected.
 - (3) Properties categorized as eight-plus units and mixed use with eight plus units will have a sampling of five units and the common areas inspected, unless life safety and more than two code violations are found, then all units will be inspected.
 - (4) Owner-occupied dwelling units need not necessarily be inspected.
- D. The standards to be used for inspections pursuant to Chapter 90 and Chapter 128 shall include the inspection of the premises, building exterior, common areas, all dwelling units, accessory buildings, and the basement.
- E. If a violation of applicable law, ordinance or regulation is discovered, the owner shall be notified of the nature of the violation and time within which such correction shall be completed. In the event violations have not been corrected upon a second reinspection, or no authorized person was present to accompany the Code Enforcement Officer upon reinspection, violations and penalties will apply unless an extension is granted. The penalty for the third and each successive reinspection is \$50.
- F. Following an inspection, if no violations are found, the property owner will be issued a certificate showing compliance with the license and code.
- G. Rental housing receiving the so-called "Good Neighbor Credit" will be inspected once every three to four years, unless a tenant complaint cannot be resolved without an inspection; otherwise inspections will be conducted once per year or more frequently as justified due to tenant complaints, calls for police or fire service, age of structure, maintained appearance of the structure, or nonpayment of taxes and other utilities.

§ 149-5.13. Violations and penalties.

Any person who violates any provision of this article or the terms of the license may be penalized in the following manner:

- A. Temporary suspension. The Code Enforcement Officer, with prior approval of the City Manager or his/her designee, is authorized to immediately and temporarily suspend any license to an entire property or portion thereof. The City Manager or his/her designee shall determine if the continued operation of the licensed premises or activity presents a danger to the health, safety, and general welfare of the public; the Code Enforcement Officer has been refused entry to inspect the premises; the licensed premises has not met the requirements of the City property, building, fire, or applicable State laws; the continuation of the license creates a nuisance; or the licensee has not corrected violations by the expiration date within which such violations were to be corrected; or the building is designated as a disorderly house pursuant to Chapter 114. **[Amended 6-20-2023 by Order No. 23-77-01]**
- B. Revocation. The Code Enforcement Officer, with prior approval of the City Manager or his/her designee, is authorized to immediately revoke any license to an entire property or portion thereof. The City Manager or his/her designee shall determine if the continued operation of the licensed premises or activity presents a danger to the health, safety, and general welfare of the public; the Code Enforcement Officer has been refused entry to inspect the premises; the licensed premises has not met the requirements of the City property, building, fire, or applicable State laws; the continuation of the license creates a nuisance; or the licensee has not corrected violations by the expiration date within which such violations were to be corrected.
- C. Unlicensed rental housing units. Any person failing to apply for a rental housing license and pay the required fee shall be in violation of this article and such violation is a civil penalty enforced by the Police Department and subject to a fine in the amount of \$500 per property in addition to any other fines for violating this article and the fee for licensing the rental housing.
- D. Civil penalties. In addition to any other fines or penalties for violating any provisions of this article or the terms of the license, violation of this article is a civil penalty enforced by the Police Department. In any such proceeding, the City may seek an administrative warrant to conduct an inspection, court order that the owner and/or operator of the licensed activity abate any violations, pay a penalty between \$100 and \$2,500 per violation, per day, and pay the court costs, attorneys and expert witness fees incurred by the City, and, if applicable, costs incurred by the City in securing adequate substitute housing for affected tenants.
- E. Condemnation. Upon temporary suspension, revocation, denial, or unlicensed rental housing units, the Code Enforcement Officer shall post the property against occupancy.

§ 149-5.14. Appeals.⁶ [Added 7-21-2020 by Order No. 19-954-01; amended 6-20-2023 by Order No. 23-77-01]

The Board of Appeals shall act as the Rental Housing License Board of Appeals in order to hear appeals of orders, decisions, or determinations made relative to application and interpretations of this article. Appeals to the Board of Appeals shall be submitted as otherwise set forth in City Code Chapter 10, Appeals, Board of, regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time.

6. Editor's Note: Former § 149-5.14, Appeals, was repealed 5-7-2019 by Order No. 19-258-01.

§ 149-5.15. Severability.

If any clause, sentence, paragraph, section, article, or part of this article or of any ordinance included in this Code or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect impair or invalidate the remainder therefor but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part therefore directly involved in the controversy in which such judgment shall have been rendered.

§ 149-5.16. Residency restrictions for sex offenders. [Added 6-4-2019 by Order No. 18-165-01]

- A. Pursuant to 30-A M.R.S.A. § 3014, no person convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense may reside, live, or dwell within 750 feet of the property boundary of any safe zone designated in § 215-5 or 158-6, or a public or private elementary, middle, or secondary school. Failure to comply with this provision shall be deemed a violation of this article.
- B. A person convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense residing within 750 feet of the property boundary of any safe zone designated in § 215-5 or 158-6 or a public or private elementary, middle, or secondary school may continue to reside at that specific residence as long as the residency was established prior to April 17, 2019, and that residency has been consistently maintained as a primary residence.
- C. An official map of the restricted residency locations shall be maintained by the City, and licensed rental property owners shall be notified of this residency restriction each year.
- D. Civil penalty. Violation of this article is a civil penalty pursuant to 30-A M.R.S.A. § 4452, enforced by the Police Department or Code Enforcement Officer. In any such proceeding, the City may order abatement of any violation, pay a penalty between \$100 and \$2,500 per violation, per day, and pay the court costs, attorneys and expert witness fees incurred by the City.

§ 149-5.17. Insurance policy required to maintain good standing; or fee multiplier. [Added 6-20-2023 by Order No. 23-77-01]

- A. Minimum insurance standard. Documentation of general liability and property insurance of at least \$500,000 and additionally sufficient coverage for property replacement or demolition and removal.
- B. To maintain good standing, pursuant to § 149-5.7B, rental housing must have in full force and effect an insurance policy that meets the insurance standard stated in § 149-5.17A. A copy of the policy's declaration page shall be provided with the application for license pursuant to § 149-5.8.
- C. If such insurance policy referenced § 149-5.17A is not furnished or cannot be procured for the application for license pursuant to § 149-5.8, the required annual fee pursuant to § 149-5.7A, shall be multiplied by two beginning in 2025 and multiplied by three beginning in year 2027.

§ 149-5.18. Short-term rentals; additional requirements. [Added 6-20-2023 by Order No. 23-77-01]

- A. Primary residence in certain zones. A short-term rental in the Urban Zone, Single-Family Residential Zone, and Residential Development Zone, must be the primary residence, as defined in § 280, of the property owner and furthermore:
 - (1) A multiunit property may have up to one short-term rental.
 - (2) A single-family property may have up to one short-term rental unit or up to two rooms for rent,

when defined as a guest home under Chapter 280.

- B. Insurance. The insurance policy standards specified in § 149-5.17A are mandatory for short-term rentals to obtain and maintain a license.
- C. Occupancy limit. The occupancy limit for a short-term rental is based on a calculation of two adults per bedroom and shall be finally determined by the Code Enforcement Officer. The occupancy limit must be posted in a conspicuous location in the short term rental on a certificate designated by the Code Enforcement Officer.
- D. Parking. Sufficient on-site parking shall be documented by the property owner. No on-street parking is allowed.
- E. Fee. The fee for short-term rentals shall be a per room or per rental housing unit rate established under Chapter 149, Licensing, § 149-1.4C, Fees, of this Code, for lodging establishment. The fee shall not be prorated pursuant to § 149-1.4B.
- F. No vested right. No property owner shall have an entitlement or vested right to continue to operate a short-term rental that does not meet the standards required in this section after 2023.

ARTICLE VI

Vacant, Abandoned, and Blighted Buildings

[Adopted 7-18-2017 by Order No. 17-83.06; amended 5-1-2018 by Order No. 18-184-01; 5-7-2019 by Order No. 19-258-01; 7-21-2020 by Order No. 19-954-01; 4-19-2022 by Order No. 22-151-01; 6-4-2024 by Order No. 24-236-01; 11-26-2024 by Order No. 24-126-01]

§ 149-6.1. Findings.

- A. It is found that buildings which remain vacant and unoccupied for any significant period of time become a blight in the City and neighborhoods, which attracts criminal activity, is a threat to the public safety, constitutes a fire hazard, constitutes a hazard to health or safety because of inadequate maintenance or dilapidation, is a nuisance or is dangerous to life or property, and causes neighboring properties to suffer from stagnant or declining property value. The use and maintenance of property in such condition and manner endangers the public safety and health, constitutes an unreasonable use and conditions to the annoyance, discomfort, and repose of a considerable number of the public, is detrimental to the public good and common welfare and renders a considerable number of the public insecure in the use and enjoyment of their property, and thus constitutes a nuisance condition.
- B. Adequate protection of public health, safety and welfare, therefore requires the establishment and enforcement of the means by which such nuisance conditions may be abated.

§ 149-6.2. Purpose.

The purpose of this article is to protect the health, safety, and general welfare of the people of the City by establishing a program to identify, register, inspect to minimum standards and determine the actions the owners will take to return vacant buildings, or abandoned properties or blighted buildings to suitable or proper use or occupancy, or securing or demolishing such vacant and abandoned buildings. This article is intended to prevent or mitigate dangers to health, safety, and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite building repairs, and provide for prompt contact with owners or managers by police, fire, and code enforcement when issues or emergencies develop.

§ 149-6.3. Definitions.

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article, which are defined in articles adopted by reference, have the meanings ascribed to them as stated in those articles.

ABANDONED — A property that has been determined to be abandoned pursuant to 30-A M.R.S.A. § 3106-B, or 30-A M.R.S.A. § 5157 as demonstrated by a totality of evidence and that meets one or more of the following criteria:

- A. Doors and windows on the property are continuously boarded up, broken or left unlocked.
- B. Rubbish, trash or debris has accumulated on the property.
- C. Furnishings and personal property are absent from the property.
- D. The building or improvements on the property are deteriorating so as to constitute a threat to public health or safety.
- E. Gas, electric or water service to the property has been terminated or utility consumption is so low that

it indicates the property is not regularly occupied.

- F. A mortgagee has changed the locks on the mortgaged premises and neither the mortgagor nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps to gain entrance to the property.
- G. Reports of trespassers, vandalism or other illegal acts being committed on the have been made to local law enforcement authorities.
- H. A code enforcement officer or other public official has made a determination or finding that the property is abandoned or unfit for occupancy.
- I. The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the property.
- J. Other reasonable signs of abandonment.

BLIGHTED BUILDING — A building that has been determined to be blight, in which any of the following combination of conditions exist:

- A. The building is causing obvious depreciation of property value of the property or surrounding properties because of lack of maintenance, disrepair, or stagnation; or contributes to circumstances, use or action that impairs the condition, strength, durability, or appearance of real property; or contributes to circumstances, use or action that is otherwise detrimental to property values or neighboring property. Stagnation is defined as the specific circumstances of the building that perpetuate downtown decay or blight because of failure to remedy circumstances or property conditions in a timely manner (greater than 90 days).
- B. The building or any portion of the first floor of that building has been unoccupied for a specific and substantial length of time (greater than 90 days), for any number of reasons including, but not limited to the fact that the building or portion thereof is not habitable, there is a lack of a certificate of occupancy for the building or part thereof, or inability to lease or occupy the building or part thereof.
- C. The property is not being maintained, or is in disrepair, or is dilapidated and any portion of the first floor has been unoccupied for greater than 90 days; and contributes to downtown decay or blight as documented by the Code Enforcement Officer, by one or more of the following property conditions:
 - (1) Missing, broken, or boarded windows or doors.
 - (2) Temporarily shored, collapsing, or missing walls, roof or floor.
 - (3) Seriously damaged or missing siding of four-square feet or more.
 - (4) Need for painting or sealing.
 - (5) Fire damage.
 - (6) Nonfunctional heating, water, or sewer systems.
 - (7) Structurally faulty foundations.
 - (8) Damaged site features and parking areas such as failure to remedy potholes.
 - (9) Rodent harborage or infestation, garbage or trash.

- (10) Failure to remedy graffiti or other vandalism within 30 days, pursuant to Chapter 132.
- (11) Factors creating substantial interference with the orderly and lawful use and enjoyment of other space within the building or of other premises or public spaces within the downtown as documented by neighborhood complaints.

PROPERTY DEFECTS — A condition that, in the judgment of the municipality, contributes to blight as a result of the continued lack of care, maintenance or security of a property pursuant to the criteria under the definition of abandonment or blighted building.

RESPONSIBLE PARTY — Any person, agent, holder of an unrecorded contract for deed, a mortgagee or vendee in possession, a mortgagor or vendor in possession, assignee of rents, receiver, executor, trustee, lessee, other person, firm or corporation in control of the freehold of the premises or lessor state therein, or other legal entity having a legal or equitable interest in a vacant building, or blighted building, including but not limited to the beneficiary of a trust, and the holder of a life estate.

VACANT BUILDING — A residential or commercial building or part thereof which is lacking habitual presence of natural persons who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased with the exception of secure accessory buildings not intended for human occupancy. Any building in which more than one of the total exterior windows and doors are broken, boarded or not present without functioning locks may be deemed vacant regardless of the occupancy.

§ 149-6.4. Applicability; exceptions.

- A. The provisions of this article apply to all vacant buildings, or abandoned properties or blighted buildings located within the City.
- B. Exceptions. This article does not apply to primary residences of members of the armed forces on active duty, lawful seasonal or resort residences or facilities being occupied periodically during the year.

§ 149-6.5. License required.

A vacant building license under the terms of this article is required. Any person carrying on without a vacant building license shall be deemed in violation of these provisions.

§ 149-6.6. Issuance of license; transferability.

A license pursuant to this article may be issued to the owner or responsible party of the vacant building named on the approved license application. One license may be issued for a vacant building and shall be deemed to cover only such building under single ownership. No transfer of a license is allowed between owners or between buildings.

§ 149-6.7. License timeframes.

- A. Beginning August 1, 2017, and within 90 days of a building becoming vacant, each owner or a responsible party of such vacant building shall apply for a vacant building license. Applications are made to the Code Enforcement Office.
- B. Within 90 days of purchasing, transferring, assigning, or acquiring a vacant building the owner or a responsible party shall apply for a vacant building license.

- C. Within 30 days of a determination by the Code Enforcement Officer that a property is a blighted building, each owner or a responsible party of such blighted building shall apply for a vacant building license.

§ 149-6.8. Fees. [Amended 5-20-2025 by Order No. 25-152-01]

- A. A license may be issued for an owner or responsible party after the fee required has been paid. The fee shall be paid through the Code Enforcement Office.
- (1) The fee is \$440 for each six-month license issued for vacant buildings which are determined to be abandoned, including properties in mortgage default according to the criteria established herein.
 - (2) The fee is \$100 for each twelve-month license issued for vacant buildings which are maintained by the owner or under the owner's direct control.
 - (3) Blighted building. The fee is \$5,000 for each six-month license issued for properties which are determined to be blighted building,
- B. The fee escalates at a rate of two times the prior year fee for each additional year a building continues as vacant regardless of the responsible party.
- C. Verifying security of dangerous building. In addition to fees, a property that has been found to be a dangerous building by the City Council pursuant to M.R.S.A. § 2851 et seq. and continues to remain vacant as of July 1 of each year, shall incur the cost of \$750 for verifying security of said vacant building and dangerous building in addition to any other costs for securing said property.

§ 149-6.9. Application for license.

- A. A license application shall be made to the Code Enforcement Office on a form furnished by the City Code Enforcement Office for such purpose and shall include the following information:
- (1) Name, business or residence address, cell phone and primary telephone numbers, e-mail address of the owner or owners of the building.
 - (2) Name, business or residence address, cell phone and primary telephone numbers, e-mail address of the individual designated by the owner or owners of the building as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this article or code regarding the vacant building.
 - (3) Name, business or residence address, twenty-four-hour-a-day cell and primary telephone numbers, e-mail address of the property manager responsible for management and maintenance of the building which shall be the primary contact for the City to schedule inspections. The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.
 - (4) Street address of the building, parcel identification code or map and lot for the property on which the building sits.
 - (5) Statement of intent, including the expected period of vacancy, the plan for care, maintenance and security of the property during the vacancy, code compliance pursuant to Chapter 90 and Chapter 128, and a plan and timeline for lawful occupancy, rehabilitation, or removal or

demolition of the building to commence.

- (6) List of persons authorized to be present in the building, including a statement that any person not listed shall be considered trespassers.
- B. If any contact information required in the application changes or becomes out-of-date, the owner must notify the Code Enforcement Office of the changes in writing within 30 days of such change. Failure to notify the Code Enforcement Office of changes is a violation of this article.

§ 149-6.10. Standards and conditions.

The following minimum standards and conditions shall be met for vacant buildings. Failure to comply with any of these standards and conditions shall be deemed a violation of this article.

- A. The licensee shall provide complete application information and have paid the required license fee.
- B. The building shall be in code compliance with Chapter 90 and Chapter 128 pursuant to an inspection of the premises, building exterior, common areas, all dwelling units, accessory buildings, and the basement.
- C. A vacant building shall be free of any property defects.
- D. A vacant building shall not be a dangerous building pursuant to 17 M.R.S.A § 2851.
- E. No vacant building shall be occupied or illegally occupied in violation of this Code.

§ 149-6.11. Authority to issue licenses.

The Code Enforcement Office shall have the authority to issue all licenses pursuant to this article to applicants meeting the licensing standards.

§ 149-6.12. Authorized entry for inspection.

To safeguard the health, safety, and welfare of the public, Code Enforcement Officers are authorized to enter any licensed vacant building at any reasonable time for the purpose of inspecting.

§ 149-6.13. Inspections; correction of defects.

- A. At the time of application, the owner or responsible party of a vacant building shall arrange for an inspection of the property with the Code Enforcement Office. The purpose of the inspection is to determine and ensure compliance with minimum standards pursuant to Chapter 90 and Chapter 128 and shall include the inspection of the premises, building exterior, common areas, all dwelling units, accessory buildings, and the basement.
- B. If any property defects are identified, property defects are to be corrected within 30 days of the issuance of a notice to correct or within 30 days following issuance of a construction permit which was applied for promptly by the owner or responsible party.

§ 149-6.14. Violations and penalties.

Any person who violates any provision of this article or the terms of the license may be penalized in the following manner:

- A. Dangerous buildings. A vacant or abandoned building deemed to be structurally unsafe, unstable, unsanitary, constitutes a fire hazard, is unsuitable or improper for the use or occupancy to which it is put, constitutes a hazard to health or safety because of improper maintenance, dilapidation, obsolescence or abandonment, or is otherwise dangerous to life or property is a dangerous building and a nuisance and the City may seek to order the nuisance abated or removed pursuant to 17 M.R.S.A § 2851.
- B. Abandoned building. A vacant or abandoned building may be deemed to be abandoned and the City may seek to remedy property defects pursuant to 30-A M.R.S.A § 3106-B.
- C. Temporary suspension. The Code Enforcement Officer, with prior approval of the City Manager or his/her designee, is authorized to immediately and temporarily suspend any license to an entire property or portion thereof. The City Manager or his/her designee shall determine if the continued operation of the licensed premises or activity presents a danger to the health, safety, and general welfare of the public; the Code Enforcement Officer has been refused entry to inspect the premises; the licensed premises has not met the requirements of the City property, building, fire, or applicable State laws; the continuation of the license creates a nuisance; or, the licensee has not corrected violations by the expiration date within which such violations were to be corrected.
- D. Revocation. The Code Enforcement Officer, with prior approval of the City Manager or his/her designee, is authorized to immediately revoke any license to an entire property or portion thereof. The City Manager or his/her designee shall determine if the continued operation of the licensed premises or activity presents a danger to the health, safety, and general welfare of the public; the Code Enforcement Officer has been refused entry to inspect the premises; the licensed premises has not met the requirements of the City property, building, fire, or applicable State laws; the continuation of the license creates a nuisance; or, the licensee has not corrected violations by the expiration date within which such violations were to be corrected.
- E. Unlicensed vacant buildings. Any person failing to apply for a vacant building license and pay the required fee shall be in violation of this article and such violation is a civil penalty enforced by the Code Enforcement Officer or Police Department and subject to a fine in the amount of \$300 for each month the building remains unlicensed in addition to any other fines for violating this article and the fee for the license.
- F. Civil penalties. In addition to injunctive relief and any fines or penalties for violating any provision of this article or the terms of the license, violation of this article is a civil penalty enforced by the Code Enforcement Officer or Police Department. In any such proceeding, the City may seek an administrative warrant to conduct an inspection, court order that the owner and/or operator of the licensed activity abate any violations, pay a penalty between \$100 and \$2,500 per violation, per day, and pay the court costs, attorneys and expert witness fees incurred by the City.
- G. Condemnation. Upon temporary suspension, revocation, or unlicensed vacant building the Code Enforcement Officer shall post the property against occupancy.

§ 149-6.15. Appeals.

The Board of Appeals shall act as the Rental Housing License Board of Appeals in order to hear appeals of orders, decisions, or determinations made relative to application and interpretations of this code. Appeals to the Board of Appeals shall be submitted as otherwise set forth in City Code Chapter 280, Zoning, regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time.

§ 149-6.16. Severability.

If any clause, sentence, paragraph, section, article, or part of this article or of any ordinance included in this Code or through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgement shall have been rendered.

ARTICLE VII

Breweries, Distilleries and Wineries

[Adopted 5-15-2018 by Order No. 18-116-01]

§ 149-7.1. Definitions.

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

BREWERY — Brewery, distillery, malt liquor, spirits, wine, and winery shall have the same meaning as provided for in 28-A M.R.S.A. § 2, as amended hereafter.

§ 149-7.2. License requirements.

No person, firm, or corporation may operate a brewery, distillery, or winery until such person, firm or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-7.3. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the annual fee required has been paid through the City Clerk's office. The fee for a license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code for brewery.

ARTICLE VIII
Closing-Out Sales
[Adopted 5-15-2018 by Order No. 18-116-01]

§ 149-8.1. License requirements.

No person, firm, or corporation may offer for sale a stock of goods, wares, merchandise under the designation of "closing-out sale," "going out of business sale," "discontinuance of business sale," "entire stock must go," "must sell to the bare walls," or other designation that states, directly or by implication, an intent of that person, firm or corporation to dispose of the entire stock of goods with a view to permanently terminate further business after that disposal is complete until such person, firm, or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-8.2. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the required fee has been paid through the City Clerk's office. The fee for a license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code for closing-out sales.

§ 149-8.3. Duration of license.

A license is valid for 60 days from the date of issuance. The license may be extended for 60 additional days if the licensee provides an affidavit to the City stating that all goods, wares or merchandise listed in the inventory have not been disposed of within the original sixty-day period.

§ 149-8.4. Application.

License application shall be made to the City Clerk on a form furnished by the City Clerk for such purpose and shall include in addition to any other required information established under Chapter 149, Licensing:

- A. A complete inventory of all items to be included in the sale.
- B. An affidavit stating that merchandise will not be included in the stock offered for sale unless the merchandise is in or at the place of business where the sale will take place when the sale opens.
- C. If the applicant has been in the same business for which the sale is being conducted for less than two years of continuous operation, the applicant must also state by affidavit that none of the merchandise was purchased before the sale opened for the purpose of selling and disposing of that merchandise at the sale.

§ 149-8.5. Inventory.

Any unusual purchases and additions to the stock of goods, wares, or merchandise made within 60 days before the filing of an application for a license is prima facie evidence that the purchases and additions were made in contemplation of the sale.

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§ 149-8.6. Recordkeeping.

The City Clerk shall preserve all applications for licenses and other papers filed in connection with an application as a public record for five years.

ARTICLE IX

Peddling

[Adopted 5-15-2018 by Order No. 18-116-01]

§ 149-9.1. Definitions.

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

MERCHANDISE — Any object, wares, goods, promises, commodities, intangibles, services, or other things of value, but not including food.

PEDDLER — A person, firm, or corporation conducting business on a temporary short-term basis from a nonfixed location, which may include traveling by foot, cart, automotive vehicle, or any other type of conveyance; or who without traveling from place to place is selling, exposing, or offering for sale, bargain, trade, exchange, or giving, tangible commodities, products, goods, or merchandise or any service where delivery is made at, or after the time of the sale. A peddler shall include "hawker" and "huckster." A peddler shall include a transient seller. Peddling does not include newspaper deliveries, deliveries made by common-carriers such as the United Parcel Service or take-out delivery made from licensed victualer as defined in the Code. Peddling does not include casual transactions made between private citizens.

TRANSIENT SELLER — A person, firm, or corporation who engages in the business of soliciting, selling, giving, exposing, or offering for sale, tangible commodities, goods, or merchandise, whether new or used, or any service where delivery is made at, or after the time of sale to consumers by means of personal contact, telephone contact, text messaging, or by other electronic means such as email, whether or not the seller is present in the State at the time of the contact or the time of sale, and who may or may not have, for the purposes of carrying on such business, any permanent place of business within the State or is conducting business on a temporary short-term basis from a nonfixed location. Transient sellers shall include all business done solely by electronic means or operating through an automatic teller or kiosk. Transient seller does not include a person who sells at public fairs, expositions, flea markets, or bazaars, or a member selling on behalf of public service organizations. Transient seller does not include a person who sells exclusively by mail contact.

§ 149-9.2. License requirements.

No person, firm, or corporation may operate as a peddler until such person, firm, or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-9.3. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the required fee has been paid through the City Clerk's office. The fee shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code for peddlers. Licensed premises as defined in this code are exempt from the fee for a peddler license.

§ 149-9.4. Application.

License application shall be made to the City Clerk on a form furnished by the City Clerk for such purpose and shall include in addition to any other required information established under Chapter 149, Licensing:

- A. A brief description of the nature of the business and the tangible commodity to be transacted.
- B. If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- C. A photograph of the applicant, taken within 60 days immediately prior to the date of filing of the application.
- D. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.
- E. A full description of the location peddling is to be carried out of if within a stationary or regular location and a letter of agreement from the owner of record of the property that the applicant will make transactions upon.

ARTICLE X

**Places of Assembly and Temporary Exhibitions
[Adopted 5-15-2018 by Order No. 18-116-01]**

§ 149-10.1. Definitions.

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

CARNIVAL — Any traveling amusement show, excluding circuses, with or without midway, rides, concessions, or other specific attractions. For licensing purposes, the term "carnival" shall also include rodeos, thrill shows, and freak shows.

CIRCUS — Any show in which feats of horsemanship, tumbling, strength, etc., are exhibited, excluding carnivals and harness or running horse races; any show with an enclosed ring for the exhibition of animals.

§ 149-10.2. Places of assembly license required.

No person, firm, or corporation may operate a place of assembly for the purpose of amusement or entertainment including concert halls, indoor and outdoor exhibition places, playhouses, movie theaters, concession stand, indoor skating rinks, bowling alleys, billiard rooms, and municipal facilities on a scheduled regular basis until such person, firm, or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-10.3. Temporary exhibitions license required.

No person, firm, or corporation may operate a traveling amusement show or temporary exhibition or event, pageant, theatrical performance, whether indoors or outdoors, including a music festival or exhibition for the purpose of amusement or entertainment, including but not limited to circuses and carnivals until such person, firm, or corporation first obtains a license for such purpose from the municipal officers. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements and that any emergency services, including but not limited to ambulance, fire, or police services necessary for the event are arranged and paid for. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-10.4. Fee exemption.

Municipal facilities and municipal sponsored events are exempt from the fee.

§ 149-10.5. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the fee required has been paid through the City Clerk's office. The fee for a license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code for places of assembly and temporary exhibitions except that municipal facilities licensed to a City Department or the farmers' market are exempt from the fee.

§ 149-10.6. Insurance requirements.

Prior to the issuance of a temporary exhibition license, the applicant shall furnish documentation of public liability insurances with the City of Sanford named as additionally insured sufficient in amount of no less than \$400,000 per occurrence to insure for damages to public property in the area arising out of or in connection with the event.

§ 149-10.7. Right to use property; plan of area.

The applicant shall file with his application for a temporary exhibition license adequate proof of permission from the landowner to use the property and shall furnish a plan showing the size of the area to be used, with designated locations for drinking, toilet and washing facilities, waste containers and disposal plan, first aid facilities and off-street parking.

ARTICLE XI

Sport Shooting Ranges

[Adopted 5-15-2018 by Order No. 18-116-01]

§ 149-11.1. License requirements.

No person, firm, or corporation may operate a sport shooting range, open to the public, used principally or primarily for archery, skeet and/or trap shooting, other shooting sports, shooting rifles, shotguns and pistols or other projectiles, such as paint balls or laser tag, until such person, firm, or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-11.2. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the annual fee required has been paid through the City Clerk's office. The fee for a license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code for sport shooting ranges.

ARTICLE XII

Tattoo Artists and Body Piercing

[Adopted 5-15-2018 by Order No. 18-116-01]

§ 149-12.1. Definitions.

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

BODY PIERCING — The creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration, including, but not limited to, piercing of an ear, lip, tongue, nose or eyebrow. Body piercing does not include piercing an earlobe with a disposable, single-use or solid needle that is applied using a mechanical device to force the needle or stud through the earlobe.

TATTOO — Inserting pigment under the skin of human beings by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

§ 149-12.2. License requirements.

No person, firm, or corporation may operate a tattoo artist establishment or body piercing establishment until such person, firm, or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-12.3. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the annual fee required has been paid through the City Clerk's office. The fee for a license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code for a tattoo artist or body piercing establishment.

§ 149-12.4. Application for license.

A license application shall be made to the City Clerk on a form furnished by the City Clerk for such purpose and shall include in addition to any other required information established under Chapter 149, Licensing, a copy of a valid State of Maine license for such occupation pursuant to 32 M.R.S.A. §§ 4201 through 4301 for tattoo artists and 32 M.R.S.A. §§ 4321 through 4329 for body piercing.

§ 149-12.5. Prerequisites for tattooing.

In addition to those rules and regulations promulgated according to 32 M.R.S.A. §§ 4201 through 4301, no tattoo shall be administered except by conforming to all of the following:

- A. Age. No tattoo shall be administered to any person less than 18 years old, as verified by a driver's license, liquor identification card, military identification card or other adequate record.
- B. Notice of permanency. Before administering a tattoo, the patron shall be advised that the tattoo should be considered permanent; that it can be removed only with a surgical procedure; and that any effective removal will leave permanent scarring and disfigurement. A written cautionary notice shall be furnished to and signed by the patron.

- C. Skin condition. The skin to be tattooed shall be free from rash, pimples, infection or recent (less than two years) scar tissue. The patron must be in apparent good health, and the skin to be tattooed generally in a healthy condition to all appearances.
- D. Sobriety of patron. Tattoos shall not be administered to any person under the influence of drugs or alcohol, and the operator is charged with the responsibility of making reasonable observation and inquiry to assure himself that the patron is not under the influence of drugs or alcohol.
- E. Food, drink, smoking, and alcoholic beverages prohibited. The consumption of food or drink and smoking is prohibited in the tattooing area. The consumption of alcoholic beverages on the tattooing premises is prohibited.
- F. Prior jaundice or hepatitis. The patron shall be asked, before the operation, whether he has had jaundice or hepatitis. If the answer is in the affirmative, the tattoo operation shall not be performed.
- G. Record; form. The tattoo establishment shall keep a permanent record of all patrons tattooed, stating name, age, address, date of tattoo, operator's name, place where tattooed, and a description of the design of the tattoo. Such records shall be made available to any City official upon request, and shall be in the following form, which shall be signed by the patron and the tattoo artist:

Date: _____

I, the undersigned, realize that a tattoo is permanent; that it can be removed only with a surgical procedure; and that any effective removal will leave permanent scarring and disfigurement.

Name: _____

Address: _____

Date of Birth: _____

Have you had jaundice or hepatitis within the last two years?

Yes _____ No _____

Patron's Signature: _____

Description of tattoo: _____

Area of body: _____

Tattoo Artist's Signature: _____

ARTICLE XIII

Alcohol- and Drug-Free Housing

[Adopted 6-19-2018 by Order No. 18-117-01]

§ 149-13.1. Purpose.

The regulation of businesses that provide living facilities for people in recovery from substance abuse disorders is necessary in order to protect the public health, safety, and welfare and:

- A. Protect the residents living in those living situations from exploitation;
- B. Maintain adequate health and safety standards for protection of residents and neighbors;
- C. Ensure adequate fire, police and emergency response; and
- D. Facilitate appropriate emergency response for residents who may require special assistance during an emergency.

§ 149-13.2. Applicability.

This article shall apply to all businesses operating alcohol- and drug-free houses that are not licensed by the State of Maine.

§ 149-13.3. Exceptions.

A license shall not be required under this license category from State-licensed community living facilities, supported living arrangements, or nursing homes.

§ 149-13.4. Definitions.

In general, all words, phrases, and terms used in this article shall have their customary and usual meanings; as used in this article, the following words, phrases, and terms shall have the meanings indicated.

ALCOHOL- AND DRUG-FREE HOUSE — A business operated on a residential premises tailored for people in recovery from substance abuse disorders that may or may not be occupied under the definition of a family as defined by the Zoning Code, as a community living facility for eight or fewer people residing at that premises and that is not a State-licensed housing facility. An alcohol- and drug-free house is also known as a "sober house" or "recovery house."

OPERATOR — The lawful owner of an alcohol- and drug-free house or a person, firm, or corporation employed and designated by the owner to have primary responsibility for the daily operation of such house and for maintaining standards and conditions in such house that create an environment supportive of substance use disorder recovery. The operator may be a resident of the alcohol- and drug-free house.

§ 149-13.5. License requirements.

No person, firm, or corporation may operate an alcohol- and drug-free house until such person, firm, or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-13.6. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the fee required has been paid through the City Clerk's office. The fee for a license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for an alcohol- and drug-free house.

§ 149-13.7. Application for license.

A license application shall be made to the City Clerk by the operator on a form furnished by the City Clerk for such purpose and shall include in addition to any other required information established under Chapter 149, Licensing:

- A. The name of the applicant (operator), business name, and contact information, including name, mailing address, phone number and e-mail address.
- B. An affidavit from the operator, which shall be a statement of having met the requirements of the section concerning the operator.
- C. An affidavit from the owner of the property, which shall state that the owner understands his or her property is being used for such business activity.
- D. Copy of the house rules for the facility, demonstrating having met the minimum standards expressed in this article or documentation of certification by the Maine Association of Recovery Residences.
- E. The number of residents.

§ 149-13.8. Issuance of licenses; conditions.

A license pursuant to this article may only be issued to the operator named and for the address provided on the approved license application. Only one license may be issued for each address and operator named on the approved license application. No transfer of a license is allowed between the names or addresses; any change of ownership or address requires a new license.

§ 149-13.9. Requirements for operator.

An alcohol- and drug-free house must be operated or managed by a person, firm, or corporation with at least two years' experience working with people with substance abuse disorders.

§ 149-13.10. Minimum house rules. [Amended 2-5-2019 by Order No. 18-584-01]

An applicant shall provide as documentation with their license application, either certification by the Maine Association of Recovery Residences, or a set of house rules or documentation of policies and procedures that state, at a minimum:

- A. Absolutely no alcohol or nonprofessionally administered drug use on or off the premises;
- B. Eviction for failing to submit a urine sample when asked by house staff and for committing or threatening violence;
- C. No visitors allowed without manager's consent and no guests allowed overnight;
- D. No borrowing money from staff or other residents;

- E. Signing in and out of residency of the house;
- F. Adherence to house curfew;
- G. Providing residents access to staff 24 hours a day, seven days a week;
- H. Prohibition against anyone with an outstanding criminal warrant to live there;
- I. Providing furnished living space to all residents;
- J. Prohibiting smoking anywhere in the house;
- K. Emergency procedures.

§ 149-13.11. Compliance with other codes required.

- A. The residential premises shall be in compliance with the appropriate chapter(s) of the NFPA 101 Life Safety Code as adopted by reference.
- B. The residential premises shall be in compliance with the International Property Maintenance Code as adopted by reference.
- C. The residential premises shall be in compliance with the Zoning Code.

§ 149-13.12. Required distance between licensees.

No license may be issued to a business location within 500 feet of another business of the same kind.

ARTICLE XIV
Residential Care Facilities
[Adopted 6-19-2018 by Order No. 18-117-01]

§ 149-14.1. Purpose.

The regulation of living facilities that provide housing and services to residents is necessary in order to protect the public health, safety, and welfare and:

- A. Maintain adequate health and safety standards for protection of residents and neighbors;
- B. Ensure adequate fire, police and emergency response; and
- C. Facilitate appropriate emergency response for residents who may require special assistance during an emergency.

§ 149-14.2. Applicability.

This article shall apply to residential care facilities that are licensed by the State of Maine.

§ 149-14.3. Definitions.

In general, all words, phrases, and terms used in this article shall have their customary and usual meanings; as used in this article, the following words, phrases, and terms shall have the meanings indicated.

RESIDENTIAL CARE FACILITY — A house or other place that, for consideration, is maintained wholly or partly for the purpose of providing residents with assisted living services, including assistance with activities of daily living and instrumental activities of daily living, personal supervision, protection from environmental hazards, meals, diet care, care management and diversional or motivational activities. Residential care facilities provide housing and services to residents in private or semi-private bedrooms in buildings with common living areas and dining areas. A residential care facility does not include licensed nursing homes, hospitals or supported living arrangements certified by the State.

§ 149-14.4. License requirements.

No person, firm, or corporation may operate a residential care facility until such person, firm, or corporation first obtains a license for such purpose from the City. Licenses under this article shall not be issued unless the City Clerk receives affirmation from the Inspection Team that the applicant's proposed operation meets all applicable requirements. Any person carrying out such activity without a license is in violation of these provisions. Failure to comply with any of these requirements shall be deemed a violation of this article and is adequate grounds for the denial, revocation, or suspension of a license.

§ 149-14.5. Procedures and fees.

License applications under this article shall be processed according to the procedures established in this article and Chapter 149, Licensing. A license may be issued after the fee required has been paid through the City Clerk's office. The fee for a license shall be established under Chapter 149, Licensing, § 149-1.4, Fees, of this Code, for residential care facility.

§ 149-14.6. Compliance with other codes required.

- A. The residential premises shall be in compliance with the appropriate chapter(s) of the NFPA 101 Life

Safety Code as adopted by reference.

- B. The residential premises shall be in compliance the International Property Maintenance Code as adopted by reference.
- C. The residential premises shall be in compliance with the Zoning Code.

§ 149-14.7. Required distance between licensees.

No license may be issued to a business location within 500 feet of another business of the same kind.

Chapter 161

MARIJUANA

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[HISTORY: Adopted by the City Council of the City of Sanford 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01.¹ Amendments noted where applicable.]

1. Editor's Note: This order also superseded former Ch. 161, Marijuana, Art. I, Retail Establishment, adopted 8-1-2017 by Order No. 17-105.16, and Article II, Cultivation, adopted 12-19-2017 by Order No. 17-160-01.

ARTICLE I
General Provisions

§ 161-1.1. Purpose and findings. [Amended 5-5-2020 by Order No. 19-874-01]

- A. The City Council finds the importance of appropriately siting marijuana properties and marijuana operations in order to protect the public health, safety, and welfare, including, but not limited to, security and preventing the impacts of marijuana operations from extending beyond the premises in which the operations are taking place and is addressed in both Chapter 280, Zoning, and Chapter 149, Licensing. **[Amended 4-19-2022 by Order No. 22-151-01]**
- B. The City Council finds that with the reasonable and necessary restrictions on locations and establishment of regulations in this chapter and Chapter 280, Zoning, there is sufficient suitable area within the City to site marijuana operations. **[Amended 4-19-2022 by Order No. 22-151-01]**
- C. The City Council finds that licensing marijuana properties and marijuana operations on those properties shall provide for periodic review and reasonable control of their practices to ensure that public health, safety, and welfare concerns are protected.
- D. The City Council finds that it is reasonable to limit the number and location of marijuana properties and marijuana operations where they are allowed and that in doing so, there is sufficient area within the City dedicated to marijuana operations.
- E. The regulation and licensing of marijuana properties and marijuana operations is not intended to conflict with Title 22 M.R.S. Chapter 558-C, Maine Medical Use of Marijuana Act, or 28-B M.R.S. Chapter 28-B, Adult Use Marijuana, or state administrative rules, as appropriate, but provides separate and additional requirements as authorized pursuant to 22 M.R.S. § 2429 as necessitated by these findings for the purpose of protecting the public health, safety and welfare of persons in the City. **[Amended 4-19-2022 by Order No. 22-151-01]**

§ 161-1.2. Definitions.

For purposes of this chapter, the following terms, which are defined in this chapter or in Chapter 280, Zoning, shall apply unless otherwise indicated:

CULTIVATION — See Chapter 280, Zoning, Article II, Definitions.

EXTRACTION — See Chapter 280, Zoning, Article II, Definitions.

HEMP — See Chapter 280, Zoning, Article II, Definitions.

MANUFACTURING — See Chapter 280, Zoning, Article II, Definitions, "light manufacturing" and "medical marijuana manufacturing facility." Manufacturing does not include cultivation or testing.

MARIJUANA — See Chapter 280, Zoning, Article II, Definitions.

MARIJUANA GROWER — A licensee that cultivates marijuana and may package it at a licensed marijuana production facility. **[Amended 5-5-2020 by Order No. 19-874-01]**

MARIJUANA MANUFACTURER — A licensee that obtains or receives cultivated marijuana and manufactures or prepares marijuana products at a licensed marijuana production facility. **[Amended 5-5-2020 by Order No. 19-874-01]**

MARIJUANA MANUFACTURING FACILITY — See Chapter 280, Zoning, Article II, Definitions. **[Amended 5-5-2020 by Order No. 19-874-01]**

MARIJUANA OPERATION — A marijuana property, or hemp grower or cultivator, marijuana manufacturer, or marijuana production facility. **[Amended 5-5-2020 by Order No. 19-874-01; 4-19-2022 by Order No. 22-151-01]**

MARIJUANA PRODUCTION FACILITY — See Chapter 280, Zoning, Article II, Definitions. **[Amended 5-5-2020 by Order No. 19-874-01]**

MARIJUANA PROPERTY — See Chapter 280, Zoning, Article II, Definitions, "licensed marijuana property." **[Amended 5-5-2020 by Order No. 19-874-01]**

MARIJUANA RETAIL STORE — See “marijuana retail store” in Chapter 280, Zoning, Article II, Definitions. Also see “marijuana stores.” Also see definitions as set forth in 28-B M.R.S. § 102. **[Added 2-20-2024 by Order No. 24-60-01]**

§ 161-1.3. Enforcement; violations and penalties.

A. No person, firm, corporation, or other entity shall:

- (1) Manufacture marijuana products or marijuana concentrate or engage in extraction except as authorized in the Code.
- (2) Cultivate marijuana for personal use and by caregivers as permitted the Maine Medical Use of Marijuana Act, Maine Marijuana Legalization Act, or state administrative rules, as appropriate, or as authorized in the Code. **[Amended 5-5-2020 by Order No. 19-874-01]**
- (3) Grow hemp outdoors as permitted in 7 M.R.S. § 2231 except when licensed by the State and the City. **[Amended 4-19-2022 by Order No. 22-151-01]**
- (4) Operate a marijuana retail store except as authorized in the Code. **[Added 2-20-2024 by Order No. 24-60-01]**

B. This chapter shall be enforced by the Code Enforcement Officer and the Police Department according to the enforcement provisions specified in Chapter 90 and Chapter 149.

C. Any person, firm, or corporation, who violates any provision of this chapter or the terms of a license may be penalized in the same manner as specified in Chapter 90 and Chapter 149.

§ 161-1.4. Appeals.

An aggrieved party may appeal a final decision made in the enforcement of this chapter to the Board of Appeals within 30 days from the action of the official's final decision. The Board of Appeals shall have no authority to waive requirements of the Code. An order shall not be stayed during any such appeal.

§ 161-1.5. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

ARTICLE II

Marijuana Properties

[Amended 5-5-2020 by Order No. 19-874-01; 4-19-2022 by Order No. 22-151-01]

§ 161-2.1. Applicability.

This article shall apply to the eight (8) marijuana properties as set forth in Chapter 280, Zoning. Notwithstanding anything to the contrary in 1 M.R.S. § 302, this article applies to any application relating to the establishment or operation of a marijuana property, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S. § 302 prior to the enactment of this article.

§ 161-2.2. License required and duration of license. [Amended 2-20-2024 by Order No. 24-60-01]

No person, firm, or corporation may operate a marijuana property without first obtaining a license for such purpose under Chapter 149, Licensing. All new or renewal marijuana property licenses issued shall expire annually on May 31.

§ 161-2.3. Limit on number of marijuana property licenses granted.

The maximum number of marijuana property licenses that may be granted is eight (8).

§ 161-2.4. Disqualifications.

In addition to the general standards for denial, suspension, or revocation of a license and for investigation of applicants pursuant to Chapter 149, Licensing, elsewhere in the Code, a license may be denied, suspended, or revoked for one or more of the following reasons:

- A. Conviction of the applicant, licensee, or employee of the licensee or person representing the licensee of any crime involving dishonesty, deception, misappropriation, or fraud.

ARTICLE III

Marijuana Operations

[Amended 5-5-2020 by Order No. 19-874-01; 4-19-2022 by Order No. 22-151-01]

§ 161-3.1. Applicability.

This article shall apply to any person, firm, corporation, or other entity engaged in a marijuana operation, whether operated for profit or not for profit. Notwithstanding anything to the contrary in 1 M.R.S. § 302, this article applies to any application relating to marijuana operation or hemp grower, whether or not such application had become a "pending proceeding" as defined in 1 M.R.S. § 302 prior to the enactment of this article.

§ 161-3.2. License required and duration of license. [Amended 2-20-2024 by Order No. 24-60-01]

No person, firm, or corporation may operate as a marijuana or hemp grower, or manufacturer without first obtaining a license for such purpose under Chapter 149, Licensing. All new or renewal marijuana operation licenses issued shall expire annually on March 31. Such licensed operations may only occur at a licensed marijuana property, except for hemp growing.

§ 161-3.3. Disqualifications.

In addition to the general standards for denial, suspension, or revocation of a license and standards for investigation of applicants pursuant to Chapter 149, Licensing, or elsewhere in the Code, a license may be denied, suspended, or revoked for one or more of the following reasons:

- A. Conviction of the applicant, licensee, or employee of the licensee or person representing the licensee of any crime involving dishonesty, deception, misappropriation, or fraud.

§ 161-3.4. Transportation of marijuana.

A licensee and his/her employees may transport marijuana, packaged marijuana, and marijuana products between the location of the licensed marijuana operation and another licensed marijuana operation. All transportation of marijuana, packaged marijuana, and marijuana products shall be documented by the licensee.

§ 161-3.5. Recordkeeping.

A licensee shall maintain records of all transactions for a minimum of one (1) year after the date of the transaction.

§ 161-3.6. Preexisting medical marijuana production facilities.

- A. No person shall have any entitlement or vested right to a license under this article. To lawfully operate a marijuana production operation, all businesses shall obtain a license under this chapter.
- B. A preexisting business operating under this chapter shall cease operation within forty-five (45) days after the issuance of a denial letter or revised denial letter, as applicable.

§ 161-3.7. Confidentiality for medical marijuana registered caregivers.

An individual who possesses a valid Maine State-issued medical marijuana primary caregiver registry

identification card need not identify himself or herself in an application for a license for a medical marijuana operation. The cardholder shall identify him or herself and provide the relevant cards to the City Clerk for examination, but the identity of the cardholder shall not be a public record and the City Clerk shall not share the identity of the cardholder, except as necessary by law in the performance of his or her duties. At the time of application the cardholder may appoint a representative to appear before the City Council on his or her behalf. Advertisements for public hearing shall contain the location of the proposed medical marijuana operation, the owner of the real estate, and the identity of the designated representative. The City Clerk may certify to the City Council that the applicant meets the necessary legal requirements as a cardholder(s).

ARTICLE IV

Marijuana Stores

[Amended 5-5-2020 by Order No. 19-874-01; 4-19-2022 by Order No. 22-151-01]

§ 161-4.1. Statutory authority.

This article is enacted pursuant to the Marijuana Legalization Act, Title 28-B M.R.S. Chapter 1; and Municipal Home Rule Authority, Maine Constitution, Art. VIII, Pt. 2; and 30-A M.R.S. § 3001.

§ 161-4.2. Definitions.

For purposes of this article, "marijuana stores," are defined as set forth in 28-B M.R.S. § 102.

§ 161-4.3. Prohibitions enumerated; intent.

- A. Marijuana stores, are expressly prohibited in this municipality, except as permitted under Chapter 280, Zoning, and Chapter 149, Licensing.
- B. (Reserved)
- C. Nothing in this article is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, Title 22 M.R.S. Chapter 558-C.

§ 161-4.4. When effective; duration.

This article shall take effect immediately upon enactment by the City Council unless otherwise provided and shall remain in effect until it is amended or repealed.

§ 161-4.5. License required; duration and hearing. [Added 2-20-2024 by Order No. 24-60-01]

No person, firm, or corporation may operate a marijuana retail store without first obtaining a license for such purpose under Chapter 149, Licensing. All new or renewal marijuana retail store licenses issued shall expire annually on December 31. A public hearing is required annually before a new or renewal license can be issued.

ARTICLE V

**Medical Marijuana Establishments
[Amended 4-19-2022 by Order No. 22-151-01]**

§ 161-5.1. Prohibitions enumerated.

A. Indoor growing of industrial hemp is prohibited.

B. Registered dispensary, retail sales are prohibited.

~~B~~ C. Medical marijuana establishments as defined by 22 M.R.S. § ~~2422~~ 2421-A, including medical marijuana testing facilities ~~and~~, medical marijuana manufacturing facilities and registered dispensary cultivation and manufacturing production facility's operating pursuant to 22 M.R.S. § 2428 are authorized. A registered dispensary licensed by the City of Sanford shall conduct only those activities its City license(s) authorizes.

§ 161-5.2. When effective; duration.

This article shall take effect immediately upon enactment by the City Council unless otherwise provided and shall remain in effect until it is amended or repealed.

Chapter 280

ZONING

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[HISTORY: Adopted by the Town of Sanford (now City of Sanford) 11-21-1995; amended in its entirety 8-16-2016 by Order No. 16-106.04. Subsequent amendments noted where applicable.]

ARTICLE I

Title, Purpose and Applicability

§ 280-1-1. Title.

This chapter shall be known as the "Zoning Ordinance of the City of Sanford."

§ 280-1-2. Purpose.

The purpose of this chapter, made in accordance with the Comprehensive Plan, is to decrease congestion in the streets; to secure safety from fire and other dangers; to provide adequate provision of transportation, sewerage, schools, parks, and other community facilities and utilities; and to promote the health, safety, and general welfare. This chapter is made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses and with a view to conserving and stabilizing the value of property and encouraging the most appropriate use of land throughout the community.

§ 280-1-3. Applicability.

No building or structure shall be erected, structurally altered, enlarged, moved, or used and no land shall be used unless in conformity with the regulations of this chapter.

ARTICLE II
Definitions

§ 280-2-1. Word usage.

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The words shall and will shall be used interchangeably. References to the City, specific departments or department heads including as example only the Fire Department, Planning Department, Public Works Director; districts including by example only the Water or Sewerage District; locations including by way of example only City Hall, downtown; maps, plans, documents, or codes including by example only Assessor's Map, Comprehensive Plan, Code of Ordinances; and organizations including by way of example only the Historical Society shall mean those departments, department heads or their designees, districts, locations, maps, plans, documents, codes, and organizations which are part of City government or are located in and provide services to the City.

§ 280-2-2. Definitions. [Amended 3-7-2017 by Order No. 17-31-07; 12-19-2017 by Order No. 17-163-01; 2-20-2018 by Order No. 17-188-01; 5-2-2018; 8-21-2018 by Order No. 18-348-01; 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 12-3-2019 by Order No. 19-540-01; 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01; 1-19-2021 by Order No. 20-206-01; 9-20-2022 by Order No. 22-440-01; 1-16-2024 by Order No. 23-516-01; 11-12-2024 by Order No. 24-401-01; 4-1-2025 by Order No. 25-65-01]

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

ABATTOIR — A slaughterhouse, including the wholesale and retail sale of meat processed on the premises, and containing less than five-thousand (5,000) square feet of gross floor area.

ABUTTING PROPERTY — Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way from the subject lot such that the extension of the side lot lines of the subject lot would touch or enclose the abutting property.

ACCESSORY BUILDING — A detached, subordinate building the use of which is clearly incidental and related to that of the principal building or use of the land and which is located on the same lot as that of the principal building or use.

ACCESSORY DWELLING UNIT (ADU) — A self-contained dwelling unit located within, attached to, or detached from a principal dwelling structure located on the same parcel of land. An ADU shall conform to the standards in § 280-15-13.

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

ACTIVE FARMLAND — Land that has been used for agriculture, horticulture, and/or animal husbandry for at least two (2) consecutive years immediately preceding the calendar year for which the development of a commercial solar system or utility solar system is proposed in the Rural Residential Zone (RR). Land used as rotational farmland, permanent hay land, improved pasture, unimproved pasture, or other land supporting farming activities are defined as active farmland. For the purpose of this definition, permanent hay land includes hay land used in rotation with row or closegrown crops for more than two (2) years. It also includes hay land managed for the production of forage crops. It does not include fields that are mowed

annually to keep the area from reverting to woody vegetation and does not result in baled or harvested vegetation.

ACTIVE USE — A use that generates many visits, in particular pedestrian visits, over an extended period of the day. An active use may include, but not be limited to, a shop, café, service, and/or a social use as outlined in the Table of Land Uses.¹

ADULT BUSINESS ESTABLISHMENT —

A. Any business, regardless of its category of use, a substantial or significant portion of which involves providing goods or services which appeal to prurient interests or which display, depict, simulate or describe the following:

- (1) Activities involving the human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse, or sodomy;
- (3) Activities involving the fondling or other erotic touching of human genitals, the pubic region, buttocks, or female breasts; or
- (4) Activities involving the live display of female breasts and/or male or female genitals.

B. Adult business establishments include, but are not limited to, the following types of uses:

- (1) Stores that sell sexual devices or films or rent films for viewing on the premises that involve or depict any of the activities listed above.
- (2) Theaters or cabarets that feature movies that depict any of the activities listed above or entertainers, such as topless dancers, strippers, male or female impersonators, or erotic dancers, who exhibit or perform any of the activities listed above.
- (3) Relaxation spas that provide unlicensed massage services.

ADULT DAY SERVICES — A licensed facility designed to provide older adults and adults with disabilities with community based services including structured social, recreational and therapeutic activities, limited health services, meals, supervision, support services, personal care services, information and referrals and respite for caregivers. Adult day services promote personal independence through a variety of activities offered to participants based on individual needs and interests.

AGGRIEVED PARTY — An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this chapter; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

AGRICULTURAL BUILDING, EXISTING — A building or structure currently used for agricultural purposes in conjunction with an agricultural use or which was formerly used for agricultural purposes and has not been converted to another use.

AGRICULTURE, COMMERCIAL — An agricultural business that files a Schedule F as part of its federal income tax return that is involved in the cultivation of the soil, production of crops, and/or raising of livestock or a commercial greenhouse.

A. A commercial agricultural use may include the following activities:

1. Editor's Note: The Land Use Table is included as an attachment to this chapter.

- (1) Animal husbandry as defined in this chapter;
 - (2) The processing of products raised or grown as part of the commercial agricultural use, including processing carried out pursuant to a home food manufacturing license issued by the Maine Department of Agriculture;
 - (3) The sale of agricultural products raised or produced as part of the commercial agricultural use;
 - (4) The sale of other foodstuffs, including processed food products such as jams, jellies, pickles, sauces or baked goods, not grown or produced as part of the commercial agricultural use; and
 - (5) The sale of handmade handicrafts and similar homemade items produced on or off the premises.
- B. The sale of products shall occur within an existing agricultural building, within a farm stand with a gross floor area of not more than two-thousand (2,000) square feet, or in an outside area immediately adjacent to the indoor sales space. Not more than thirty percent (30%) of the sales area shall be outside. The floor area devoted to the sale of processed foodstuffs and/or handicrafts not produced by the commercial agricultural use shall not exceed seventy-five percent (75%) of the total sales area.

AIRPORT — The Sanford Seacoast Regional Airport.

AMUSEMENTS — A park or business operated by an entity other than a unit of government, with a predominance of outdoor games and activities for entertainment, including but not limited to motorized rides, water slides, miniature golf, batting cages, and the like.

ANIMAL HUSBANDRY — The commercial breeding and raising of livestock, including the keeping of horses and similar animals. Animal husbandry does not include a kennel, which is defined separately, nor the keeping of pigs, chickens, or fowl for commercial purposes.

ANTIQUÉ STORE — An establishment, attached to or located on a single family home lot, engaged in retailing antiques, except motor vehicles such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes. An antique, for the purpose of this chapter, shall be a work of art, piece of furniture, decorative object or the like, of or belonging to the past, and at least thirty (30) years old.

APPLICANT — The person applying for a permit or other approval required under this chapter.

AQUACULTURE — The commercial raising of fish or seafood in pens, tanks, or other artificial environments.

AQUIFER — A geologic unit consisting of rock, gravel, sand, silt, or clay which stores and yields significant quantities of groundwater to wells, springs, and streams.

ARCHERY RANGE — A facility, whether indoors or outdoors, for bow and arrow shooting in a controlled and supervised environment.

ARTERIAL — A public street or road identified in the Comprehensive Plan as an arterial roadway, including Route 202, Route 109 from the Oak Street/Bridge Street intersection in Springvale to the Wells town line, Route 4, Route 11A and Route 224 and other roads that are major elements of the highway network, including Route 99.

AVERAGE DAILY TRAFFIC (ADT) — The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

BENEFICIATION — The process whereby the extracted material is reduced to particles which can be separated into mineral and waste, the former suitable for further processing or direct use. These activities are primarily mechanical, such as grinding, washing, magnetic separation, and centrifugal separation.

BUFFER AREA — A part of a property or an entire property which is specifically intended to screen and/or separate and thus minimize the effects of land use activity on adjoining uses, water bodies, and/or wildlife, including but not limited to, noise, dust, visibility, glare, on adjacent areas.

BUILDING — Any permanent structure, having one (1) or more floors and a roof, that is used for the housing or enclosure of persons, animals or property. When any portion thereof is separated by a division wall without opening, then each such portion shall be deemed a separate building.

BUSINESS or ESTABLISHMENT — An economic unit where goods, services, and/or industrial operations are performed and exchanged for another or for money, trade, or other goods. Multiple businesses and/or establishments may be included on a single lot of land.

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

CAMPGROUND SITE — A portion of a campground that has been demarcated on an approved site plan for the assignment, rental, and use of tents, RVs, cabins, yurts, or other similar shelters.

CANDELA — The base unit of luminous intensity in the International System of Units that is equal to the luminous intensity in a given direction of a source which emits monochromatic radiation of frequency five-hundred-forty by ten to the twelve power (540×10^{12}) hertz and has a radiant intensity in that direction of one-six-hundred-eighty-third ($1/683$) watt per unit solid angle.

CHILD-CARE PROVIDER — A person or facility that has received a certificate from the Department of Health and Human Services. There are three (3) classes of child-care providers:

- A. **FAMILY CHILD CARE** — An owner-occupied residence licensed with the State of Maine that provides care and instruction for fewer than thirteen (13) children.
- B. **CHILD CARE CENTER AND NURSERY SCHOOL** — A facility licensed by the State of Maine that provides care and/or instruction. There are two (2) classes of child care center and nursery school:
 - (1) Child care center or nursery school for fewer than thirteen (13) children where the licensed provider does not live on the premises.
 - (2) Child care center or nursery school.

CHURCH — A place of worship, regardless of denomination.

CITY — City of Sanford.

CITY ENGINEER — Any registered professional engineer hired or retained by the City, either as staff or on a consulting basis.

CLUSTER DEVELOPMENT — A subdivision meeting the requirements of § 280-15-4, in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

COLLECTOR — A public street or road identified in the Comprehensive Plan as a collector roadway and not defined by this chapter as an arterial, including River Street, High Street, Route 109 from the Oak Street/Bridge Street intersection to the Shapleigh town line, Riverside Avenue, William Oscar Emery Drive, North Avenue, Grammar Road, New Dam Road, Pioneer Street, Rushton Street, Hanson Ridge Road, Brook Street, June Street, Grammar Street, School Street, Emery Street, Lenox Street, Twombly Road, Berwick Road, Jagger Mill Road and Old Mill Road.

COMMERCIAL OR INDUSTRIAL ZONE — Commercial or industrial zone includes the Urban Zone, Industrial Business Zone, Industrial Reuse Zone, and the Airport Development Zone.

COMMERCIAL STREET — Streets serving industrial or commercial uses.

COMMON OPEN SPACE — Land, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public, it may include complementary structures and improvements typically used for maintenance and operation of the open space, such as for outdoor recreation.

COMMUNICATION TOWER, ALTERNATIVE — Mounting structures for telecommunications antennas, such as, but not limited to, clock towers, bell steeples, utility and light poles, stacks, water towers, and rooftop mechanical facilities, that conceal the presence of the communications antenna from view from public streets and adjacent properties and which are used primarily for purposes other than to support an antenna.

CONSERVATION EASEMENT — A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property, assuring its availability for agricultural, forest, recreational or open space use, protecting natural resources, or maintaining air or water quality.

CONTAMINANT — Any substance whose concentration in surface or ground water exceeds the background level or the current public health drinking water standards for Maine or standards for aquatic toxicity, whichever is more stringent.

CONTAMINATION OF PROCESSES OR PRODUCTS — For purposes of this chapter, this term is defined in Chapter 149: Licensing.

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

CONVALESCENT, REST OR NURSING HOME — A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care but who do require, on a twenty-four (24)-hour basis, nursing care and related medical services. A convalescent, rest home or nursing home is distinct from a boarding or congregate care facility, which is separately defined in this section.²

CUL-DE-SAC — A street with only one (1) outlet and having the other end for the reversal of traffic movement.

CULTIVATION — The process of planting, tending, improving, or harvesting of crops or plants, including tilling land and preparing soil.

CURB CUT — The opening along the curblin e or street right-of-way line at which point vehicles may enter or leave the street.

DEBILITATING MEDICAL CONDITION — As defined in Maine Medical Use of Marijuana Act and state administrative rules.³

DENSITY — The number of dwelling units per acre of land.

DIMENSIONAL REQUIREMENTS — Numerical standards relating to spatial relationships, including but not limited to setback, lot area, frontage and height.

DIRECT WATERSHED OF A GREAT POND — That portion of the watershed that drains directly to a

2. Editor's Note: See the definition "residential care or congregate care facilities."

3. Editor's Note: See 22 M.R.S.A. § 2421 et seq. in combination with 18-691 CMR Ch. 2.

great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the Comprehensive Plan. Due to the scale of the map in the Comprehensive Plan, there may be small inaccuracies in the delineation of watershed boundary. Where there is a dispute as to the exact location of a watershed boundary, the Planning Board, or its designee, and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Planning Board and the applicant cannot agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide information from a registered engineer showing where the drainage divide lies.

DISABILITY — A physical or mental disability under 5 M.R.S.A. § 4553-A.

DISCHARGE — The accidental or intentional injection, dumping, spilling, leaking, incinerating, or placing of hazardous materials upon or into any land or waters.

DRINKING PLACE — A commercial establishment primarily for the sale or dispensing of liquor. It includes nightclubs, lounges, bottle clubs, and similar establishments.

DRIVE-UP WINDOW, DRIVE-UP OR DRIVE-THROUGH — A portion of a business or a structure which allows the distribution of products through an access point to serve clients in motor vehicles.

DRIVEWAY — A vehicular accessway serving two (2) or fewer dwelling units.

DWELLING UNIT — A group of rooms within a dwelling designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, cooking, bathing, and eating.

DWELLING, MULTIFAMILY — A building used for residential occupancy by three (3) or more families, each living independently of the others in separate dwelling units.

DWELLING, SINGLE-FAMILY DETACHED — A building used for residential occupancy by not more than one (1) family. The term shall include manufactured housing as defined in this section. Where an accessory apartment is allowed, it shall not be deemed to turn a single-family detached dwelling into a two-family dwelling.

DWELLING, TWO-FAMILY — A building used for residential occupancy by two (2) families living independently of each other in separate dwelling units.

EATING PLACE — A place for the serving of prepared food and beverages to the public in which most of the food is consumed on the premises and there are no specially designated takeout or drive-through facilities.

EATING PLACE, DRIVE-THROUGH — A place for the serving of prepared food and beverages to the public in which food may be obtained through the use of a drive-up/drive-through windows.

EATING PLACE, TAKEOUT — A place for the serving of prepared food and beverages to the public in which food is offered to be taken from the premises or eaten in motor vehicles.

ENCLOSED, LOCKED FACILITY, AND ENCLOSED OUTDOOR AREA — A closet, room, building, greenhouse, or other enclosed area that is equipped with locks or other security devices that permit access only by the individual authorized to grow, cultivate, process, store, and distribute marijuana in conformance with the Maine Medical Use of Marijuana Act,⁴ Marijuana Legalization Act,⁵ and state administrative rules, as appropriate.

ENLARGEMENT OR EXPANSION OF A STRUCTURE — An increase of the building footprint and/or increase in the height of the structure beyond its present highest point (see definition of height for an

4. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

5. Editor's Note: See 28-B M.R.S.A. § 101 et seq.

explanation of how the highest point is determined). Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of the structures and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code.

ENLARGEMENT OR EXPANSION OF USE — Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use. Also, please note that for a change of use, use is separately defined in this article.^[3]

ESSENTIAL SERVICE — The following facility, provided it serves primarily the City or a neighborhood or structure within the City: steam, fuel, gas, communication, internet, transportation, electric power, or water transmission or distribution lines and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; sewage lines or collection or supply systems; and associated storage tanks. Such systems may include poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories but shall not include pumping stations or transmitter towers or buildings which are necessary for the furnishing of such services. See also the definitions of public utility and transmitter tower. Essential services shall not be subject to the space and bulk standards of this chapter.

ESTABLISHMENT — See definition of "business or establishment."

EXCAVATING AND GENERAL CONTRACTOR — A business that provides earth or site work or building construction services on a contract basis at the client's site and that stores construction equipment, heavy trucks, or building materials and supplies outside at its place of business.

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.

EXTRACTION — The process of extracting or synthesizing concentrates from marijuana using water, lipids, gases, solvents or other chemical processes.

FACILITY — A place where an activity occurs.

FAMILY — One (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit. A community living facility, defined as a state-licensed housing facility for eight (8) or fewer persons in need of and receiving social services, such as but not limited to mentally handicapped or developmentally disabled persons, living as a housekeeping unit shall also be considered to house a single family.

FINAL PLAN — The final drawings on which the applicant's plan is presented to the Planning Board for approval and which, if approved, shall be recorded at the York County Registry of Deeds.

FINANCIAL INSTITUTION — A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, and check cashing facilities.

FIRE CHIEF — City of Sanford Fire Department's authority having jurisdiction, including his/her designee.

FIREARMS RANGE — A facility, whether indoors or outdoors, for the firing of handguns, rifles, or shotguns in a controlled and supervised environment.

FLOOR AREA — The sum of the horizontal areas of the floors of a structure enclosed by exterior walls.

FLOOR AREA RATIO — Floor area ratio or FAR is the gross floor area of all buildings and structures on

a lot divided by the total lot area.

FOREST MANAGEMENT — Timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, but not the construction of roads or timber harvesting.

FOUNDATION — The supporting substructure of a building or other structure, including but not limited to basements, slabs, sills, posts, or frost walls.

FRESHWATER WETLAND — Area that is 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 and that are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

FUNERAL HOMES — Building used for the preparation of the dead for burial or cremation, the storage of the dead prior to internment, and the display of the deceased, including ceremonies connected therewith before burial or cremation. Crematories shall not be included as part of a funeral home.

GREAT POND — Any inland body of water that in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres. For the purposes of these regulations, no artificially formed or increased pond will be considered a great pond if it is completely surrounded by land held by a single owner.

GROUNDWATER — All of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

HAZARDOUS MATERIAL — A product or waste or combination of substances that, because of quantity, concentration, or physical, chemical, or infectious characteristics, poses a substantial present or potential hazard to human health, safety, or welfare and the natural environment. This term applies to any materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

HEALTH SERVICE FACILITY — An outpatient establishment furnishing medical services to humans, including the offices of physicians, dentists, and other health practitioners, clinics, medical laboratories, outpatient surgery, and blood banks.

HEIGHT OF BUILDING — The vertical distance measured from the adjoining curb level to the highest point of ceiling of the top story in the case of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof; provided, however, that where buildings are set back from the street right-of-way line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

HEMP — As defined in 7 M.R.S.A. § 2231 or state administrative rules.

HIGH-WATER MARK — That line that is apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation that distinguish between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland and not the edge of the open water.

HOME OCCUPATION — An occupation conducted in a dwelling unit or accessory structure, provided that:

- A. No more than two (2) employees, or full-time equivalents, other than residents of the premises, shall be engaged in such occupation; however, no more than one (1) vehicle for employees who reside outside of the premises shall be allowed at any time;

- B. The use of the premises for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- C. There shall be no change in the outside appearance of the building or premises or any visible evidence of the conduct of such home occupation other than signs in conformance with § 280-14-13E(1) which shall not be illuminated, exceed six (6) square feet in area per street frontage, or extend more than six (6) feet above the ground.
- D. No traffic shall be generated by such home occupation in greater volumes than would be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a single family detached dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage of the premises;
- F. There shall be no stock-in-trade regularly maintained or any new commodity sold on the premises. Exceptions for food or food products for direct producer-to-consumer transactions as defined in the food sovereignty exemptions in Chapter 149: Licensing;
- G. If the home occupation is proposed to be conducted within a residence which is not owned by the resident, the resident shall have the written consent of the property owner before commencing the home occupation;
- H. The home occupation shall undergo an initial inspection by the Code Enforcement Department and the Fire Chief to verify that the home occupation meets all applicable requirements of the City's building, electrical, fire, and other health safety and technical codes, including but not limited to Chapters 90: Building and Building Regulation and 128: Fire Prevention. The applicant shall request an inspection with the Code Enforcement Department and the Fire Chief a minimum of twenty-four (24) hours in advance and shall not receive a Certificate of Occupancy until after the scheduled inspection. When an inspection is conducted for a use that is sensitive to contamination of its processes or products, as identified by the operator of the home occupation, the Code Enforcement Officer and/or Fire Chief shall follow the protection from contamination protocols described in Chapter 149: Licensing; and
- I. The home occupation shall require an annual license from the City Council as defined in Chapter 149.
- J. The following are specifically excluded as home occupations: businesses that generate more than two (2) clients coming to the home at any single time; convalescent or nursing home, tourist home, animal hospital, restaurant, doctors' and dentists' offices, small engine repair, and automotive tune-up.

HORSE SHOW — An exhibition of horses that usually includes competition in riding, driving and jumping of horses.

HOSPITAL — An institution providing health services and medical or surgical care of 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.

HYDRAULIC TRAVEL TIME — The amount of time it takes for a leachable material to travel through

subsurface material from one point to another.

INCIDENTAL WASTE — Items which are not permitted to be accepted at material re-use facilities but which incidentally or accidentally appear in loads of otherwise acceptable materials received by the facilities. The handling of these materials will be addressed in the operations manual for the specific operation.

INFLATABLE DEVICE — Any inflatable material used as part of the outdoor advertising for a commercial use that exceeds 18 inches in any dimension.

JUNKYARD — A yard, field, or other outside area used to store, dismantle or otherwise handle:

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

KENNEL — An establishment operated as a business to house dogs or other domesticated animals and where such animals are groomed, bred, boarded, trained, or sold.

LEACHABLE MATERIAL — A substance that, when introduced into the environment, has the ability to travel through subsurface soil or unconsolidated materials.

LEVEL OF SERVICE — A description of the operating conditions a driver will experience while traveling on a particular street or highway, calculated in accordance with the provisions of the Highway Capacity Manual, 1991 Edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

LICENSED MARIJUANA PROPERTY — One of eight tracts or lots of land in existence as of December 13, 2018 and described in the property tax assessor's records as of October 2, 2018, including J30-44, R15-12B, R15-92B, R15-125, R15-126, R19-204, R19-206, and R19-307, which have been licensed by the City Council under Chapters 161: Marijuana and 149: Licensing. The purpose of designating a licensed marijuana property is to explicitly identify properties where marijuana may be cultivated and processed and where marijuana products may be manufactured and/or sold. A marijuana retail store is allowed as a permitted use on tracts or parcels J30-44, R15-12B, and R15-126 and as a conditional use on tracts or parcels R19-204 and R19-206, which are licensed marijuana properties. Only one (1) marijuana retail store shall be allowed on each of the five (5) licensed marijuana properties where a marijuana retail store is allowed. A licensed marijuana property may include a complex, center, and/or one or more buildings, structures, or businesses. A licensed marijuana property that has not been licensed in compliance with this chapter and Chapter 149 within thirty-six (36) months of October 2, 2018 shall no longer be entitled to any vested right to develop, build, or operate a marijuana property. Marijuana properties that cease to operate and are unlicensed for more than a twelve-month period are no longer entitled to any vested right to operate a marijuana operation.

LOCAL STREET — A public street or road, which is not identified as an arterial or collector, or a proposed public or private street shown on an approved and recorded subdivision or private way plan.

LODGING — An overnight accommodation with sleeping arrangements provided for a fee. For the purposes of this chapter, the following types of lodging have specific meanings:

- A. **HOTEL or MOTEL** — A building or group of buildings built or converted to accommodate for a

fee travelers who are staying for a limited duration. A hotel or motel may include restaurant facilities where food is prepared and meals served to its guests and other customers. A motel is distinguished from a hotel only in that the sleeping rooms of a motel are accessed from the exterior of the building or from exterior hallways, parking is typically adjacent to the sleeping rooms, and occupancy is oriented to the automobile traveler.

- B. **INN/BED-AND-BREAKFAST** — A single building containing fewer than 20 sleeping rooms and built or converted to accommodate for a fee travelers who are staying for a limited duration. An inn may provide dining services to its guests and may host special functions, such as weddings, but does not include a restaurant to serve the public at large, unless restaurants (eating places) are otherwise allowed in the district.
- C. **RENTING OF ROOMS AND FURNISHING OF BOARD** — The provision of not more than two (2) rooms for rent in a building of residential character, which is used principally as a single family dwelling, in which the family or person residing permanently in the home acts as proprietor and in which meals may be taken.

LOT or PARCEL — Area of land described in a deed or depicted on a plan.

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

LOT WIDTH — The horizontal distance between the lot lines of a lot measured along the setback line as established by this chapter or, if no setback line is established, the distance between the side lot lines measured along the front lot line.

LUMBERYARD — A business involved in milling or distribution of lumber and/or the retail or wholesale sale of lumber and building materials.

MAINE MEDICAL USE OF MARIJUANA ACT — State statute contained in Title 22 M.R.S.A. Chapter 558-C which, in combination with state administrative rules contained in 10-144 CMR Chapter 122,⁶ authorizes and provides guidance on the cultivation, production, possession, storage, distribution, and use of medical marijuana.

MAINE MEDICAL USE OF MARIJUANA RULES — State Administrative Rules contained in 10-144 CMR Chapter 122⁷ which, in combination with the Maine Medical Use of Marijuana Act,⁸ authorizes and provides guidance on the cultivation, production, possession, storage, distribution, and use of medical marijuana.

MANUFACTURED HOUSING UNIT — Structure, transportable in one (1) or more sections, which was constructed in a manufacturing facility and is transported to a building site and designed to be used as a dwelling when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein.

MANUFACTURING, LIGHT — A business engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, the creation of new products, and the blending of materials, such as oils, plastics, resins, or liquors, whether new products are finished or semifinished as raw material in some other process. All production operations shall occur within a fully enclosed building or structure. See also "medical marijuana

6. Editor's Note: See now 18-691 CMR Ch. 2.

7. Editor's Note: See now 18-691 CMR Ch. 2.

8. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

manufacturing facility."

MARGINAL ACCESS ROAD — A road or drive located outside of the road right-of-way and parallel to the roadway which provides access to multiple lots or uses.

MARIJUANA — As defined in Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.⁹ Marijuana includes hemp as defined in 7 M.R.S.A. § 2231. Marijuana includes both adult use marijuana and medical marijuana unless otherwise specified.

MARIJUANA LEGALIZATION ACT — State law contained in 7 M.R.S.A. Ch. 417 as amended.¹⁰

MARIJUANA MANUFACTURING FACILITY — As defined in Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.

MARIJUANA PARAPHERNALIA — Equipment, products, or materials defined as paraphernalia in Maine Medical Use of Marijuana Act¹¹, Marijuana Legalization Act, and state administrative rules, as appropriate.

MARIJUANA PRODUCTION FACILITY — A facility used for cultivation, processing, and/or storage of marijuana and distribution of medical marijuana located in one (1) of the eight (8) licensed marijuana properties in conformance with standards described in § 280-15-10C, the Maine Medical Use of Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate. Cultivation, processing, storage and/or distribution shall be considered a commercial use.

MARIJUANA RETAIL STORE — A facility located on a licensed marijuana property in a zone that allows retail sales and is licensed by the City Council to purchase adult use marijuana, immature marijuana plants, and/or seedlings from a marijuana production and/or marijuana manufacturing facility, collect and transport marijuana and/or marijuana products, immature marijuana plants, and seedlings to consumers. A Marijuana Retail Store shall be limited exclusively to adult use marijuana retail sales and related activities authorized under the Marijuana Legalization Act and applicable state administrative rules. Under no circumstances shall a Marijuana Retail Store constitute, include, operate as, or be used for a medical marijuana dispensary, registered dispensary, or any form of medical marijuana retail sales, patient distribution, or dispensing activity authorized under the Maine Medical Use of Marijuana Act. See licensed marijuana property.

MARIJUANA WASTE AND/OR RESIDUE — Stems, stalks, roots, and other materials used in the growth, cultivation, production, and storage of marijuana. Marijuana waste and/or residue does not include an incidental amount of marijuana or excess prepared marijuana as defined in the Maine Use of Medical Marijuana Act, Marijuana Legalization Act, and state administrative rules, as appropriate.

MARINA — A water-dependent facility that makes available to members of the public space for berthing watercraft. The facility also may store, service, supply, and fuel watercraft and may sell boats and related equipment.

MARINE SALES AND SERVICE — A facility for the retail sale and repair of watercraft and related equipment and supplies.

MATERIALS RE-USE FACILITY — A yard, field, or other outside area used to store, dismantle, recycle, separate, or otherwise handle wood, debris, construction and demolition materials, scrap and junk lumber, and waste materials for commercial purposes. A materials re-use facility shall operate and abide by an approved operations manual reviewed and approved by the Planning Board. This use may be considered as an accessory use or may be a stand-alone business. Materials re-use facility activities shall not include acceptance of soluble solid materials, bio-degradable materials, or municipal solid waste, and does not include activities applicable to garbage dumps, solid or liquid waste dumps, burning facilities, sanitary landfills, automobile graveyards, or unlicensed junkyards as defined by Maine State statutes.

MEDICAL MARIJUANA — Marijuana that is acquired, possessed, cultivated, manufactured, used,

9. Editor's Note: See 22 M.R.S.A. § 2421 et seq. in combination with 18-691 CMR Ch. 2.

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10. **Editor's Note: Chapter 417 of Title 7 M.R.S.A was repealed effective 5-2-2018. See now 28-B M.R.S.A. § 101 et seq.**

11. **Editor's Note: See 22 M.R.S.A. § 2421 et seq.**

delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

MEDICAL MARIJUANA DISPENSARY — An entity registered under 22 M.R.S.A. § 2428 or 7 M.R.S.A. Ch. 417¹² that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana or related supplies and educational materials to cardholders. This land use is a subset of NAICS No. 62149.

MEDICAL MARIJUANA HOME OCCUPATION — A home occupation that is conducted by a registered primary caregiver who resides in the dwelling as his/her primary residence in conformance with standards described in §§ 280-15-10A and 280-15-10B and (1) is performed within a single-family dwelling or within an accessory building to that single-family dwelling or within a unit in a multifamily structure; (2) is for the purpose of assisting one (1) or more qualifying patients with the medical use of marijuana who do not reside in the dwelling and are not family members of the primary caregiver; and (3) complies with the Maine Medical Use of Marijuana Act,¹³ the Marijuana Legalization Act,¹⁴ and state administrative rules, as appropriate.

MEDICAL MARIJUANA HOME PRODUCTION — Growing, cultivating, processing, and/or storing medical marijuana by a medical marijuana qualifying patient or patients at his/her/their primary residence as an accessory use in conformance with standards described in § 280-15-10A through § 280-15-10B, the Maine Medical Use of Marijuana Act and Rules.¹⁵ This use shall be considered an accessory use to a legally permitted residential dwelling unit.

MEDICAL MARIJUANA QUALIFYING PATIENT — As defined in Maine Medical Use of Marijuana Act and state administrative rules.¹⁶

MEDICAL MARIJUANA REGISTERED PRIMARY CAREGIVER — As defined in Maine Medical Use of Marijuana Act and state administrative rules.¹⁷

MEDICINAL AND BOTANICAL MANUFACTURING (NAICS NO. 325411) — An establishment primarily engaged in (1) manufacturing uncompounded medicinal chemicals and their derivatives (i.e., generally for use by pharmaceutical preparation manufacturers) and/or (2) grading, grinding, and milling uncompounded botanicals.

MENTAL HEALTH AND ABUSE CLINIC (NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM NO. 621420) — An establishment with medical staff primarily engaged in providing outpatient services related to the diagnosis and treatment of mental health disorders and alcohol and other substance abuse. This establishment generally treats patients who do not require inpatient treatment. It may provide a counseling staff and information regarding a wide range of mental health and substance abuse issues and/or refer patients to more extensive treatment programs, if necessary.

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

MINERAL EXTRACTION — Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, except in conjunction with approved construction,

12. Editor's Note: Chapter 417 of Title 7 M.R.S.A was repealed effective 5-2-2018. See now 28-B M.R.S.A. § 101 et seq.

13. Editor's Note: See 22 M.R.S.A. § 2421 et seq. in combination with 18-691 CMR Ch. 2.

14. Editor's Note: See 28-B M.R.S.A. § 101 et seq.

15. Editor's Note: See 22 M.R.S.A. § 2421 et seq. in combination with 18-691 CMR Ch. 2.

16. Editor's Note: See 22 M.R.S.A. § 2421 et seq. in combination with 18-691 CMR Ch. 2.

17. Editor's Note: See 22 M.R.S.A. § 2421 et seq. in combination with 18-691 CMR Ch. 2.

and transports the product removed away from the extraction site. The operation may also involve the beneficiation of the product and the processing of both on-site and imported material. All activity and/or operations will cease to be approved with the exception of reclamation when the removal of the material is no longer active.

MISCELLANEOUS CROP FARMING (NAICS NO. 111998), INCLUDING MEDICAL MARIJUANA CULTIVATION — An establishment primarily engaged in one (1) or more of the following: (1) growing crops, except oilseeds and/or grains, vegetables and/or melons, fruits and/or tree nuts, greenhouse, nursery, and/or floriculture products, tobacco, cotton, sugarcane, hay, sugar beets, or peanuts; (2) growing a combination of crops, except a combination of oilseed and grain, and a combination of fruit and tree nuts, with no one (1) crop or family of crops accounting for one-half (1/2) of the establishment's agricultural production (i.e., value of crops for market); or (3) gathering tea or maple sap.

MIXED USE STRUCTURE, MIXED USE DEVELOPMENT — A building or structure that contains at least one (1) floor devoted to allowed nonresidential uses and at least one (1) devoted to allowed residential uses.

MOBILE HOME — A unit, single width or otherwise, which the manufacturer certifies is constructed in compliance with the State of Maine's Manufactured Housing Act¹⁸ and regulations, meaning a structure, transportable in one (1) or more sections, which is not constructed on a permanent chassis and is designed to be used as dwellings on permanent foundations when connected to required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained therein.

MOBILE HOME PARK — A lot of land under unified ownership designed and/or used to accommodate three (3) or more manufactured housing units.

MODULAR HOME — A unit, single width or otherwise, which the manufacturer certifies is constructed in compliance with the state's Manufactured Housing Act¹⁹ and regulations, meaning a structure, transportable in one (1) or more sections, which is not constructed on a permanent chassis and is designed to be used as a dwelling on permanent foundation when connected to required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained therein.

MOTOR VEHICLE REPAIR FACILITY — A business which provides services to motor vehicles which involve body work, painting, engine rebuilding, or structural repairs or alterations.

MOTOR VEHICLE SALES AND SERVICE — The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers and recreation vehicles, and including repair facilities for such vehicles. Does not include vehicles defined as "power sport vehicles."

MOTOR VEHICLE SERVICE FACILITY — A business which provides service, maintenance, and minor repairs for motor vehicles, including the accessory sale of gasoline, parts, and supplies. This use includes service stations, muffler, transmission, and brake shops, car washes, tune-up centers, and similar uses but shall not include operations involving body work, painting, engine rebuilding, or structural repairs or alterations.

MULTIFAMILY DEVELOPMENT — A subdivision that contains three (3) or more dwelling units on land in common ownership such as apartment buildings, condominiums, or mobile home parks.

MUNICIPAL USE — A use undertaken or a building occupied by a local governmental body, agency or organization or by a quasi-municipal agency or organization carrying out a recognized public purpose.

MUSEUM — An institution for the acquisition, preservation, study, and exhibition of works of artistic,

18. Editor's Note: See 10 M.R.S.A. § 9001 et seq.

19. Editor's Note: See 10 M.R.S.A. § 9001 et seq.

historical, or scientific value.

NET DEVELOPMENT AREA — The net area of a lot of land usable for determining the maximum allowable density of a site. Net development area shall be determined by subtracting the following from the gross site area:

- A. The area located within the full width of the right-of-way of any proposed public or private street or access drive. If a right-of-way is not delineated, an area equal to a minimum fifty (50)-foot right-of-way shall be deducted.
- B. Any portion of the site which is cut off from the main portion of the site by an existing road, water body, or similar physical condition which interrupts the continuity of the site.
- C. Any land area which is regularly covered by water, including lakes, ponds, and rivers.
- D. Any land area identified as a Class 1 wetland.
- E. Any land located within utility easements or rights-of-way, if the restrictions preclude use of the land for development.

NET RESIDENTIAL DENSITY — The total number of dwelling units permitted per forty-thousand (40,000) square feet of net development area.

NEWER MOBILE HOMES — Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one (1) or more sections which, in the traveling mode, are fourteen (14) body feet or more in width and are seven-hundred-fifty (750) square feet or more, which are built on a permanent chassis and designed to be used as dwellings when connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems contained therein, and which has a pitched roof and exterior siding which is residential in appearance and is located on a permanent foundation.

- A. **ALL OTHER MOBILE HOMES** — All other mobile homes and trailers are terms that may be used interchangeably and mean any factory-built home which fails to meet the definition of "modular home" or "mobile home." It shall include any mobile home constructed prior to June 15, 1976, and mobile homes constructed after that date which do not have pitched, shingled roofs and exterior siding that is residential in appearance.

NONCONFORMING BUILDING OR STRUCTURE — A structure that does not meet one (1) or more of the following dimensional requirements: the minimum setback, maximum lot coverage, or maximum height standards of the zone in which it is located. It is allowed solely because it was in lawful existence at the time this chapter or subsequent amendment took effect.

NONCONFORMING LOT — A single lot of record which, at the effective date of this chapter, does not meet the lot area, frontage, or width requirements of the zone in which it is located.

NONCONFORMING USE — Use of buildings, structures, premises, land or parts thereof which is not permitted in the zone in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect and, if established after 1953, which has been issued a valid certificate of occupancy.

NONPROFIT CLUB OR LODGE — Facility for a nonprofit social and fraternal organization, including accessory facilities for use as meeting rooms, function halls, and similar uses that may be rented to outside users.

NONPROFIT SERVICE ORGANIZATION — A nonprofit organization which provides and promotes

sports facilities with a broad range of programs such as sports and games, personal fitness, child care, adult day services, overnight camping, employment readiness programs, conference centers and educational activities.

NONRESIDENTIAL FACILITY FOR EDUCATIONAL, SCIENTIFIC AND NATURE INTERPRETATION PURPOSES — A structure containing not more than five-hundred (500) square feet of total floor area associated with a natural, historic, or similar resource to provide information about the resource.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM, 2002 (NAICS) — A numerical identification system developed to provide a consistent framework for the collection, analysis and dissemination of industrial statistics used by government policy analysts, academics and researchers, the business community, and public. NAICS provides a definition for activities that are not single family and two (2) family residential uses.

OBSTRUCTION TO AIR NAVIGATION — Any structure, growth or other object, including a mobile object, which exceeds a limiting height as set forth in § 280-11-10B.

OFFICE, BUSINESS — A place of business where activities such as general management, bookkeeping, accounting, telephone sales, and telecommunications take place but where no consumer retail services are performed. This shall include businesses involved in real estate sales and management, insurance sales, and similar activities not involving the sale of physical products on the premises.

OFFICE, MENTAL HEALTH PRACTITIONER — (North American Industry Classification System No. 621330) The office of independent mental health practitioners engaged in the diagnosis and treatment of mental, emotional, and behavioral disorders and/or the diagnosis and treatment of individual or group social dysfunction brought about by such causes as mental illness, alcohol and substance abuse, physical and emotional trauma, or stress. These practitioners operate private or group practices in their own offices or in the facilities of others, such as hospitals or HMO medical centers. No medications shall be directly disbursed at the office, although prescriptions to be filled at another location shall be allowed.

OFFICE, PROFESSIONAL — The office of a person engaged in architecture, engineering, law, medicine, dentistry, or other activity in which specialized services to clients are performed by persons possessing a degree from a recognized institution of higher learning demonstrating successful completion of a prolonged course of specialized intellectual instruction and study, or its equivalency, and also possessing evidence of professional capability, such as membership in a professional society.

ONE-HUNDRED (100) YEAR FLOOD — The highest level of flooding that, on the average, has a one percent (1%) chance of occurring in any given year.

OUTDOOR RECREATION — Outdoor recreation activity operated by an entity other than a unit of government, whether operated for profit or not, including but not limited to cross-country ski centers, ball fields, parks and playgrounds, livery, and ski tows, provided they fulfill state and City public health requirements, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities, or games and activities as described in the definition of amusements.

OUTPATIENT ADDICTION TREATMENT CLINIC (NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM NO. 621420) — A program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling, alcohol or controlled-substance addictions. This includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous,

Narcotics Anonymous, and similar programs.

PARKING DEMAND MANAGEMENT PROGRAMS — Parking demand management programs are a layer of policies, programs, information, services, and tools that together constitute comprehensive management strategies focused on changing or reducing parking demand. Parking demand management programs encourage widespread use of options that may include, but not be limited to, ridesharing, car and/or van pools, bicycling, walking, telecommuting and/or alternative work schedules, flex hours, staggered shifts, job sharing, removing subsidies/adding costs for parking, as alternatives to driving alone, which requires a greater number of parking spaces to accommodate workers and exacerbates the demand for parking during peak work hours, times, or special events. With the right incentives, or disincentives, employees and visitors to facilities that employ a parking demand management program may be influenced to use transportation systems in a way that contributes to less parking demand.

PARKING FACILITY, COMMERCIAL — A facility for the parking of licensed motor vehicles for a fee or to serve another use that is not located on the same lot.

PERSON — An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

PETROLEUM — Oil, gasoline, petroleum products and by-products, and all other hydrocarbons which are liquefied under normal atmospheric conditions.

PLANNING DIRECTOR — The staff person responsible for the management of the Department of Planning and Development, his/her designee, or other person designated by the City Council to be responsible for development review.

PORCH — A roofed or unroofed open structure projecting from a building. A porch for the purpose of this chapter is considered part of a building and may not project into any required yard.

POWER SPORT VEHICLES SALES AND SERVICE — This activity refers to the sales and/or repair of motorcycles, motor scooters, motor bikes, mopeds, off-road all-terrain vehicles (ATVs), personal watercraft, snowmobiles and/or powered golf carts. The activity is limited to structures with a gross footprint, including attached porches and patios, no larger than five-thousand (5,000) square feet and an unattached outdoor display area of one-thousand (1,000) square feet. The use of the unattached outdoor display area is limited to hours when the facility is open for business.

PREMISES — A lot or tract of land, or a combination of contiguous lots and/or tracts of land which is under single ownership as reflected in the City's assessing records.

PREPARED MARIJUANA — As defined in Maine Medical Use of Marijuana Act²⁰, Marijuana Legalization Act, and state administrative rules, as appropriate.

PRIMARY RESIDENCE — An individual's main residence or dwelling where he or she usually lives, typically a house or a unit in a multifamily structure. A individual can only have one (1) primary residence at a given time, though he or she may share the residence with other individuals.

PRINCIPAL DWELLING STRUCTURE — A residential structure having one or more dwelling units which abides by all zoning regulations and may have an accessory structure on the same premises.

PRINCIPAL STRUCTURE — A building other than one (1) which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

PRINCIPAL USE — A use other than one (1) which is wholly incidental or accessory to another use on the same premises.

20. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

PRIVATE WAY — A minor street meeting the requirements of Article XVI: Site Plan Review.

PROCESSING — A series of operations, usually in a continuous and regular or succession of actions, taking place or carried on in a definite manner. For the purposes of this chapter, processing does not include the chemical transformation of materials or substances into new products or the blending and combining of gases and liquids. Manufacturing is considered a separate use.

PROFESSIONAL ENGINEER — A professional engineer registered in the State of Maine.

PROPOSED LOCAL STREET — See definition of "local street."

PUBLIC UTILITY — A private organization, subject to governmental regulation, that provides an essential service or commodity, such as water, electricity, transportation, communication, or Internet to the public and which is intended to serve primarily populations or activities outside of the City. This term also includes buildings and pumping stations which are necessary for the furnishing of essential services, as defined in this chapter, whether local or greater in scope.

PUBLIC WATER SYSTEM — A water supply system that provides water to at least fifteen (15) service connections or services water to at least twenty-five (25) individuals daily for a least thirty (30) days a year.

RECHARGE AREA — Area composed of permeable, porous material through which precipitation and surface water infiltrate and directly replenish groundwater in aquifers.

RECORD DRAWINGS — Scaled, detailed drawings of the proposed, completed or encountered existing infrastructure within a public right-of-way or easement. The plans shall be prepared and organized in a form that is consistent with the design plans submitted for Planning Board during the review process or engineering review by the City Engineer. The plans shall be drawn and noted with field measurements, i.e., three (3)-way ties, made by the contractor installing the infrastructure. The plans shall note the infrastructure materials, widths, diameters, elevations, service connection locations at the main and the right-of-way line, ledge profile, permanent reference benchmark, and other appropriate data necessary to show the completed or encountered existing infrastructure. The record drawing plan set shall include a copy of the signed plan.

RECORDING PLAN — An original of the final plan, suitable for recording at the York County Registry of Deeds, that shows only information relevant to the transfer of an interest in the property and which does not show other information presented on the plan, including but not limited to sewer and water line locations and sizes, culverts, and building line.

RECREATION, FOR-PROFIT NONMOTORIZED OUTDOOR — A commercial facility that provides recreational opportunities that do not involve motorized vehicles or amusements, such as tennis clubs, riding stables, and similar uses.

RECREATION, FULLY ENCLOSED PLACE OF — A place enclosed by walls, roof, and floor, designed and equipped for the conduct of indoor sports, leisure time activities, and other customary and usual recreational activities, and operated by an entity other than a unit of government. These include, by way of example only, skating rinks, gymnasiums, bowling alleys, video arcades, and the like.

REPAIR SERVICES — Businesses providing for the repair of personal and business property, such as radios and televisions; electrical and electronic equipment; watches, clocks, and jewelry; furniture and upholstery; sporting equipment; small engines and equipment; 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.

REPAIRS — Activities intended to restore an existing building or structure to a sound condition without changing the size or use of the building or structure. Repairs do not include:

- A. An enlargement of the building or structure.
- B. The enclosing of decks, porches, and similar areas.
- C. The reconstruction of a building or structure which has been damaged, destroyed, or removed.
- D. The modification of structural elements of the building or structure unless required to comply with code requirements.

RESEARCH AND DEVELOPMENT FACILITY — A laboratory or other facility for carrying on investigation in the natural, physical, or social sciences or engineering and development of end products as an extension of such investigation. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation. A marijuana research and development facility shall be located on a licensed marijuana property.

RESIDENTIAL CARE OR CONGREGATE CARE FACILITIES — Residential facilities which provide lodging and shared community space to their occupants. These types of facilities may or may not provide medical care or supervision and house residents who are capable of living independently. These facilities may consist of either:

- A. Individual dwelling units with full facilities for cooking; or
- B. Residential units which do not have their own cooking facilities.

RESIDENTIAL ZONE — Residential zone includes the Single Family Residential Zone and the Residential Development Zone.

RETAIL STORE — An establishment that sells goods or commodities directly to the consumer or other end user. For the purposes of this chapter, the term "retail store" shall include sales rooms or showrooms but not yard sales, motor vehicle sales, either new or used, gas stations, or eating places.

RETAIL STORES, LIMITED — Retail store with five-thousand (5,000) square feet or less of gross floor area, including sales, storage, and support areas but excluding yard sales as defined in this chapter.

RURAL ZONES — Rural zones include the Rural Residential Zone and Rural Mixed Use Zone.

SCHOOL, COMMERCIAL — A business which provides instruction or training in vocational, recreational, or athletic areas, including but not limited to business or computer institutes, martial arts studios, schools for dance, music, riding, gymnastics, photography, driving, craft schools and trade schools.

SERVICE, BUSINESS — An activity that supplies a direct service to businesses, including by way of example, advertising, credit reporting and collection, mailing and reproduction, care of buildings, personnel supply, computer and data processing, market research, and management and public relations.

SERVICE, PERSONAL — Establishments primarily engaged in providing services involving the nonmedical care of a person or of his or her apparel, as exemplified by beauty shops, barbershops, shoe repair, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

SERVICE ORGANIZATION, NONPROFIT — A nonprofit organization which provides and promotes sports facilities with a broad range of programs such as sports and games, personal fitness, child care, adult day services, overnight camping, employment readiness programs, conference centers and educational activities.

SETBACK, FRONT — An open area extending the entire width of a lot from lot side line to lot side line and extending in depth at a right angle from the street right-of-way to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward. In the case of a corner lot that abuts two (2) or more streets, a front setback shall be maintained adjacent to each street right-of-way.

Where the required setback is based upon a uniform setback relationship, a building on a corner lot shall maintain the established setback relationship on all streets where such a relationship exists.

SETBACK, REAR — An open area extending the entire width of a lot from lot side line to lot side line and extending at a right angle from the rear property line of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward.

SETBACK, SIDE — An open area extending along each side line of a lot between the front setback and the rear setback on such lot and extending at a right angle from the side lines of such lot to such depth as specified. Such area shall be unoccupied and unobstructed by any building from the ground upward. In the case of a corner lot, a side setback shall be maintained along any lot line that is not a street right-of-way.

SIGHT DISTANCE — The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. It is used in these regulations as a reference for unobstructed road visibility.

SIGN — Any object, device, plaque, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Sign does not include the flag or emblem of any organization or nation, state, city, or religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. A sign may be temporary or permanently installed.

- A. **ABANDONED SIGN** — A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of more than one (1) year or, in the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding three-hundred-sixty-five (365) days. Such abandonment includes intentional conduct, such as failure to pay taxes or permit fees, or to maintain the sign, or a negligent failure to do so.
- B. **AWNING SIGN** — A building mounted sign that provides additional functionality as shelter. An awning or canopy which contains lettering or other commercial identification shall be considered to be a sign. That portion of the awning or canopy bearing the commercial message shall be counted as a sign face in calculating cumulative sign area.
- C. **BANNER** — A sign made of fabric or other non-rigid material with no enclosing framework. A banner includes a vertical banner erected on a pole. A banner is one type of temporary sign.
- D. **BUILDING SIGN** — Any wall sign, projecting sign, suspended sign, awning sign, any sign painted on a wall surface, or any sign attached to an exterior part of a building. Interior window displays, such as products or other items on display, are not considered building signs and are not included in the maximum calculation of cumulative sign area.
- E. **CUMULATIVE SIGN AREA** — See "sign area."
- F. **DISPLAY** — That portion of the surface area of a changeable sign that is, is designed to be, or is capable of being periodically altered for the purpose of conveying a message.
- G. **ELECTRONIC AND CHANGEABLE DISPLAYS** — An on the premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the substitution or replacement of one (1) display by another. This definition includes time and temperature signs.

- H. FREESTANDING SIGN — A sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.
- I. GRAPHIC — A sign which is an integral part of a building facade and/or window. The sign shall be painted directly on, carved in, or otherwise permanently embedded in the facade and/or window.
- J. INTERNALLY ILLUMINATED SIGN — A sign that has the light source enclosed within it so the source is not visible to the eye.
- K. MOVING SIGN — A sign which has moving parts or is lit in such a manner as to flash including, but not limited to, inflatable devices designed for movement by the wind or mechanical means.
- L. NONCONFORMING SIGN — Any sign that does not conform to all or part of the provisions of this chapter and was in existence and maintained and was lawfully erected, altered, or displayed prior to December 3, 2019.
- M. OFF THE PREMISES SIGN — A sign located on a premises other than the location at which the business or activity is located, an official business directional sign, a sign which is part of a publicly erected informational board or center.
- N. OFFICIAL BUSINESS DIRECTIONAL SIGN — Any sign, approved, erected, altered, displayed, or maintained by the City or the State to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, or religious interest.
- O. ON THE PREMISES SIGN — A sign erected and maintained on the property on which the business, facility, or point of interest advertised by the sign is located.
- P. PROJECTING SIGN — A sign which is attached to and projects from a structure or building face. The sign face of a double-faced projecting sign is calculated by measuring one (1) face of the sign only.
- Q. PUBLIC SAFETY SIGN — A sign that is erected by a governmental body which is necessary for the public safety and welfare or as required by law, ordinance, or government regulation.
- R. SANDWICH BOARD SIGN — A self-supporting, freestanding sign located on the sidewalk or in the esplanade directly in front of the business advertised.
- S. SUSPENDED SIGN — A sign hanging from a marquee, awning, or porch.
- T. TEMPORARY SIGN — A sign not permanently attached to the ground or a permanent structure or a sign designed to be transported including, but not limited to, signs on A- or T-frames, sandwich board signs, inflatable signs, or large scale tethered balloons.
- U. WINDOW SIGN — A sign that is painted on, permanently or temporarily attached to, or suspended directly inside a window or the glass portion of a door.

SIGN AREA — The entire surface area of the sign, not including the supporting structure or bracing of the sign unless the supporting structure or bracing is made part of the sign. Where a sign has two (2) faces back to back, the area of only one (1) face shall be considered part of the cumulative sign area. When a sign has more than one (1) face, all areas which can be viewed simultaneously shall be considered the cumulative sign area. When a sign provides no border or frame, the sign area shall be the areas of the smallest rectangle which encompasses all characters and elements of the sign area.

SMALL-SCALE MOTOR VEHICLE SERVICE, REPAIR OR SALES FACILITY — A use that involves a motor vehicle service facility, a motor vehicle repair facility, and/or motor vehicle sales and service that involves a building or structure of two-thousand (2,000) square feet or less of gross floor area and the exterior storage or display of fewer than ten (10) vehicles. Does not include vehicles defined as power sport vehicles.

SOLAR ENERGY SYSTEM — A solar collection system used to capture, convert, and supply electrical energy or thermal power, and consisting of one (1) or more freestanding, ground, roof, or wall mounted, solar arrays or modules, or solar related equipment, intended to reduce consumption of utility and/or fuel-generated power.

- A. **RESIDENTIAL SOLAR SYSTEM (RSS)** — Intended for residential uses, an RSS may be up to two-thousand (2,000) square feet in surface area with a rated nameplate capacity of up to twenty (20) kilowatts (kW).
- B. **COMMERCIAL SOLAR SYSTEM (CSS)** — Intended for a multifamily dwelling, multifamily dwelling above the ground floor of a mixed use development, mobile home park, convalescent, rest, or nursing home, residential care or congregate care facility, institutional use, recreational use, commercial or industrial use, or rural use, a CSS may be up to twenty thousand (20,000) square feet in surface area with a rated nameplate capacity of up to two-hundred-fifty (250) kilowatts (kW) The Planning Board may waive the size limits for surface area and nameplate capacity if the applicant demonstrates to the Board's satisfaction that the additional surface area and/or nameplate capacity is needed to meet the energy requirements for intended onsite use.
- C. **UTILITY SOLAR SYSTEM (USS)** — Intended for off-site utility grid use, a USS is larger than twenty-thousand (20,000) square feet in surface area with no limit on the rated nameplate capacity.

STAFF — For the purposes of this chapter, staff shall consist of the City's Code Enforcement Officer, City Engineer, Assistant City Engineer, Planning Director, and any other professional identified by the Planning Board for the purposes of reviewing land use applications.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it. A basement shall be counted as a story for the purpose of height measurement where more than one-half (1/2) of its height is above the ground. A half story is a story with at least two (2) of its opposite walls situated in a sloping roof, the floor area of which as measured four (4) feet above the floor level does not exceed two-thirds (2/3) of the floor immediately below it.

STREET —

- A. A public way laid out and established by the State of Maine or York County;
- B. A public way accepted by the City;
- C. A way shown on a plan of a subdivision approved by the Planning Board; or
- D. A private way approved by the Planning Board in accordance with the provisions of Article XVI.

STREET FRONTAGE — The distance between the side lines of a lot as measured along the front lot line at the street right-of-way limits.

STRUCTURAL ALTERATION — Any exterior change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

STRUCTURE — Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, road, path, or trail.

STUDIO OF ARTISANS — A building or portion of a building used as a place of work by an artist, photographer, or person similarly skilled in the production of a particular product. Unless otherwise indicated, a studio may include the retail sale of items produced on the premises.

SUBDIVISION — For purposes of this chapter, this term is defined in 30-A M.R.S.A. § 4401

SUBDIVISION, MAJOR — Any subdivision containing ten (10) or more lots or dwelling units or any subdivision requiring any new street or municipal facilities.

SUBDIVISION, MINOR — Any subdivision containing nine (9) or fewer lots or dwelling units. All lots shall be located on an existing accepted public street, and no new public services or extensions of municipal facilities shall be required.

TESTING FACILITY — A business, whether within another business, or freestanding, whose primary purpose is the chemical, biological, electronic, or mechanical analysis or testing of products for conformance to industrial specifications or to public regulations. Such businesses include, but are not limited to assaying automobile and emissions testing, calibration and certification, food testing, medical testing, and marijuana testing that operates in conformance with Maine Medical Use of Marijuana Act²¹, Marijuana Legalization Act, and state administrative rules, as appropriate. A testing facility within a building primarily devoted to manufacturing shall be considered accessory to the manufacturing.

TIMBER HARVESTING — The cutting and removal of trees from their growing site and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and haul roads.

TRACT OR LOT OF LAND — All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or lot of land unless such road was established by the owner of the land on both sides thereof.

TRADESMAN — An establishment occupied by a craftsperson or a person in a skilled trade, including, by way of example only, plumbing, carpentry, or electrical work. The term also shall include establishments engaged in the repair of electrical goods and appliances, watches, jewelry, equipment, furniture, or other goods, exclusive of motor vehicles, where such services are the primary use and not accessory to another use, such as retail sales. The shop may include work space, storage space, and office space but may not exceed two-thousand (2,000) square feet of total floor area.

TRANSMITTER TOWER — A facility for the location of telecommunications antennas and/or Internet equipment. This includes radio, radar, television, cellular telephone, or radio-telephone transmitting, repeating or broadcasting towers and necessary accessory structures but not studios or offices for such activities.

TRAVELED WAY — That part of the street used for the movement of vehicles and/or pedestrians, including the part of the street reserved for vehicles, sidewalks, and bicycle and parking lanes.

TRUCKING AND DISTRIBUTION FACILITIES — Facilities for the short-term storage and transshipment of materials or goods, including common carriers, oil terminals, moving companies, and similar operations.

ULTIMATE AIRPORT LAYOUT PLAN (UALP) — The final report and any corresponding exhibits of the Ultimate Airport Layout Plan (UALP), as amended from time to time and approved by the Federal Aviation Administration, which directs growth and development at the Airport.

UNIFORM SETBACK RELATIONSHIP FOR A LOT — The average of the setbacks of nine (9) lots, two (2) on either side of the subject lot and five (5) on the opposite side of the street from the lot, or the

21. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

number of existing lots on each side of the subject lot, all located on the same block, whichever is less. If one (1) or more of the nine (9) lots are undeveloped, it shall not be included in calculation. Furthermore, if the setback of one (1) of the nine (9) lots is greater than the average setback of the other lots, it shall not be included in the calculation.

USE — The purpose for which land or a building is arranged, designed, or intended or for which either land or a building is or may be occupied or maintained.

VARIANCE — A relaxation of the terms of this chapter where such variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of the variance are undue hardship and unique physical circumstances applying to the property.

VEGETATED BUFFER — An area of vegetation acting as a visual and sound barrier between parcels, generally used to separate commercial and residential uses. In addition to vegetation, this area may utilize existing topography and/or berms constructed to elevate the ground level to increase opacity and height of the buffer.

VEGETATION — All live trees, shrubs, ground cover, and other plants, including, without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 1/2) feet above ground level.

VETERINARY CLINIC/GROOMING — A facility where animals or pets are given medical or surgical treatment or where animals and pets are groomed and in which the boarding of animals is short term and incidental to the medical care or grooming.

WAREHOUSE, MINI STORAGE — Any self-storage building housing individual storage units or lockers, each of which is accessible through a private entrance and rented to the public for storage of personal or business belongings.

WELL FIELD — A tract of land which contains a number of existing or proposed wells for supplying water.

WELLHEAD — The specific location of a well and/or any structure built over or extending from a well.

WHOLESALE SALES — Trade that involves the sale of merchandise, in bulk or large quantities, to retailers for resale or to industrial, commercial, or institutional users.

WILDLIFE HABITAT — Areas identified by a governmental agency, such as the Maine Department of Inland Fisheries and Wildlife, as having significant value as habitat for birds or animals.

YARD SALE — The sale of tangible personal property from any given lot, whether conducted indoors or outdoors, and occurring not more than four (4) calendar days in a calendar year. Activities occurring more than four (4) calendar days in one (1) calendar year are considered a retail store or limited retail store as defined in this chapter. "Yard sale" shall include the term "garage sale," "barn sale," "lawn sale," "rummage sale" or "moving sale" or other such similar sales or activities.

YARD, FRONT — An open space extending the entire width of a lot from lot side line to lot side line and extending in depth at a right angle from the street boundary of such lot to such depth as specified. Such front yard is unoccupied and unobstructed by any building from the ground upward.

YARD, REAR — An open space extending the entire width of a lot from side line to side line and extending at a right angle from the rear line of such lot such depth as specified. Such rear yard is unoccupied and unobstructed by any building from the ground upward.

YARD, SIDE — An open space extending along each side line of a lot between the front yard and the rear

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yard on such lot and extending at a right angle from the side line of such lot to such depth as specified.
Such side yard is unoccupied and unobstructed by any building from the ground upward.

ARTICLE III
Administration and Enforcement

§ 280-3-1. Code Enforcement Officer.

This chapter shall be administered and enforced by a Code Enforcement Officer, except as otherwise noted. The Code Enforcement Officer shall be appointed by the City Council.

§ 280-3-2. Building, sign, or use permits.

- A. Permit required. No building or sign or part thereof shall be constructed, structurally altered, enlarged, or moved unless a permit for such action has been issued by the Code Enforcement Officer or his or her agent, except as otherwise exempted from a permit in this chapter. The contractor, builder, and developer, as well as the property owner, shall be responsible for any and all permits. Site plan approval, in accordance with Article XVI, may be required prior to the issuance of a building permit for certain types of uses, including commercial, industrial and multifamily residential construction. **[Amended 12-19-2017 by Order No. 17-163-01]**
- B. Compliance with this chapter. No building permit for a building, sign or structure on any lot shall be issued except to the owner of record thereof, or his or her authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this chapter or with a decision rendered by the Board of Appeals, Planning Board, Site Plan Review Committee, and/or others under this chapter. **[Amended 12-19-2017 by Order No. 17-163-01; 5-7-2019 by Order No. 19-258-01]**
- C. Applications for permits. All applications for building, sign, or use permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose. The application shall be accompanied by the following information: **[Amended 12-19-2017 by Order No. 17-163-01]**
- (1) A plot plan drawn to scale showing the shape and dimensions of the lot to be built upon, the location and size of all buildings, signs, or structures already existing on the lot, the locations of new buildings, signs, or structures to be constructed, and the lines within which all buildings and structures are to be constructed;
 - (2) A statement of the use intended to be made of the lot and buildings;
 - (3) Approved plumbing permits where applicable;
 - (4) A drawing of proposed and existing signs, indicating dimensions, where applicable;
 - (5) Building elevation drawings for all attached signs, indicating the proposed location and specifications; and
 - (6) Evidence of site plan approval if required by Article XVI.
- D. Action on applications. Within seven (7) days of filing of an application for a building or use permit, the Code Enforcement Officer shall approve, deny, or refer to the Planning Board for conditional use approval all such applications. If the proposed activity requires site plan review in accordance with Article XVI, the Code Enforcement Officer shall refer the applicant to the Planning Director. His/her decision shall be in writing on a form designed for the purpose and communicated directly to the applicant. One (1) copy of the Code Enforcement Officer's decision shall be filed in the Code Enforcement Officer's office. In cases where the Code Enforcement Officer deems that a conditional use permit is required, s/he shall also provide a copy of his decision to the Planning Board.

- E. Plumbing permit required. No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant or his or her authorized agent.
- F. Start of work. No work shall be begun on a project requiring a building permit, plumbing permit, site plan approval, and/or other municipal approval or permit until all required permits and/or approvals have been obtained. Start of work shall include clearing and grubbing of the site, grading, excavation, or construction of buildings or structures.
- G. Revision of proposed work. A new permit is required if any changes in plans, construction, size, or use of any building, structures, or parts thereof are made after issuance of the previous permit.
- H. Time valid.
 - (1) A building permit secured under the provisions of this chapter shall expire if the work or change is not commenced within six (6) months of the date on which the permit is granted and if the work or change is not substantially completed within eighteen (18) months of the date on which the permit is granted.
 - (2) Extensions of up to six (6) months beyond the commencement or completion dates may be granted by the Code Enforcement Officer upon written request.
- I. Pending applications. Nothing in this chapter shall require any change in the plans, construction, size, or designated use for any building, structure, or part thereof for which an application for a building permit has been made or a building permit has been issued or upon which construction has been commenced prior to the adoption or amendment of this chapter, provided construction shall start within sixty (60) days after the issuance of such permit.
- J. Required records. Applications for permits with their accompanying plans and building permits shall be maintained as a permanent record by the Code Enforcement Officer.
- K. Rights related to a public right-of-way. Neither the granting of a permit nor the installation or placement of a sign in the public right-of-way conveys permanent property rights relating to the public right-of-way. An illegal sign in the public right-of-way may be removed by the City without notice, at the owner's expense if the illegal sign is within the public right-of-way. **[Added 12-19-2017 by Order No. 17-163-01]**

§ 280-3-3. Certificates of occupancy.

- A. After the building, or part thereof, has been completed, altered or enlarged or relocated, the owner or his or her agent shall obtain a certificate of occupancy for the proposed use before the same may be occupied or used. A certificate of occupancy shall be issued by the Code Enforcement Officer only if he or she finds that the project is in compliance with this chapter, with any applicable site plan approval, and any other regulations of the City.
- B. A certificate of occupancy shall also be required for any of the following:
 - (1) Increase in the number of dwelling units in a structure.
 - (2) Establishment of a home occupation in a residential district.
 - (3) Establishment of any professional office in connection with the residence of a professional person.

- (4) Change in the use of a nonconforming use.
 - (5) Occupancy and use of vacant land, except for the raising of crops, or change in the use of land, except in the raising of crops.
 - (6) Any change in the use of a building from one category of use as set forth in § 280-11-9 or the Table of Land Uses²² to another category of use.
 - (7) Any change in the occupancy of nonresidential space.
- C. In cases of use and occupancy of any building or part thereof during a period of construction or alteration, the Code Enforcement Officer may issue temporary certificates for periods not exceeding six (6) months. Temporary certificates of occupancy for single-family homes may be renewed for additional six (6)-month periods provided that the owner provides the Code Enforcement Officer with written evidence that progress is being made toward the completion of the home.

§ 280-3-4. Fees. [Amended 12-20-2016 by Order No. 16-158.07; 5-7-2019 by Order No. 19-258-01]

The City Council shall establish by order, after prior notice and public hearing, a fee schedule for all permits, escrow, and construction compliance reviews required by this chapter and for such other fees as the City Council deems appropriate in Chapter 120: Fees. Permit, zoning, escrow, and construction compliance fees are intended to help recover costs incurred by the City in public notice, review, administration, and site inspection associated with amendment of the text of this chapter, changes to Zoning Maps, contract zoning, site plan, and other review and permitting of development. Permit fees are deemed to be a cost of review, shall not be waived or contingent on approval, and are nonrefundable. Any balance in an escrow account remaining after the final decision shall be returned to the applicant in a timely fashion.

A. These costs include:

- (1) Publishing and public notice fees associated with advertising public hearings and meetings on the proposed application. Public hearings on the request shall not be scheduled until the fee is paid.
- (2) Contracted staff, independent consulting, and peer review escrow fee, including but not limited to architectural, landscape architectural, geotechnical, hydrological, engineering, surveying, planning, legal, and similar professional consulting services. The results of such services shall be available for public review, although such results shall be deemed to have been made solely for the benefit of the City and shall remain its property. Such fees shall be:
 - (a) Limited to reasonable and necessary review that exceeds the expertise of City staff or its ability to review the application materials within required time limits;
 - (b) Assessed only to recover costs directly associated with review of the application submitted by the applicant to whom it is assessed;
 - (c) Reasonable in amount, based on the consulting or peer review time involved and complexity of the review;
 - (d) Assessed for the privilege of review and shall be payable without regard to consulting or peer review results or outcome of the application.

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

- B. Escrow account. The applicant shall establish an escrow account with the City to guarantee payment in advance of actual fees assessed pursuant to this chapter. The original deposit shall be such amount as specified in § 280-3-4. If the balance in the escrow account shall be drawn down by seventy-five percent (75%), the City shall notify the applicant and require that an additional amount equal to fifty percent (50%) of the initial deposit be submitted to cover the cost of remaining work. The City shall continue to notify the applicant and require that an additional amount be deposited whenever the balance of the account is drawn down by seventy-five percent (75%) of the original deposit. Any excess amount deposited with the City in advance shall be refunded to the applicant in a timely fashion after final action on the application.
- C. Fee disputes. Any dispute regarding the application of § 280-3-4 or the amount required to be paid, either in advance or upon completion, may be appealed in writing within ten (10) days to the City Manager. The City Manager, after due notice and investigation and for good cause shown, may affirm, modify, or reverse the disputed decision or reduce the amount assessed.
- D. Payment of fees required. By submitting an application under this chapter, the applicant agrees to reimburse the City for the reasonable and necessary fees set forth herein, and the City shall not amend the text of this chapter, change Zoning Maps, execute contract zoning agreements until such amounts have been paid in full. In addition, no building permit or certificate of occupancy may be issued nor approved site, subdivision or other plan released until all fees assessed hereunder have been paid in full. Any individual or firm who has an outstanding fee balance shall not be eligible to submit a request to amend the text of this chapter, change Zoning Maps, contract zoning, or a new or amended site plan application or building or occupancy permit until the outstanding balance is paid in full.
- E. Administration. Fees associated with amendment of the text of this chapter, changes to Zoning Maps, contract zoning, development permits regulated under Article XVI, and other items overseen by the Planning Board shall be administered by the Planning Director.

§ 280-3-5. Enforcement.

- A. It shall be the duty of the Code Enforcement Officer or his or her agent to enforce the provisions of this chapter. If the Code Enforcement Officer or his or her agent shall find that any provision of this chapter is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of buildings, structures, or additions or work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- B. The Code Enforcement Officer is hereby authorized to institute or cause to be instituted, in the name of the City, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this chapter; provided, however, that this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this chapter.
- C. The Code Enforcement Officer, in his or her discretion, where a violation of this chapter has been brought to his or her attention, may so advise the party in violation, in writing, and may give such violators permission to continue for a period not exceeding ten (10) days, provided that such violators intend and do appeal to the Board of Appeals. Failure to perfect or commence such appeal within ten (10) days will then subject the violator to prosecution under this section. **[Amended 5-7-2019 by Order No. 19-258-01]**

§ 280-3-6. Violations and penalties. [Amended 5-7-2019 by Order No. 19-258-01]

Any person, firm, or corporation, being the owner of or having control or use of any building or premises, who or which violates any of the provisions of this chapter shall be fined not less than one-hundred dollars (\$100) nor more than twenty-five-hundred dollars (\$2,500) as provided for by state law. Each day such a violation is permitted to exist after notification shall constitute a separate offense. The penalty for failure to correct a violation after a second written notice by the City shall be in conformance with Chapter 90.

ARTICLE IV

Interpretation, Amendments and Legal Provisions

[Amended 12-20-2016 by Order No. 16-158.07; 5-7-2019 by Order No. 19-258-01]

§ 280-4-1. Public hearings.

Public hearings required for amendment of this chapter, contract zone, conditional use, major site plan, or other request identified in this chapter shall be noticed and conducted in conformance with the following provisions.

- A. Submission requirements. The applicant shall provide an abutters list and mailing envelopes in conformance with this section.
 - (1) Abutters list. A complete list of abutters within two-hundred-and-fifty (250) feet of the property, including those in neighboring communities, and public drinking water suppliers if the property contains or is within a source water protection area.
 - (2) Mailing envelopes. A mailing envelope for each abutter identified in § 280-4-1A. Each mailing envelope shall include a first class stamp, an address for each abutter, and the return address for the City Department which oversees the public hearing process.
- B. Notification of applicant and abutters. Once an application is determined to be complete and, at least ten (10) days prior to the date of its public hearing, the City Department which oversees the public hearing process shall post a notice in City Hall and send written notice to the applicant and abutters by first class mail, as specified in § 280-4-1A, except that notice for an amendment of this chapter or contract zone shall be posted and written notice send out at least thirteen (13) days prior to the date of the public hearing. Notice shall contain a brief description of the proposed activity, the name of the applicant, the location of the property that is the subject of the public hearing and the nature of the request, the location where the application is available for inspection, description of how to submit written comments and how the reviewing board or committee shall consider comments, and the date, time, and location at which the application shall be considered. Failure of any abutter to receive a notice of public hearing shall not be grounds for delay of the public hearing, consideration of the application, and approval or denial of the project. In considering the subject of the public hearing, the City Department which oversees the request shall, without altering the meaning, intent, or substance of the proposal, put into such language or form as is appropriate to the review and requirements of this chapter.
- C. Advertisement in newspaper and posting. An advertisement for any request which requires a public hearing in this chapter shall be posted in a newspaper of general circulation in the City at least ten (10) days prior to the date of the public hearing, except that a request for amendment of this chapter or contract zone shall be published at least twice, the first advertisement shall be published at least twelve (12) days prior to the date of the public hearing and the second notice shall be published at least seven (7) days prior to the public hearing.
- D. Hearing procedure.
 - (1) Any persons may appear in person or by agent or attorney at the hearing. Hearings shall not be continued to other times except for good cause.
 - (2) The board or committee conducting the public hearing may ask staff to attend and/or present plans, photographs, or other materials it deems appropriate for an understanding of the subject of the public hearing.

- (3) Persons wishing to share complex data, reports, or arguments are encouraged to submit the information in writing seven (7) days in advance of the hearing.
- (4) Individuals and organizations with comparable positions in support or opposition are encouraged to be brief and not provide duplicative comments.
- (5) Anyone wishing to present testimony before the board or committee shall provide his/her name and address. Representatives of organizations including, but not limited to, City Committees and Homeowners' Associations, shall state for the record at the outset of his/her presentation whether the organization has authorized the substance of what is being presented.
- (6) To maintain orderly procedure, anyone wishing to present testimony shall be allowed to proceed without interruption. Following testimony, members of the board or committee shall have the opportunity to raise questions.
- (7) The hearing shall be closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants shall be notified of the date, time, and place of the continued hearing.
- (8) Once the public hearing is closed, all further comment by the public and/or the applicant shall only be allowed through the Chair. The Chair may limit further input from the public and/or the applicant to allow the board or committee time for deliberation on the application.
- (9) In the case of extenuating circumstances, the board or committee may waive any of the above rules by unanimous vote of those in attendance upon good cause shown.

§ 280-4-2. Administrative appeals.

Any person who believes that the Code Enforcement Officer has made an error in the interpretation or application of the provisions of this chapter may appeal such determination to the Board of Appeals as an administrative appeal under the provisions of § 280-10-4-1. If the Board of Appeals finds that the Code Enforcement Officer erred in his/her interpretation of this chapter, it shall modify or reverse the action accordingly.

§ 280-4-3. Amendments.

Amendments of this chapter may be initiated by the City Council, the Planning Board, an individual or corporation or other entity having control of the property that is the subject of the request, or by petition by five percent (5%) or more of the registered voters of the City as provided for by the City Charter.

A. Fee.

- (1) Any request for amendments of the text of this chapter or for changes in zone boundaries or other revision to the Zoning Maps initiated by the City Council or Planning Board or by petition by five percent (5%) or more of the registered voters of the City in conformance with the City Charter shall not be required to pay a fee.
- (2) All other requests for a zoning amendment shall be accompanied by a filing fee established by the City Council and administered in conformance with § 280-3-4.

B. Required information. All proposals for an amendment or map change shall be accompanied by the following information:

- (1) Address or exact location of the request, the exact location and dimensions of any changed district boundaries, and a location map that shows the relationship of the location to the surrounding area. Any proposed map changes shall be shown on the appropriate Assessor's tax map and shall indicate tax map and lot numbers.
 - (2) Name, address, and phone number of property owner.
 - (3) Name, address, and phone number of applicant.
 - (4) Statement regarding existing and proposed land use.
 - (5) Existing and proposed zoning classification or ordinance language.
 - (6) Statement regarding the way in which the proposed amendment or change complies with or promotes the City's Comprehensive Plan.
 - (7) Documentation of right, title, or interest.
 - (8) Documentation of financial ability to carry out the purpose of the amendment or change, if any.
- C. Notification of abutters, advertising in newspaper, and posting. A public hearing shall be held on all requests for amendment of this chapter in conformance with § 280-4-1.
- D. Planning Board recommendation. Within thirty (30) days following the date of the public hearing, the Planning Board shall send a written report of its findings and recommendation to the City Council, which shall conduct its own public hearing, with notice as provided in the City Charter. A representative of the Planning Board shall attend such public hearing.²³

§ 280-4-4. Relation to other ordinances.

This chapter shall not repeal any other ordinance relating to the use of land or buildings, however, where this chapter imposes greater restrictions, it shall control.

§ 280-4-5. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

23. Editor's Note: See also Article V, Planning Board.

ARTICLE V
Planning Board

§ 280-5-1. Creation and purpose.

Pursuant to 30-A M.R.S.A. § 3001, there is hereby created a Planning Board for the City for purpose of serving as an advisory board in matters relating to the planned development and general land use of the City.

§ 280-5-2. Membership; terms of office; qualifications; vacancies; removal.

- A. The Planning Board shall consist of seven (7) members who shall be appointed by the City Council and who shall serve without pay and who shall be representatives of the City at large. Each member shall be appointed for three (3) years or until a successor is appointed. Members appointed shall be residents of the City. A City Councilor or his/her spouse may not be a member of the Planning Board.
- B. A vacancy may occur by reason of resignation, death, giving up residency or failure to attend at least seventy-five percent (75%) of all meetings during the previous twelve (12) months. The Chair of the Board shall immediately notify the City Council in writing of any vacancy when it occurs.
- C. Members may be removed for cause by the City Council after presentation of written charges and public hearing.

§ 280-5-3. Officers; meetings; records; votes.

- A. At the first regular meeting of the Board in January of each year, the members shall meet and elect a Chair and Vice Chair and such other officers as it may determine to serve for a period of one (1) year or until a successor is elected, and a member may succeed himself or herself in office if so elected. The Planning Board shall hold a regular monthly meeting and other meetings as it deems necessary from time to time. Any records deemed public records under state law may be inspected at the Planning Department during regular business hours.
- B. On any and all voting matters pertaining to recommended adoption or amendments of the Comprehensive Plan or to proposed adoption or amendment of land use ordinances, an affirmative vote of a majority of all members of the Planning Board shall be necessary for its passage and only after a public hearing has been conducted on the matter. All other voting matters shall be decided by a majority vote of those present and voting and shall require at least three (3) affirmative votes.

§ 280-5-4. Powers and duties.

- A. The Planning Board shall exercise such powers and perform such duties and other functions as are authorized and provided for under the City's ordinances and the laws of the State of Maine pertaining to zoning, subdivisions and land use throughout the City. Any amendments to the Comprehensive Plan as recommended by the Planning Board shall be submitted to the City Council for adoption.
- B. The Planning Board shall have such other powers and perform such other duties as may be necessary for the administration of its affairs on behalf of the City, including, without limitation, the adoption of bylaws and the procurement of goods and services necessary for its proper functions.

City of Sanford, ME

ZONING

§ 280-5-4

ARTICLE VI
(Reserved)²⁴

24. Editor's Note: Former Art. VI, Zoning Board of Appeals, was repealed 5-7-2019 by Order No. 19-258-01. See now Ch. 10, Appeals, Board of.

ARTICLE VII
Nonconformance

§ 280-7-1. Intent; transfer of ownership; maintenance.

- A. Intent. It is the intent of this chapter to promote land use conformities, except that nonconforming conditions that existed before the effective date of this chapter shall be allowed to continue, subject to the requirements set forth in this article.
- B. Transfer of ownership. Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this chapter.
- C. Repair and maintenance. This chapter allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations which do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

§ 280-7-2. Nonconforming structures.

- A. Expansions. A structure which does not conform to the dimensional requirements of the zone in which it is located may be added to or expanded after obtaining a permit from the Code Enforcement Officer if such addition or expansion does not increase the nonconformity of the structure.
- B. Relocation. **[Amended 5-7-2019 by Order No. 19-258-01]**
 - (1) A nonconforming structure may be relocated within the boundaries of the lot on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent, as determined by the Code Enforcement Officer in conformance with the purposes of this chapter, and provided that, if the use is not connected to the public sewerage system, the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules or that a new system can be installed in compliance with the law and said rules. The Code Enforcement Officer shall notify abutters of the request for a building permit in compliance with § 280-4-1B. The Code Enforcement Officer shall determine whether the application is in compliance with § 280-7-2B(2) and, if she/he determines that there are no unresolved issues raised by abutters within ten (10) days of when notice of the application is sent, shall grant the permit. The Code Enforcement Officer may ask the Planning Board to review the request and make the determination if there are unresolved issues raised by abutters or if she/he finds that the scale or complexity of the proposal warrants review by the Board or other elements of the proposal require review by the Board. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. **[Amended 9-20-2022 by Order No. 22-440-01]**
 - (2) In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer or Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system, if any, and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.
- C. Reconstruction or replacement.

- (1) Any nonconforming structure which is located less than the required setback from the property line and which is removed or damaged or destroyed may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal and provided that such reconstruction or replacement is in compliance with the setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of this chapter. The Code Enforcement Officer shall notify abutters of the request for a building permit in compliance with § 280-4-1B. The Code Enforcement Officer shall determine whether the application is in compliance with § 280-7-2C(2) and if she/he determines that there are no unresolved issues raised within ten (10) days of when notice of the application is sent, shall grant the permit. The Code Enforcement Officer may ask the Planning Board to review the request and make the determination if there are unresolved issues raised by abutters or if she/he finds that the scale or complexity of the proposal warrants review by the Board or other elements of the proposal require review by the Board. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. **[Amended 5-7-2019 by Order No. 19-258-01]**
- (2) In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in § 280-7-2B(2), the physical condition and type of foundation present, if any.

D. Change of use of a nonconforming structure.

- (1) The use of a nonconforming structure may not be changed to another use unless the Planning Board, after receiving a written application and holding a public hearing, determines that the new use will have no greater adverse impact on the subject or adjacent properties and resources than the existing use.
- (2) In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, and water quality.

§ 280-7-3. Nonconforming uses.

- A. Expansions. A use which is nonconforming in the zone in which it is located may be expanded by a total of not more than thirty percent (30%) of the gross floor area existing as of the date of adoption of this provision. The expansion may occur at one (1) time or incrementally, but in no case shall the cumulative total of additional floor area exceed the thirty percent (30%) limit.
- B. Resumption prohibited. A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use.

§ 280-7-4. Nonconforming lots.

- A. A nonconforming lot of record as of the effective date of this chapter or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of this chapter, except lot size and frontage, can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals. **[Amended 5-7-2019 by Order No. 19-258-01]**
- B. Contiguous built lots.

- (1) If two (2) or more contiguous lots are in a single or joint ownership of record at the time of adoption of this chapter, and if all or part of the lots do not meet the dimensional requirements of this chapter, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law²⁵ and Subsurface Wastewater Disposal Rules are complied with. **[Amended 9-20-2022 by Order No. 22-440-01]**
 - (2) If two (2) or more principal uses or structures existed on a single lot of record on the effective date of this chapter, each may be sold on a separate lot, provided that the above-referenced law and rules are complied with. When such lots are divided each lot thus created shall be as conforming as possible to the dimensional requirements of this chapter as determined by the Planning Board.
- C. Contiguous lots, vacant or partially built. When two (2) or more contiguous lots are in single or joint ownership of record at the time of adoption or amendment of this chapter or any time thereafter, if any of these lots do not individually meet the dimensional requirements of this chapter or subsequent amendments, and if one (1) or more of the lots is vacant or contains no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements of this chapter; provided, however, that any two (2) or more contiguous lawful lots of record as of November 21, 1995, and located in the Rural Residential or Rural Mixed Use Zones shall not be required to be combined pursuant to this subsection. **[Amended 9-20-2022 by Order No. 22-440-01]**

25. Editor's Note: See 12 M.R.S.A. § 4807 et seq.

ARTICLE VIII
Variations and Appeals
[Amended 5-7-2019 by Order No. 19-258-01]

§ 280-8-1. Standards for granting dimensional variations.

- A. A variation shall be granted only for a use allowed in a particular zone. A dimensional variation is authorized only for height, building size, lot area, setback, or open space.
- B. Undue hardship variation.
- (1) The land in question cannot yield a reasonable return unless a variation is granted;
 - (2) The need for a variation is due to the unique circumstances of the property and not to the general condition in the neighborhood;
 - (3) The granting of a variation will not alter the essential character of the locality; and
 - (4) The hardship is not the result of action taken by the applicant or a prior owner.
- C. Practical difficulty variation. The Board of Appeals may grant a variation from the setback standards of this chapter when strict application of this chapter to the applicant and the applicant's property would cause a practical difficulty and when certain conditions set forth in this subsection exist.
- (1) As used in this subsection, practical difficulty means that the strict application of this chapter to the property precludes the ability of the applicant to pursue a use allowed in the zoning district in which the property is located and results in significant economic injury to the applicant.
 - (2) To approve a practical difficulty variation as permitted in this subsection, the Board of Appeals shall find that the following conditions exist:
 - (a) The need for the variation is due to the unique circumstances of the property and not to the general condition of the neighborhood;
 - (b) The granting of the variation will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
 - (c) The practical difficulty is not the result of action taken by the applicant or a prior owner;
 - (d) No other feasible alternative to a variation is available to the applicant;
 - (e) The granting of the variation will not unreasonably adversely affect the natural environment; and
 - (f) The property is not located in whole or in part within the shoreland areas as described in 38 M.R.S.A. § 435.
- D. Setback variation for a single family dwelling which is the primary residence of the applicant. The Board of Appeals may grant a setback variation for a single family dwelling only when strict application of this chapter would cause undue hardship to the applicant and the applicant's property.
- (1) As used in this subsection, undue hardship means:
 - (a) The need for the variation is due to the unique circumstances of the property and not to the

general condition of the neighborhood;

- (b) The granting of the variance will not alter the essential character of the locality;
 - (c) The hardship is not the result of action taken by the applicant or a prior owner;
 - (d) The granting of the variance will not substantially reduce or impair the use of abutting property; and
- (2) That the granting of a variance based upon demonstrated need, not convenience, and no other feasible alternative is available.
- (3) A setback variance shall not be granted if it would cause the area of the dwelling to exceed the maximum permissible lot coverage.
- E. Disability variance for vehicle storage. The Board of Appeals may grant a variance to an owner who resides in the dwelling and is a person with a permanent disability for the construction of a place of storage and parking for her/his personal use of a noncommercial vehicle. The width and length of the structure shall not be larger than two (2) times that of the vehicle. The applicant shall submit plans for the proposed structure with the request for a variance.
- (1) The applicant shall prove by a preponderance of the evidence that the disability is permanent. All medical records and other documents submitted to demonstrate a permanent disability shall be confidential.
 - (2) The applicant shall demonstrate that the noncommercial vehicle is owned by the applicant, weighs no more than six-thousand (6,000) pounds in conformance with 29-A M.R.S.A. § 101(42), and bears a disability registration in conformance with 29-A M.R.S.A. § 521.
 - (3) The Board of Appeals may impose conditions on the disability variance for vehicle storage.
- F. Disability permit for access to a dwelling. As authorized by 30-A M.R.S.A. § 4353(4A), the Code Enforcement Officer is authorized to issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit includes a variance, the permit is deemed to include that variance, solely for the installation of equipment or construction of structures necessary for access to or egress from the dwelling for the person with a disability, including ramps and associated railings, walls, or roof systems necessary for the safety or effectiveness of the ramps. The Code Enforcement Officer may ask the Board of Appeals to review the request if there are unresolved issues raised by abutters or if she/he finds that the scale or complexity of the proposal warrants review by the Board or other elements of review require review by the Board. All medical records submitted to the Code Enforcement Officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential. The Code Enforcement Officer may ask the Board of Appeals to impose conditions on the disability permit for access to a dwelling, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling.

§ 280-8-2. Appeal procedure.

Filing of appeal.

- A. The applicant shall file his/her appeal with the Code Enforcement Officer, shall specify the grounds for the appeal and/or for the variance, and shall submit a filing fee established by the City Council in conformance with § 280-3-4. Upon receipt of the application, the Code Enforcement Officer shall

notify the Chair of the Board of Appeals.

- B. For an administrative appeal, a person aggrieved by a decision of the Code Enforcement Officer shall commence his/her appeal within thirty (30) days after a decision is made by the Code Enforcement Officer.

§ 280-8-3. Recording of variances.

If the Board of Appeals grants a variance under this article, the Code Enforcement Officer shall prepare a certificate indicating the name of the current property owner, the property referenced in the last recorded deed in its chain of title, and the fact that a condition has been granted, and the date of the granting in record this certificate in the York County Registry of Deeds and provide the Code Enforcement Officer with a copy of the recorded variance, with the book and page number from the Registry of Deeds, within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this section. For the purpose of this section, the date of the final written approval shall be the date stated on the written approval.

ARTICLE IX
Zoning Districts and Zoning Maps

§ 280-9-1. Zoning districts.

The area of the City shall be divided into zones as identified in Articles IX and X. The use of land, buildings, and structures shall conform to the standards of the zone in which it is located except as otherwise provided in this chapter. In addition, all uses shall conform to Chapter 265: Floodplain Management, Chapter 270: Shoreland Zoning, and Chapter 275: Subdivision of Land.

§ 280-9-2. Official Zoning Maps.

The location and boundaries of the above zones are hereby established as shown on a map titled "Official Zoning Map of the City of Sanford" dated February 1, 2014, certified by the attested signature of the City Clerk and kept on file at City Hall²⁶ and on the Airport Clear Zone Map, Airport Protection Overlay Zone Map, Transmitter Tower Overlay Zone Map, Rushton Street Institutional Controls Overlay Map and Public Water Supply Protection Districts Maps, which maps, with all explanatory matter thereon and all amendments thereto, shall be deemed to be and are hereby made a part of this chapter.

§ 280-9-3. Zoning boundaries.

The location of the zones shall be as shown on the Official Zoning Maps. Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines, even if the location of such lines is inaccurately represented on the Zoning Maps or tax maps.
- C. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
- D. Boundaries indicated as following shorelines shall be construed to follow the normal high-water line, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line.
- E. Boundaries indicated as being parallel to or extensions of features indicated in § 280-9-3A through D shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map. Any conflict between the Zoning Map and description of metes and bounds in a deed shall be resolved in favor of the description by metes and bounds.
- F. Where physical or cultural features existing on the ground deviate from those shown on the Zoning Map or as described in this section, or in circumstances where the items covered by § 280-9-3A through E are not clear, the Zoning Board of Appeals shall interpret the zone boundaries.

26. Editor's Note: The Zoning Map is included as an attachment to this chapter.

§ 280-9-4. Division of lots by zone boundaries.

Zone boundaries shall follow property lines as of the date of this revision, February 1, 2014. If it is found that a boundary line of a zone divides a lot, then the property owner may petition the Planning Board for one (1) of the zone designations for the entire lot. Where the boundary line of a zone divides a lot having frontage on a street in the less restricted zone, the provisions of this chapter covering the less restricted portion of such lot may extend to the entire lot, but in no case for a distance of more than thirty (30) feet beyond the zone boundary. Where the boundary line of a zone divides a lot having frontage only on a street in a more restricted zone, the provision of this chapter covering the more restricted portion of such lot shall extend to the entire lot.

ARTICLE X
Establishment of Zones

§ 280-10-1. Division of City into zones.

To implement the provisions of this chapter, the City is hereby divided into the following zones:

- A. Rural Residential Zone (RR).
- B. Rural Mixed Use Zone (RMU).
- C. Single-Family Residential Zone (SFR).
- D. Residential Development Zone (RD).
- E. Urban Zone (UB).
- F. Industrial Business Zone (IB).
- G. Industrial Reuse Zone (IR).
- H. Airport Development Zone (AD).
 - (1) Airport Development Zone Airport Subdistrict.
 - (2) Airport Development Zone Support Subdistrict.
- I. Public Water Supply Protection Districts.
- J. Mousam River Watershed.
- K. Great Works River Watershed.
- L. Airport Protection Overlay Zone and Airport Clear Zone.
- M. Transmitter Tower Overlay Zone.
- N. Rushton Street Institutional Controls Overlay I and II Zones.
- O. Sanford Downtown Design District Overlay Zone.
- P. Springvale Village Design District Overlay Zone.
- Q. Urban Overlay District. [**Amended 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01**]
- R. Residential Development Overlay (RDO) Zone. [**Added 11-23-2021 by Order No. 21-494-01**]

§ 280-10-2. Shoreland zoning.

In addition to the zones created in this chapter, the City has adopted Chapter 270: Shoreland Zoning. This chapter creates two (2) additional zones, a Resource Protection Zone and a Shoreland Overlay Zone. The areas covered by these zones are defined in Chapter 270 and are shown on the Official Shoreland Zoning Map of the City. In adopting these provisions, the City's standards are intended to be at least as restrictive as the state's shoreland zoning provisions.

§ 280-10-3. Floodplain management.

In addition to the requirements of this chapter, areas of the City are located within flood hazard areas as defined by Chapter 265: Floodplain Management and shall comply with the additional requirements of that chapter.

§ 280-10-4. Contract zoning.

- A. Contract zoning authorized. Pursuant to 30-A M.R.S.A. § 4352(8), contract zoning is hereby authorized for development where, for reasons such as the unusual nature or unique location of the development proposed, the City Council, exercising its sole and exclusive judgment as the legislative body of the City, finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions not generally applicable to other properties similarly zoned. All rezoning under this section shall establish rezoned areas that are compatible with the existing and permitted uses within the original zones. Nothing in this section shall authorize a rezoning, or an agreement to change or retain a zone, that is inconsistent with the Comprehensive Plan.
- B. Relationship to shoreland zoning. A lot rezoned under this section may include land areas subject to Chapter 270: Shoreland Zoning, but any provision of a contract zoning amendment adopted by the City Council that removes or modifies any restrictions or limitations imposed by Chapter 270 shall not take effect until approved by the Commissioner of Environmental Protection as required by 38 M.R.S.A. § 438-A(3), as may be amended from time to time. **[Amended 9-20-2022 by Order No. 22-440-01]**
- C. Conceptual sketch plan.
- (1) A person wishing to propose contract zoning under this section may, prior to filing an application, submit a conceptual sketch plan to the Site Plan Review Committee together with a sketch plan review fee in such amount as the City Council may from time to time establish by City Council order. The conceptual sketch plan submission shall include, at a minimum, the following information:
- (a) A map showing existing and proposed zoning district lines.
 - (b) The address or exact location of the request, including the Assessor's map references for the property to be rezoned.
 - (c) The name, address and telephone number of the property owner and of the applicant, if the applicant is not the owner.
 - (d) Evidence of the applicant's right, title or interest in the property.
 - (e) A site analysis that describes the major features of the property, allowing the Site Plan Review Committee to make an informed judgment about how it will be used. Section 275-15, as may be amended from time to time, shall be used as a guideline for preparation of the site analysis.
 - (f) A conceptual development plan showing the approximate layout of all buildings, structures, streets, driveways, parking areas and other significant improvements to be constructed on or above the surface of the ground plus any proposed open spaces, conservation areas, buffer areas or other features of the development, but it is not required to show subsurface infrastructure installations, building plans, engineering plans or other

details which would be required for a subdivision plan or site plan.

- (g) A statement describing the existing use of the property and the proposed new use and development and describing how the proposed contract zone will be consistent with the Comprehensive Plan, shall be consistent with existing and permitted uses within the existing zoning district classification of the property, and shall have beneficial effects on the City as a whole which would not result if the property were developed under the existing zoning district classification.
 - (2) Such sketch plan review by the Site Plan Review Committee will not be binding on the applicant or the City but is intended to permit informal evaluation of the proposed rezoning before formal application to the Planning Board. The sketch plan review fee is nonrefundable.
- D. Application procedures.
- (1) Application. Notwithstanding § 280-10-4A, any proposal to amend the Official Zoning Map of the City through the establishment of a contract zone shall be filed with the Planning Board. A contract zone application shall be in writing in such form as prescribed by the City and shall include, at a minimum, the following information:
 - (a) All of the information required to be submitted for the conceptual sketch plan review.
 - (b) A proposed contract zoning agreement which complies with the requirements of this section.
 - (c) Any other information requested by the Planning Department and/or the City Engineer.
 - (d) A nonrefundable application fee in such amount as the City Council may from time to time establish by City Council order.
 - (2) Fees. **[Amended 12-20-2016 by Order No. 16-158.07]**
 - (a) Any request for contract zoning shall be accompanied by a filing fee established by the City Council and administered in conformance with § 280-3-4.
- E. Public hearing. **[Amended 5-7-2019 by Order No. 19-258-01]**
- (1) The Planning Board shall notice and conduct a public hearing in conformance with § 280-4-1 prior to any property being rezoned under this section.
- F. City Council action on contract zoning request.
- (1) If the City Council approves a request for contract zoning, the City Council shall simultaneously approve an agreement setting forth the conditions and restrictions to apply to the property, including time limits for compliance with all conditions and restrictions. Such agreement shall include a provision granting the City the power to enforce all conditions and restrictions, both through enforcement action pursuant to this chapter and through legal action for specific performance. The rezoning shall not be effective until the agreement is executed, delivered to the City Council and recorded by the applicant at the York County Registry of Deeds within thirty (30) days after the City Council approves the request for rezoning. If the agreement is not recorded within this period, the approval shall be null and void. Prior to the expiration of the thirty (30) day period, the City Council may extend the time limit for an additional thirty (30) days upon written request by the applicant and a finding that such extension is consistent with the agreement. **[Amended 8-20-2019 by Order No. 19-397-01]**

- (2) The conditions and restrictions set forth in the agreement shall run with the land and bind all future owners of the land and any other person who claims an interest in the property and may be removed only by subsequent action of the City Council expressly removing, relieving or discharging one (1) or more of the specific conditions or restrictions. If the conditions and restrictions are not fulfilled or complied with within the specified time limits, the City Council may, after review by the Planning Board, extend the time limits or may initiate a rezoning to the original zoning district classification or to another zoning district classification. The City Council may require a bond, escrow agreement, irrevocable letter of credit, or other surety in such amount as is approved by the City Manager as being reasonably necessary to ensure compliance with the conditions or restrictions required by the rezoning and, where necessary to ensure continued compliance, may require such surety to remain in effect after occupancy of rezoned property. Such surety shall be posted before the agreement is recorded at the York County Registry of Deeds.

G. Land use reviews.

- (1) Where site plan or subdivision review is required for the use proposed in the rezoning request, the Planning Board may conduct the site plan or subdivision review concurrent with review of the request for rezoning, and the public hearing required by § 280-10-4E may be conducted simultaneously with a public hearing conducted as part of site plan or subdivision review. If the Planning Board determines that the proposed development meets such land use approval standards, the Planning Board shall grant preliminary, provisional approval to the plans, subject to enactment of the contract zoning amendment by the City Council. The Planning Board shall also advise the applicant of any changes or revisions to the proposed contract zoning agreement necessary to conform to the Planning Board's preliminary approval of the plan. **[Amended 5-7-2019 by Order No. 19-258-01]**
- (2) After the contract zoning agreement is recorded in the York County Registry of Deeds, the Planning Board shall complete its final site plan review of the development proposal and final subdivision review, if required. In the case of a subdivision, the Planning Board shall adopt, as its findings under 30-A M.R.S.A. § 4404(9) and Chapter 275: Subdivision of Land, the findings made by the City Council regarding consistency with the Comprehensive Plan.
- (3) Notwithstanding any other provision of this section, where the development proposed in a request for contract zoning is designed to be constructed in phases and the Planning Board concludes that it would be impractical to require preliminary subdivision and/or site plan review and approval of all phases before approval of the contract zoning amendment, the Planning Board, in its discretion, may waive the provisions of this section requiring the Planning Board to approve a preliminary plan before the City Council takes final action on the contract zoning amendment, but only with respect to phases subsequent to the first phase of the development to be constructed. If the Planning Board grants such a waiver, the City shall include a phasing schedule in the contract zoning agreement, specifying the dates for completion of the subdivision and/or site plan review, and may reserve in the contract zoning agreement the right of the City Council to review the plans for subsequent phases prior to their construction.

H. Contract zoning agreement.

- (1) Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:
 - (a) Limitations on the number and types of uses permitted;

- (b) Restrictions on the scale and density of development;
 - (c) Specifications for the design and layout of building and other improvements, including landscaping;
 - (d) Schedules for commencement and completion of construction;
 - (e) Performance guarantees securing completion and maintenance of improvements, including landscaping, and guarantees against defects;
 - (f) Preservation of open space and buffers, and protection of natural areas and historic sites;
 - (g) Contributions toward the provision of municipal services required by the development;
 - (h) Provisions for enforcement and remedies for breach of any condition or restriction; and
 - (i) Provisions for reservation or dedication of land for public purposes.
- (2) The City Council may impose conditions under this section that are more restrictive than the applicable requirements of this chapter.
- I. No rights created before City Council vote. The submission of a request for contract zoning under this section, the payment of application fees, or the expenditure of funds by the applicant in presenting such a request shall not create any vested rights in the application. The availability of contract zoning under this section shall not be construed as creating any entitlement to approval of any request. The decision whether or not to rezone remains committed to the City Council, exercising its sole and exclusive judgment as the legislative body of the City.
- J. Time period for renewal of contract zoning request. No proposal to amend the Official Zoning Map under this section shall be entertained within one (1) year from the date of denial of the same request.

ARTICLE XI
Zone Requirements

§ 280-11-1. General provisions.

All land use activities within the City shall conform to the use, development, and performance standards of the zone in which such use is located. Throughout this article reference is made to the Table of Land Uses²⁷ in which permitted uses, uses allowed with site plan review, and conditional uses are organized by categories of use, such as residential uses or institutional uses. These headings or categories shall carry no legal meaning, but rather serve only for organizational purposes.

§ 280-11-2. Rural Residential Zone (RR).

- A. Purpose. The purpose of the Rural Residential (RR) Zone is to provide areas in the City which promote high-quality rural residential environments in sections of the community which cannot be served by public water and sewerage systems, while maintaining the rural character of these areas.
- B. Permitted uses.
 - (1) Uses shown on the Table of Land Uses as being permitted uses shall be permitted by right in the RR Zone.
 - (2) Those lots listed below are considered nonconforming lots of record at the time they were rezoned in 2006 from Residential Development and may be built upon, without the need for a variance, with a single-family detached dwelling, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of the Residential Development Zone can be met. **[Amended 9-20-2022 by Order No. 22-440-01]**

Lots Rezoned Residential Development to Rural Residential February 2006 Considered Preexisting Nonconforming				
R8-3	G17-1	G17-3	R8-35B	G17-2
H17-3	R8-30	G17-4	H17-4	G17-8
G17-7	H17-5	R8-6A	G17-6	R8-28
R6-69C	R8-5B	R6-69	R8-5F	R6-69D
H18-11	R8-7	R8-5D	R11-55C	R11-90
R11-55B	R6-56	R8-72C	R8-72D	R8-8

- C. Uses permitted with site plan review. Uses outlined in the Table of Land Uses as being permitted with site plan review in the RR Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the provisions of Article XVI. **[Amended 12-3-2019 by Order No. 19-168-01; amended 9-20-2022 by Order No. 22-440-01]**
- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the RR Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles XIII and XVI.

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

- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review or a conditional use in the RR Zone shall be prohibited within the RR Zone.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the RR Zone shall be used in accordance with the following standards.
- (1) Space and bulk standards.
- (a) Maximum net residential density: one (1) dwelling unit per two (2) net acres.
- (b) Minimum lot size: see § 280-11-2F(2)(e).
- (c) Minimum lot area per dwelling unit: see § 280-11-2F(2)(e).
- (d) Minimum street frontage:
- [1] Arterial or collector in designated resource conservation areas: three-hundred (300) feet.
- [a] Route 11A from Hanson Ridge Road to Harry Howes Road.
- [b] The Hanson Ridge Road.
- [2] Arterial: two-hundred (250) feet.
- [3] Collector: two-hundred-fifty (250) feet.
- [4] Existing local street: two-hundred (200) feet.
- [5] Proposed local street: one-hundred (100) feet.
- (e) Minimum front setback (principal and accessory buildings).
- [1] Arterial: seventy-five (75) feet.
- [2] Collector: forty (40) feet.
- [3] Existing local street: forty (40) feet.
- [4] Proposed local street: twenty-five (25) feet.
- (f) Minimum side and rear setbacks.
- [1] Principal residential buildings: fifteen (15) feet.
- [2] Combined side setbacks of residential buildings: forty (40) feet.
- [3] Accessory buildings or structures: fifteen (15) feet, except when they directly abut a building used for agricultural purposes.
- [4] Nonresidential buildings or structures: one (1) foot for each foot of height but not less than thirty (30) feet, excluding agricultural buildings.
- (g) Minimum vegetated area, side and rear, nonresidential use: twenty (20) feet.
- (h) Maximum height.

- [1] Residential buildings and structures: thirty-five (35) feet.
 - [2] Nonresidential buildings and structures: fifty-five (55) feet.
 - [3] Transmitter towers and wind generators: none.
- (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-2F(1), the following standards shall apply as indicated:
- (a) Subdivisions. The division of any lot of land containing ten (10) or more acres as of the date of adoption of this subsection shall: **[Amended 9-20-2022 by Order No. 22-440-01]**
 - [1] Be a cluster subdivision meeting the requirements of § 280-15-4; or
 - [2] Conform to the following development standards:
 - [a] Access to all new lots shall be from an existing or proposed local street as defined in this chapter unless no other reasonable alternative is feasible as determined by the Planning Board.
 - [b] A forty (40)-foot area adjacent to any existing street or road shall be maintained as a vegetated buffer.
 - [c] Where tree lines or wooded areas exist along existing streets or roads, an effort shall be made to preserve these features and suitable provisions made to protect them through deed covenants or easements.
 - [d] The layout of lots and the placement of buildings on lots shall respect natural features, including wetlands, streams, and wildlife habitat, as well as existing site features, such as tree lines and stone walls. In approving plans for subdivisions, the Planning Board may require the identification of building envelopes within which all construction and development shall occur.
 - (b) Reuse of agricultural buildings. Agricultural buildings existing as of the date of adoption of this section may be reused for nonresidential purposes subject to the following limitations:
 - [1] There is no retail sale of goods not otherwise allowed in the zone.
 - [2] The nonresidential activity occurs completely within the agricultural building and there is no outside storage of materials, equipment, or products.
 - [3] The architectural character of the building is maintained.
 - [4] Exterior changes in the structure shall be limited to minor changes and/or additions needed to provide access or comply with code requirements.
 - (c) Outdoor storage of machinery, equipment, materials, or products. Any outdoor storage permitted in conjunction with an allowed nonresidential use shall be screened from view from any public street or road or adjacent lot in residential use by fencing or sight-impervious vegetation or a combination thereof. This requirement shall not apply to the normal use and storage of farm equipment in conjunction with an agricultural use.
 - (d) Child-care center or nursery school for more than thirteen (13) children. In addition to the requirements of conditional use, child-care center or nursery school for thirteen (13) or

more children shall comply with the following standards: **[Amended 8-21-2018 by Order No. 18-348-01]**

- [1] Minimum lot size shall be eight (8) acres.
 - [2] The lot shall have four-hundred-fifty (450) feet of frontage on Route 109 or Route 4. When a lot fronts on either Route 109 or Route 4 and another road, access shall be from Route 109 or Route 4. **[Amended 9-20-2022 by Order No. 22-440-01]**
 - [3] All building improvements associated with the proposed use shall meet the following minimum vegetated front, side, and rear setbacks.
 - [a] Front yard setback: one-hundred (100) feet.
 - [b] Side and rear yard setback: seventy-five (75) feet.
 - [4] The use shall serve a maximum of forty-nine (49) children. An existing facility shall only be allowed to expand the number of children if the property is located on an arterial, shall demonstrate that there are adequate provisions for water supply and sanitary wastewater disposal, and shall require conditional use approval.
 - [5] The use shall occur either within a single-family detached dwelling or a separate structure. When the proposed use will be located in a separate structure, the structure shall be used exclusively for the child-care center or nursery school.
- (e) Individual lot sizes. The creation of any individual lot shall conform to the maximum net residential density provision of one (1) dwelling unit per two (2) net acres. Individual lots may be as small as forty-thousand (40,000) square feet provided that the cumulative net residential density of all lots created from the original lot conforms to the density standard. If a lot with a lot area of less than two (2) net acres or less than two (2) net acres per proposed dwelling unit is proposed to be created, the owner shall provide the Code Enforcement Officer with written evidence that the lot will be in conformance with the maximum net residential density requirement of one (1) dwelling unit per two (2) net acres. This evidence may include, but is not limited to, the following: **[Amended 9-20-2022 by Order No. 22-440-01]**
- [1] Evidence that the lot is part of an approved subdivision that conforms to the maximum density requirement.
 - [2] Evidence that the proposed lots, in conjunction with other lots created from the same lot, conforms to the maximum density requirement.
 - [3] Evidence that, in addition to the proposed lots, a conservation area on the same lot, adequate to allow the combination of the lots and conservation area to conform to the maximum density requirement, has been permanently restricted from development through a conservation or similar easement.
- (3) Performance standards. Uses within the RR Zone shall conform to all applicable performance standards, including but not limited to the following.
- (a) § 280-15-1: Groundwater protection standards.
 - (b) § 280-15-2: Watershed performance standards.

- (c) § 280-15-4: Residential cluster development standards.
- (d) § 280-15-5: Manufactured housing.
- (e) § 280-15-6: Mineral extraction standards.
- (f) § 280-15-7: Archaeological and historic resources.
- (g) § 280-15-10: Marijuana standards. [**Amended 5-5-2020 by Order No. 19-874-01**]

G. Overlay districts.

- (1) Areas within the RR Zone are located within the Shoreland Overlay Zone as defined by Chapter 270: Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter 270.
- (2) Areas within the RR Zone may be located within the Airport Protection Overlay Zone as defined in § 280-11-10. The provisions of that section shall apply to all use of land within the Airport Protection Overlay Zone.

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

§ 280-11-3. Rural Mixed Use Zone (RMU).

- A. Purpose. The purpose of the Rural Mixed Use (RMU) Zone is to provide areas in the City which foster a working rural environment, including a mix of residential and traditional rural uses, while maintaining the rural character of these areas.
- B. Permitted uses. Uses shown on the Table of Land Uses²⁸ as being permitted uses shall be permitted by right in the RMU Zone.
- C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being permitted with site plan review in the RMU Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the provisions of Article XVI.
- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the RMU Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles XIII and XVI.
- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review, or a conditional use in the RMU Zone shall be prohibited within the RMU Zone.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the RMU Zone shall be used in accordance with the following standards.
 - (1) Space and bulk standards.
 - (a) Maximum net residential density: one (1) dwelling unit per two (2) net acres.
 - (b) Minimum lot size: See § 280-11-3F(2)(a)[2][e].
 - (c) Minimum lot area per dwelling unit: See § 280-11-3F(2)(a)[2][e].

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

- (d) Minimum street frontage.
 - [1] Arterial: two-hundred-fifty (250) feet.
 - [2] Collector: two-hundred-fifty (250) feet.
 - [3] Existing local street: two-hundred (200) feet.
 - [4] Proposed local street: one-hundred (100) feet.
- (e) Minimum front setback (principal and accessory buildings).
 - [1] Arterial: seventy-five (75) feet.
 - [2] Collector: forty (40) feet.
 - [3] Existing local street: forty (40) feet.
 - [4] Proposed local street: twenty-five (25) feet.
- (f) Minimum side and rear setbacks.
 - [1] Principal residential buildings: fifteen (15) feet.
 - [2] Combined side setbacks of residential buildings: forty (40) feet.
 - [3] Accessory buildings or structures: fifteen (15) feet, except when they directly abut an agricultural building.
 - [4] Nonresidential buildings or structures: one (1) foot for each foot of height but not less than thirty (30) feet, excluding agricultural buildings.
- (g) Minimum vegetated area, side and rear, nonresidential use: twenty (20) feet.
- (h) Maximum height.
 - [1] Residential buildings and structures: thirty-five (35) feet.
 - [2] Nonresidential buildings and structures: fifty (55) feet.
 - [3] Wind generators: none.
- (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-3F(1), the following standards shall apply as indicated:
 - (a) Subdivisions. The division of any lot of land containing ten (10) or more acres as of the date of adoption of this subsection shall: **[Amended 9-20-2022 by Order No. 22-440-01]**
 - [1] Be a cluster subdivision meeting the requirements of § 280-15-4; or
 - [2] Conform to the following development standards:
 - [a] Access to all new lots shall be from an existing or proposed local street as defined in this chapter unless no other reasonable alternative is feasible as determined by the Planning Board.
 - [b] A forty (40)-foot area adjacent to any existing street or road shall be maintained

as a vegetated buffer.

- [c] Where tree lines or wooded areas exist along existing streets or roads, an effort shall be made to preserve these features and suitable provisions made to protect them through deed covenants or easements.
- [d] The layout of lots and the placement of buildings on lots shall respect natural features, including wetlands, streams, and wildlife habitat, as well as existing site features, such as tree lines and stone walls. In approving plans for subdivisions, the Planning Board may require the identification of building envelopes within which all construction and development shall occur.
- [e] Individual lot sizes. The creation of any individual lot shall conform to the maximum net residential density provision of one (1) dwelling unit per two (2) net acres. Individual lots may be as small as forty-thousand (40,000) square feet provided that the cumulative net residential density of all lots created from the original lot conforms to the density standard. If a lot with a lot area of less than two (2) net acres or less than two (2) net acres per proposed dwelling unit is proposed to be created, the owner shall provide the Code Enforcement Officer with written evidence that the lot will be in conformance with the maximum net residential density requirement of one (1) dwelling unit per two (2) net acres. This evidence may include, but is not limited to, the following:
 - [i] Evidence that the lot is part of an approved subdivision that conforms to the maximum density requirement.
 - [ii] Evidence that the proposed lots, in conjunction with other lots created from the same lot, conforms to the maximum density requirement.
 - [iii] Evidence that, in addition to the proposed lots, a conservation area on the same lot, adequate to allow the combination of the lots and conservation area to conform to the maximum density requirement, has been permanently restricted from development through a conservation or similar easement.
- (b) Reuse of agricultural buildings. Agricultural buildings existing as of the date of adoption of this section may be reused for nonresidential purposes subject to the following limitations:
 - [1] There is no retail sale of goods not otherwise allowed in the zone.
 - [2] The nonresidential activity occurs completely within the agricultural building and there is no outside storage of materials, equipment, or products.
 - [3] The architectural character of the building is maintained.
 - [4] Exterior changes in the structure shall be limited to minor changes and/or additions needed to provide access or comply with code requirements.
- (c) Outdoor storage of machinery, equipment, materials, or products. Any outdoor storage permitted in conjunction with an allowed nonresidential use shall be screened from view from any public street or road or adjacent lot in residential use by fencing or sight-impervious vegetation or a combination thereof. This requirement shall not apply to the

normal use and storage of farm equipment in conjunction with an agricultural use.

- (d) Access limitations to Route 4. In addition to the general access limitations set forth in §§ 280-14-4 and 280-14-5, any nonresidential use, located on a lot with frontage on Route 4 shall either: **[Amended 1-21-2020 by Order No. 19-580-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01]**
 - [1] Obtain its vehicular access from an existing or proposed local street, or
 - [2] Provide for the coordination of vehicular access with abutting properties where feasible through the use of shared or combined access drives, the creation of marginal access roads, or the interconnection of parking and service areas. The Planning Board or the Site Plan Review Committee may waive this requirement during site plan review under Article XVI if access is not feasible because of existing conditions, the layout of lots, or physical conditions of the site or adjoining lots.
- (e) Residential buffer. Any commercial or industrial use, as identified in the Table of Land Uses, that abuts a lot located in a Residential Development Zone shall maintain a fifty (50)-foot buffer strip along the adjoining lot line. This buffer strip shall be maintained as a vegetated area and shall not be used for parking, storage, display of materials, placement of dumpsters, or similar items. A visual barrier shall be established within the buffer strip by landscaping and/or fencing. **[Amended 1-16-2024 by Order No. 23-518-01]**
- (f) Child-care center or nursery school for more than thirteen (13) children. In addition to the requirements of conditional use, a child-care center or nursery school for thirteen (13) or more children shall comply with the following standards: **[Amended 8-21-2018 by Order No. 18-348-01]**
 - [1] Minimum lot size shall be eight (8) acres.
 - [2] The lot shall have four-hundred-fifty (450) feet of frontage on an arterial or collector road. When a lot fronts on both an arterial and/or collector road, access shall be from the collector road unless otherwise approved by the Planning Board. **[Amended 8-20-2019 by Order No. 19-397-01; 9-20-2022 by Order No. 22-440-01]**
 - [3] All building improvements associated with the proposed use shall meet the following minimum vegetated front, side, and rear setbacks.
 - [a] Front yard setback: one-hundred (100) feet.
 - [b] Side and rear yard setback: seventy-five (75) feet.
 - [4] The use shall serve a maximum of forty-nine (49) children. An existing facility shall only be allowed to expand the number of children if the property is located on an arterial, shall demonstrate that there are adequate provisions for water supply and sanitary wastewater disposal, and shall require conditional use approval.
 - [5] The use shall occur either within a single-family detached dwelling or a separate structure. When the proposed use will be located in a separate structure, the structure shall be used exclusively for the child-care center or nursery school.
- (3) Performance standards. Uses within the RMU Zone shall conform to all applicable performance standards of this chapter, including but not limited to the following:

- (a) § 280-15-1: Groundwater protection standards.
- (b) § 280-15-2: Watershed performance standards.
- (c) § 280-15-4: Residential cluster development standards.
- (d) § 280-15-5: Manufactured housing.
- (e) § 280-15-6: Mineral extraction standards.
- (f) § 280-15-7: Archaeological and historic resources.
- (g) § 280-15-10: marijuana standards. **[Amended 5-5-2020 by Order No. 19-874-01]**

G. Overlay districts.

- (1) Areas within the RMU Zone are located within the Shoreland Overlay Zone as defined by Chapter 270: Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter 270.
- (2) Areas within the RMU Zone may be located within the Airport Protection Overlay Zone as defined in § 280-11-10. The provisions of that section shall apply to all use of land within the Airport Protection Overlay Zone.

H. Flood management. Areas of the RMU Zone which are located within flood hazard areas as defined by Chapter 365: Floodplain Management shall additionally comply with the terms of that chapter.

§ 280-11-4. (Reserved)²⁹

§ 280-11-5. Residential Development Zone (RD). [Amended 5-5-2020 by Order No. 19-874-01; 11-23-2021 by Order No. 21-494-01; 9-20-2022 by Order No. 22-440-01; 1-16-2024 by Order No. 23-517-01; 2-4-2025 by Order No. 25-33-01]

- A. Purpose. The purpose of the Residential Development (RD) Zone is to provide areas in the City for the extension of a compact pattern of residential development in areas where public sewer and water service can be extended.
- B. Permitted uses. Uses shown on the Table of Land Uses³⁰ as being permitted uses shall be permitted by right in the RD Zone.
- C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being permitted with site plan review in the RD Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the provisions of Article XVI.
- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the RD Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles XIII and XVI.
- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review, or a conditional use in the RD Zone shall be prohibited within the RD Zone.

29. Editor's Note: Former § 280-11-4, Single-Family Residential Zone (SFR), was repealed 1-16-2024 by Order No. 23-518-01, as amended.

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

- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the RD Zone shall be used in accordance with the following standards.
- (1) Space and bulk standards.
 - (a) Maximum net residential density.
 - [1] Basic: six (6) dwelling units per net acre.
 - [2] With density bonus: ten (10) dwelling units per net acre.
 - (b) Minimum lot size.
 - [1] Seven-thousand-five-hundred (7,500) square feet.
 - [2] Within density bonus: six-thousand (6,000) square feet.
 - (c) Minimum street frontage: sixty-five (65) feet.
 - (d) Minimum front setback (principal and accessory buildings): twenty-five (25) feet. Where the existing buildings have a uniform setback relationship to the street, any new building shall maintain the existing relationship. The setback of an expansion and/or addition to an existing structure shall not vary from the existing setback by more than eight (8) feet, except when the expansion or addition brings the existing building into greater conformance with the uniform setback relationship for the lot.
 - (e) Minimum side and rear setbacks: ten (10) feet.
 - (f) Maximum height:
 - [1] Thirty-five (35) feet.
 - [2] With density bonus: fifty (50) feet.
 - (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-5F(1), the following standards shall apply as indicated:
 - (a) Connection to public sewerage system. Any new development or change of use shall be connected to the public sewerage system operated by the Sewerage District, except that:
 - [1] For lots existing as of January 1, 2025, up to two new dwelling units shall be allowed without connecting to the public sewerage system. Each lot may be split in conformance with § 280-11-5F(1), so long as the total number of private sewer systems does not exceed two.
 - [2] Any change in use and/or expansion of an existing building or parcel of land which increases the design sewerage flow by less than 25%, as determined by the Maine State Plumbing Code, shall not be required to connect to the public sewerage system.
 - (b) Density bonus. Space and bulk requirements may be altered with review by the Planning Board to allow for increased density in conformance with the following standards:
 - [1] The maximum net residential density shall be increased to ten (10) dwelling units per net acre.
 - [2] The minimum lot size may be decreased to six thousand (6,000) square feet.

- [3] The maximum building height may be increased to 50 feet for residential structures having two (2) or more dwelling units within the primary structure.
- [4] In review of proposed space and bulk standards stated in § 280-11-5F(2)(b), the Planning Board shall consider the following standards.
 - [a] The overall layout of the streets, lots, and buildings creates a neighborhood which has an urban character with a pedestrian orientation.
 - [b] The buildings are oriented to the streets in an urban fashion with buildings fronting on the streets.
 - [c] Parking and service areas are located to the side and rear of the buildings.
 - [d] The layout provides for varying lot frontages and side setbacks.
 - [e] Provisions are made for sidewalks or other pedestrian ways linking the neighborhood.
 - [f] The proposed development will be connected to the public water system operated by the Sanford Water District and the public sewerage system operated by the Sanford Sewerage District.
 - [g] The proposed development is compatible in building scale and mass with the neighboring buildings fronting on the same street. This includes the setback and orientation of the building to the street, the relative proportion of the height and width of the building as seen from the street, and the nature of any proposed parkland or recreational amenities; while still allowing for a variety of building forms and styles within a neighborhood.
- (c) Accessory office and retail uses. Projects meeting the standards of § 280-11-5F(2)(b) may provide for low-intensity nonresidential use of not more than five percent (5%) of the total lot area of the project. These nonresidential uses shall be designed as part of the overall project and shall be limited to business and professional offices, business and personal services, and limited retail stores as defined in this chapter, subject to the granting of a conditional use permit by the Planning Board. These types of uses shall not otherwise be permitted within the zone.
- (d) Commercial vehicle parking accessory to an allowed residential use. Overnight parking of not more than one (1) commercial vehicle shall be permitted in conjunction with an allowed residential use, provided that:
 - [1] The vehicle is parked on the same lot as the residential use;
 - [2] The vehicle is regularly driven by a resident of the premises; and
 - [3] The commercial vehicle is not over one (1) ton in size.
- (e) Use of front yard. Parking of motor vehicles in the area between the front property line and the wall of the building or structure closest to the street and running the full width of the property shall be allowed only on driveways. No other parking of vehicles shall be permitted in this area.
- (f) Reduced side and rear setbacks for accessory structures. The required side and rear setback

for accessory buildings and structures may be reduced to not less than two (2) feet subject to the following:

- [1] The relationship of the structure to the side and/or rear lot line shall conform to the established pattern on abutting residential lots;
 - [2] The accessory structure shall be located at least ten (10) feet from any other structure on the same or an abutting lot;
 - [3] The owners of the abutting lots adjacent to the encroachment approves of the reduced setback in writing; and
 - [4] The Fire Department approves of the reduced setback in writing.
- (3) Performance standards. Uses within the RD Zone shall conform to all applicable performance standards of this chapter, including but not limited to the following:
- (a) § 280-15-1: Groundwater protection standards.
 - (b) § 280-15-2: Watershed performance standards.
 - (c) § 280-15-4: Residential cluster development standards.
 - (d) § 280-15-5: Manufactured housing.
 - (e) § 280-15-7: Archaeological and historic resources.
 - (f) § 280-15-10: Marijuana standards.
- G. Overlay districts. Areas within the RD Zone may be located within overlay districts and shall comply with the standards and requirements of those districts as specified, including but not limited to the following:
- (1) The Shoreland Overlay Zone as defined by Chapter 270: Shoreland Zoning.
 - (2) The Airport Protection Overlay Zone or Airport Clear Zone as defined in § 280-11-10.
- H. Flood management. Areas of the RD Zone which are located within flood hazard areas as defined by Chapter 265: Floodplain Management, shall additionally comply with the terms of that chapter.

§ 280-11-6. Urban Zone (U). [Amended 10-2-2018 by Order No. 18-426-01; 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 12-3-2019 by Order No. 19-168-01; 5-5-2020 by Order No. 19-874-01; 9-20-2022 by Order No. 22-440-01; 3-5-2024 by Order No. 24-17-01; 5-21-2024 by Order No. 24-17-01]

- A. Purpose. The purpose of the Urban (U) Zone is to provide areas for urban commercial centers within the built-up areas of the City which promote an urban rather than a suburban character of development. The development is characterized as vertical mixed use which emphasizes mixed uses in a structure, typically having two (2) or more stories, with a streetscape that encourages reduced traffic speeds and increased walkability.
- B. Permitted uses. Uses, shown on the Table of Land Uses³¹ as being permitted uses shall be permitted by right in the U Zone.

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

- C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being permitted with site plan review in the U Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the guidelines and provisions of Article XVI.
- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the U Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles XIII and XVI.
- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review, or a conditional use in the U Zone shall be prohibited.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the Urban Zone shall be used in accordance with the following standards.
 - (1) Space and bulk standards.
 - (a) Front setback (principal buildings):
 - [1] The maximum front yard setback shall be twenty (20) feet.
 - [2] An applicant may request a waiver for § 280-11-6F(1)(a)[1] if one of the following conditions is met:
 - [a] Multiple principal buildings are proposed on one parcel and at least one structure meets the required setback;
 - [b] The use is residential and no other viable option for setback exists due to topography or other lot constraints;
 - [c] The increase setback is utilized for the inclusion of public space in the form of a plaza, seating area, landscaped pathway, or other similar amenity. Privatized areas and areas otherwise blocked from public use may be allowed with review and approval of the Planning Board; or
 - [d] The applicant requests a setback which maintains the uniform setback relationship of existing buildings to the street, as calculated by the Code Enforcement Officer.
 - (b) Front setback (accessory structures):
 - [1] With approval from the Code Enforcement Officer, shall be located no closer to the front property line than the principal structure.
 - [2] With approval from the Site Plan Review Committee, shall be allowed closer to the front property line than the principal structure.
 - (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-6F(1), the following standards shall apply as indicated:
 - (a) For the construction of new single-family or two-family units the Code Enforcement Officer shall review and approve the application subject to any and all applicable state or local construction and/or fire codes, and § 280-11-6F.
 - (b) Parking.

- [1] Minimum number of spaces required. The required number of off-street parking spaces is determined by the use as shown in § 280-14-12B(4) and may be reduced for the reuse of an existing building or with evidence of parking demand data in conformance with § 280-14-12B(4)(a).
 - [2] Location. Off-street parking shall be located to the side or rear of the building, unless stipulated by the following:
 - [a] For residential uses, parking shall be allowed in the area between the front property line and the wall of the building or structure closest to the street on driveways with a maximum width of twenty (20) feet. No other parking of vehicles shall be permitted in this area.
 - [b] The required parking spaces for uses in the Urban Zone may be located off-site in conformance with § 280-14-12B(1).
 - [c] The required parking spaces for uses in the Urban Zone may be accommodated by a shared parking agreement in conformance with § 280-14-12B(1)(b).
 - [3] Commercial vehicle parking accessory to an allowed residential use. Overnight parking of not more than one (1) commercial vehicle shall be permitted in conjunction with an allowed residential use, provided that:
 - [a] The vehicle is parked on the same lot as the residential use;
 - [b] The vehicle is regularly driven by a resident of the premises; and
 - [c] The commercial vehicle is not over one (1) ton in size.
- (c) Access.
- [1] Private ways. The Planning Board may allow up to ten (10) residential units on a private way in the Urban Zone in conformance with § 280-16-7T(h).
 - [2] Street connections. Notwithstanding § 275-51C(2), for internal subdivisions and the development of multifamily residential buildings, frontage on any public or private road shall be considered a street connection if:
 - [a] Emergency personnel can reasonably access the building; and,
 - [b] Residents can reasonably evacuate the building.
- (d) Design standards. Any proposal involving the change of use of an existing building, expansion of the gross floor area of an existing building, construction of a new building or structure, exterior modification of an existing structure or site, or demolition of an existing structure in the Sanford Downtown or Springvale Village Design District Overlay Zones, except for a single family home shall conform to the design standards of § 280-15-11 and solicit review and comment by the Design Review Committee in conformance with §§ 280-16-4C and 280-16-5D prior to final review by the Planning Board, Site Plan Review Committee, Planning Director, and/or Code Enforcement Officer.
- (e) Lighting. Illumination from exterior lighting shall be shielded, directed downward, and contained on the property, except as otherwise provided for in § 280-15-11 Design District standards.

- (f) Building design. The architectural design of any new buildings shall be compatible with the architectural style of neighboring buildings fronting on the same street. In determining the compatibility of any new building with the Design District Standards, the Code Enforcement Officer, Planning Director, Planning Board or Site Plan Review Committee shall consider the recommendations of the Design Review Committee on the scale and massing of the structure, the setback and orientation of the building to the street, the relative proportion of the height and width of the building as seen from the street, the overall height of the building, the roof style and pitch, the location and sizes of windows, and the exterior surface materials.
- (g) Solid waste. Receptacles for solid waste may be in the form of dumpsters or smaller bins, provided that:
 - [1] All solid waste receptacles shall adhere to the regulations stated in § 220-26, Dumpster requirements. For the use of smaller bins, the storage area must follow all requirements.
 - [2] The minimum front setback shall be twenty (20) feet for all solid waste receptacles. The required setback may be reduced if site constraints prohibit the full twenty (20) feet with approval from the reviewing body as authorized under § 280-16-5.
- (3) Performance standards. Uses within the U Zone shall conform to all applicable performance standards of this chapter, including but not limited to the following:
 - (a) § 280-15-1: Groundwater protection standards.
 - (b) § 280-15-2: Watershed performance standards.
 - (c) § 280-15-3: Industrial performance standards.
 - (d) § 280-15-7: Archaeological and historic resources.
 - (e) § 280-15-10: Marijuana standards.
- G. Overlay districts. Areas within the U Zone may be located within the Shoreland Overlay Zone as defined by Chapter 270: Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter 270.
- H. Flood management. Areas of the U Zone which are located within flood hazard areas as defined by Chapter 265: Floodplain Management, shall additionally comply with the terms of that chapter.

§ 280-11-7. Industrial Business Zone (IB).

- A. Purpose. The purpose of the Industrial Business (IB) Zone is to provide areas for traditional industrial and business park development in a well-planned environment where public water supply and sewerage are available or can be provided.
- B. Permitted uses. Uses shown on the Table of Land Uses³² as being permitted uses shall be permitted by right in the IB Zone.
- C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being allowed with site plan review in the IB Zone shall be allowed, but only upon the receipt of approval of a

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

development plan in accordance with the provisions of Article XVI.

- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional uses in the IB Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles XIII and XVI.
- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review, or a conditional use in the IB Zone shall be prohibited within the IB Zone.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the IB Zone shall be used in accordance with the following standards.
- (1) Space and bulk standards.
 - (a) Minimum lot size: forty-thousand (40,000) square feet.
 - (b) Minimum street frontage: two-hundred (200) feet.
 - (c) Front setback (principal and accessory buildings): fifty (50) feet.
 - (d) Minimum side and rear setbacks.
 - [1] Principal buildings: fifty (50) feet.
 - [2] Accessory buildings and structures: twenty (20) feet plus one (1) additional foot for each foot of building height in excess of thirty (30) feet except where residential buffer requirement applies.
 - (e) Maximum height.
 - [1] Principal buildings: fifty-five (55) feet.
 - [2] Accessory buildings and structures: as determined by the Planning Board.
 - (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-7F(1), the following standards shall apply as indicated:
 - (a) Street line landscaped area. A strip of land not less than twenty-five (25) feet in width shall be maintained as a vegetated area adjacent to the front property line. This area shall be appropriately landscaped and maintained as a vegetated area. Where tree lines exist along existing streets or roads, an effort shall be made to preserve this feature and suitable provisions made to protect it through deed covenants or easements. This vegetated area shall not be used as parking, for the storage or display of materials, or for the location of dumpsters or similar items. Access drives or streets may cross this area, but drives or accessways providing internal circulation shall not be located within this area.
 - (b) Residential buffer. A fifty (50)-foot buffer strip shall be maintained along any lot line adjoining a lot located in a residential zone. This buffer strip shall be maintained as a vegetated area and shall not be used for parking, storage, or display of materials or the placement of dumpsters or similar items. A visual barrier shall be established within the buffer strip by landscaping and/or fencing.
 - (c) Access limitations to Routes 4 and 109. In addition to the general access limitations set forth in §§ 280-14-4 and 280-14-5, any nonresidential use located on a lot with frontage on Route 4 or 109 shall provide for the coordination of vehicular access with abutting

properties where feasible through the use of shared or combined access drives, the creation of marginal access roads, or the interconnection of parking and service areas. The Planning Board or Site Plan Review Committee may waive this requirement during site plan review under Article XVI if access is not feasible because of existing conditions, the layout of lots, or physical conditions of the site or adjoining lots.

- (d) Maximum height of accessory buildings and structures. In approving the height of accessory buildings and structures, the Planning Board shall not allow any encroachment above the imaginary surface of the Airport as specified in § 77.13 of Part 77 of the Federal Aviation Regulations unless the Planning Board finds that such encroachment will not have a detrimental impact on the instrument landing approach minimums currently in use or likely to be in use in the future.
- (3) Performance standards. Uses within the IB Zone shall conform to all applicable performance standards of this chapter, including but not limited to the following:
 - (a) § 280-15-1: Groundwater protection standards.
 - (b) § 280-15-2: Watershed performance standards.
 - (c) § 280-15-3: Industrial performance standards.
 - (d) § 280-15-6: Mineral extraction standards.
 - (e) § 280-15-7: Archaeological and historic resources.
 - (f) § 280-15-10: Marijuana standards. **[Amended 5-5-2020 by Order No. 19-874-01]**

G. Overlay districts.

- (1) Areas within the IB Zone are located within the Shoreland Overlay Zone as defined by Chapter 270: Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter 270.
- (2) Areas within the IB Zone are located within the Airport Protection Overlay Zone as defined in § 280-11-10. The provisions of that section shall apply to all use of land within the Airport Protection Overlay Zone.
- (3) For areas within Tax Map R19, Lot 9A and 201-215 retail is allowed as a conditional use subject to Planning Board approval and the provisions of Articles XIII and XVI.

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

§ 280-11-8. Industrial Reuse Zone (IR).

- A. Purpose. The purpose of the Industrial Reuse (IR) Zone is to foster the continued use, reuse, and redevelopment of existing mill complexes and other under-utilized industrial areas where a mix of residential and nonresidential uses and/or nonresidential uses are encouraged in existing, large buildings that have potential for efficient reuse of existing land and buildings and dense, mixed use development which relies on shared infrastructure systems including but not limited to service alleys, parking lots, public transportation facilities, stormwater management, and driveways. **[Amended 11-24-2020 by Order No. 20-149-01]**

- B. Permitted uses. Uses shown on the Table of Land Uses ³³as being permitted uses shall be permitted by right in the IR Zone.
- C. Uses permitted with site plan review. Uses shown on the Table of Land Uses as being permitted with site plan review in the IR Zone shall be allowed, but only upon the receipt of approval of a development plan in accordance with the provisions of Article XVI.
- D. Conditional uses. Uses shown on the Table of Land Uses as being conditional in the IR Zone shall be allowed only if a conditional use permit for that use is approved by the Planning Board in accordance with the provisions of Articles XIII and XVI.
- E. Prohibited uses. Any use not listed as a permitted use, a use permitted with site plan review, or a conditional use in the IR Zone shall be prohibited.
- F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the IR Zone shall be used in accordance with the following standards.
- (1) Space and bulk standards.
- (a) Maximum net residential density: none.
- (b) Minimum lot size: none.
- (c) Minimum street frontage: fifty (50) feet.
- (d) Front setback.
- [1] Principal buildings. Where existing buildings have a uniform setback relationship to the street, any new building or alteration of an existing building shall maintain the existing relationship. Where a uniform setback relationship does not exist, or abutting lots are not developed, the front setback shall be a minimum of twenty (20) feet.
- [2] Accessory buildings: twenty (20) feet.
- (e) Minimum side and rear setbacks (principal and accessory buildings): ten (10) feet.
- (f) Maximum height.
- [1] Principal buildings: seventy-five (75) feet.
- [2] Accessory buildings and structures: seventy-five (75) feet.
- (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-8F(1), the following standards shall apply as indicated:
- (a) Design standards. For any proposal involving the change of use of an existing building, or the expansion of the gross floor area of an existing building, or the construction of a new building or structure, the Planning Board or Site Plan Review Committee shall find that it complies with the following standards:
- [1] Off-street parking. New off-street parking shall be located to the side or rear of the principal building. No new off-street parking for a nonresidential use shall be located

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

in the area between the front property line and the wall of the building or structure closest to the street and running the full width of the property.

- [2] Lighting. Illumination from exterior lighting shall be shielded, directed downward, and contained on the property; except when otherwise allowed under § 250-15-11. **[Amended 11-24-2020 by Order No. 20-149-01]**
 - [3] Residential buffer. Where feasible, a strip of land between ten (10) and twenty feet in width, as determined by the Planning Board, shall be maintained as a vegetated area along any lot line adjoining a lot located in a residential zone to create a visual barrier to minimize impacts on existing abutting residential uses. A visual barrier, which may be created by landscaping, berms, and/or fencing, shall be established within the required buffer strip. **[Amended 11-24-2020 by Order No. 20-149-01]**
 - [4] Storage. There shall be no exterior storage or display of material or equipment in conjunction with a nonresidential use in any required setback area.
- (b) Multifamily residential on the first floor of a mixed use structure. **[Added 11-24-2020 by Order No. 20-149-01³⁴]**
- [1] Shall be allowed as a conditional use under Article XIII and the following conditions:
 - [a] A minimum of twelve (12) months effort to secure an allowed nonresidential tenant and/or buyer has been unsuccessful.
 - [b] Residential units that front on public streets shall not exceed fifty percent (50%) or one-hundred (100) linear feet of the building's frontage on a public street, whichever is smaller. The Planning Board may increase the percent or linear feet up to twenty-five percent (25%) if the local economy is experiencing a prolonged economic downturn with documented inability to rent nonresidential space for eighteen (18) months or longer.
 - [c] Shall maximize the amount of space on the first floor dedicated to active uses that invite the public into the first floor of the structure.
 - [d] Shall not convert spaces which have unique features including, but not limited to, views of waterfalls and/or other water features from active uses that invite the public into the first floor of the structure.
 - [e] If direct access to the structure from a public street is obstructed by topographic conditions, the Planning Board may consider the compatibility of accommodations for American with Disabilities, or other features that provide direct access with the architectural and/or historic character of the structure and/or area. The Planning Board may take financial impacts of providing such accommodations for direct access into consideration in determining the significance of the obstruction.
 - [2] Minimum size of residential units. Any residential dwelling unit created in the IR Zone shall comply with the following minimum floor area requirements based on the type of unit:

34. Editor's Note: This order also redesignated former Subsection F(2)(c) as Subsection F(2)(b)[2].

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- [a] Studio/efficiency unit: not less than four-hundred-ten (410) square feet.
 - [b] One (1)-bedroom unit: not less than five-hundred-thirty-five (535) square feet.
 - [c] Two (2)-bedroom unit: not less than seven-hundred-twenty (720) square feet.
 - [d] Three (3)-bedroom unit: not less than nine-hundred-twenty (920) square feet.
 - [e] Four (4) or more bedroom unit: not less than one-thousand-one-hundred-twenty (1,120) square feet.
- (3) Performance standards. Uses within the IR Zone shall conform to all applicable performance standards of this chapter, including but not limited to the following:
- (a) § 280-15-1: Groundwater protection standards.
 - (b) § 280-15-2: Watershed performance standards.
 - (c) § 280-15-3: Industrial performance standards.
 - (d) § 280-15-7: Archaeological and historic resources.
 - (e) § 280-15-10: Marijuana standards. **[Amended 5-5-2020 by Order No. 19-874-01; 11-24-2020 by Order No. 20-149-01]**
- G. Overlay districts. Areas within the IR Zone may be located within the Shoreland Overlay Zone as defined by Chapter 270: Shoreland Zoning. All use of land within the Shoreland Overlay Zone shall comply with the standards and requirements of Chapter 270.
- H. Flood management. Areas of the IR Zone which are located within flood hazard areas as defined by Chapter 265: Floodplain Management, shall additionally comply with the terms of that chapter.

§ 280-11-9. Airport Development Zone (AD). [Amended 5-5-2020 by Order No. 19-874-01; 4-1-2025 by Order No. 25-65-01]

- A. Purpose. The purpose of the Airport Development Zone (AD) is to promote the smooth and efficient functioning of the Airport. This zone includes the Sanford Seacoast Regional Airport, adjacent clear zones, and nearby properties with potential for providing support services to the Airport. All land use and development in this zone shall comply with all applicable federal, state, and local laws, including, without limitation, Federal Aviation Administration (FAA) rules and regulations, Maine Department of Transportation rules and regulations, and Airport lease agreements. All land use and development within the AD Zone shall be compatible with the goals and objectives of the Comprehensive Plan, as may be amended from time to time, and the Ultimate Airport Layout Plan, as may be amended from time to time.
- B. District boundaries. The AD Zone consists of the land shown on the Official Zoning Map of the City, as may be amended from time to time. The AD Zone is further divided into two subdistricts, the location and boundaries of which are described as follows:
- (1) AD Airport Subdistrict. All of the land area owned by the City or private property owners that is used for Airport runways and Airport runway direct access activities with controlled access.
 - (2) AD Support Subdistrict. All of the land area located in the AD Zone but not in the AD Airport Subdistrict.

- C. Permitted uses. Uses may be permitted, permitted with review, conditional use, or not permitted in the AD Zone, as established in the Table of Land Uses.³⁵ Construction activities related to permitted and/or approved uses may require an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) and be subject to approval by the Sanford Airport Manager.
- D. Review authority and submission requirements. All development applications in the AD Zone shall adhere to the following requirements, pursuant to § 280-11-9F:
- (1) AD Airport Subdistrict. Notwithstanding Article XVI, review authority for land use and development activities in the AD Airport Subdistrict shall be as follows:
 - (a) Planning Board approval. Following a recommendation of approval from the Site Plan Review Committee, a public hearing and approval from the Planning Board is required for the following projects within the AD Airport Subdistrict:
 - [1] Updates or Amendments to the Ultimate Airport Layout Plan (UALP);
 - [2] Updates or Amendments to the AD Airport Subdistrict boundary, or Exhibit A of the UALP, the Airport Official Property Map; and,
 - [3] Any project as requested by the Site Plan Review Committee, Airport Advisory Committee, or the Planning Director.
 - (b) Site Plan Review Committee approval. Review and approval from the Site Plan Review Committee is required for the following projects within the AD Airport Subdistrict:
 - [1] All projects as required by § 280-11-9 D(1)(a).
 - [2] Construction or expansion of a building or structure included in an approved UALP that involves more than 5,000 square feet of gross floor area change;
 - [3] Construction or reconstruction of roadways, taxiways, or helipads included in an approved UALP;
 - [4] Construction or reconstruction involving new underground utility connections or stormwater management installations;
 - [5] Any change in a preexisting, nonconforming use; and,
 - [6] Any project as directed by the Planning Board, Airport Advisory Committee, or the Planning Director.
 - (c) Planning Director authority. The Planning Director, or his or her designee, has the authority to review and approve, or elevate for review by the Site Plan Review Committee and/or the Planning Board, the following projects within the AD Airport Subdistrict:
 - [1] Construction or expansion of a building or structure included in an approved UALP that involves 5,000 square feet or less of change in gross floor area, parking, and/or impervious surfaces; and,
 - [2] Any building, structure, or use considered accessory to a use previously approved under this section.

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

(d) Submission requirements. All projects for review by the Site Plan Review Committee and/ or the Planning Board shall adhere to the following submission requirements:

- [1] Application elements. All application elements as listed in § 280-16-6G(1) (a), (b), and (c); and § 280-16-6G(2)(a), (b), (c), and (d). A signed Option to Lease or draft Lease Agreement between the applicant and the Airport shall sufficiently fulfill the requirements of § 280-16-6G(2)(a)[7] pertaining to right, title, or interest in the property.
- [2] Abutter notices. Applicants shall provide an abutters list and mailing envelopes in conformance with § 280-4-1, except that the radius of measurement shall be 500 feet from the existing or proposed boundary of the sub lot or the area of proposed use, as determined by a lease agreement with the Airport submitted with the application.
- [3] Performance Guarantee. Acknowledgement of, and agreement to comply with, Article XVII, notwithstanding § 280-17-1B, which shall be replaced with the requirement that the conditions and amount of the performance guarantee shall be determined by the designated review authority in § 280-11-9D with the advice of the City Engineer or Public Works Director.
- [4] As-built plans. Signed agreement to supply as-built plans to the Planning Department and Airport Manager at the completion of construction which include but are not limited to buildings, pavement, stormwater management, and utilities, and any corresponding details. The Code Enforcement Officer may withhold occupancy permits until as-built plans have been supplied to and approved by the Airport Manager.
- [5] Supplemental information. Any supplemental information as determined by the Planning Director, or his or her designee.

(2) AD Airport Support Subdistrict. All projects within the AD Airport Support Subdistrict shall comply with the requirements of Article XVI.

E. Prohibited uses. A use that is not designated as a use permitted is deemed to be a prohibited use in the AD Zone, except for accessory buildings, structures, and uses.

F. Standards. All buildings and structures shall be erected, structurally altered, enlarged, or moved and all land within the AD Zone shall be used in accordance with the following standards.

(1) Space and bulk standards.

Standard	AD Airport Subdistrict	AD Support Subdistrict
Minimum lot size	Not applicable	40,000 square feet
Minimum street frontage	Not applicable ¹	Not applicable ¹
Minimum front setback	Not applicable	15 feet
Minimum side setback	Not applicable	15 feet
Minimum rear setback	Not applicable	15 feet
Maximum impervious surface ²	100%	80%

Standard	AD Airport Subdistrict	AD Support Subdistrict
Maximum building height	Subject to FAA regulations	60 feet, subject to FAA regulations

Notes:

- ¹ Notwithstanding §§ 280-14-3 and 280-14-4, there is no minimum street frontage in the AD Zone; provided, however, that each land use and development plan in this zone shall demonstrate to the applicable review authority that the development can provide safe and convenient access to the site relative to the site's location, use, and accessibility from other streets.
- ² For purposes of this section, impervious surface is defined as any material that prevents absorption of stormwater into the ground including but not limited to buildings, pavement, and gravel parking areas.

- (2) Development standards. In addition to the space and bulk standards set forth in § 280-11-9F(1) standards for land use and development within the AD Zone shall be in conformance with the minimum standards set forth in the Chapter 70: Airport as may be amended from time to time, including, without limitation, Hangar Construction Design Standards and Minimum Standards and Procedures for the Lease and/or Use of Property and Facilities for Aeronautical Activities. Copies of these documents are available for review in the Planning Department. In addition, land use and development within the AD Zone shall be in conformance with this chapter, including, without limitation, Article XVI, Article XV, and Article XVI, as applicable.
- (3) Performance standards. Uses within the AD Zone shall conform to all applicable performance standards of this chapter and Article XV.

§ 280-11-10. Airport Approach Protection Overlay Zone and Airport Clear Zone. [Amended 4-1-2025 by Order No. 25-65-01]

- A. Purpose. The purpose of this section is to promote the compatibility of land uses in the vicinity of the Airport, to prevent interference with the safe and efficient operations of the Airport, and to protect the public at large.
- B. Airport Clear Zone.
 - (1) Clear zone defined. The Airport "Clear Zone" consists of those areas identified as clear zones or the inner approach surfaces of Runway 7-25 or 14-32 as depicted in the Ultimate Airport Layout Plan (UALP).
 - (2) Clear zone standards. The following additional standards shall apply within the Airport Clear Zone:
 - (a) Objects shall be considered obstructions to air navigation and their construction or use shall be prohibited if they extend into any aviation easement within the Airport Clear Zone. The Code Enforcement Officer may waive this restriction upon receipt of written approval from MaineDOT Airports and Aviation and/or the Federal Aviation Administration (FAA). Forms for requesting an exemption may be obtained from the Code Enforcement Office.
 - (b) No structure or tree shall be erected, altered, or allowed to grow above the Airport

referenced imaginary surface, unless found not objectionable by MaineDOT Airports and Aviation and/or FAA.

C. Airport Approach Protection Overlay Zone.

- (1) The Airport Approach Protection Overlay Zone consists of the area lying within the limit of the conical surface as shown in the Ultimate Airport Layout Plan (UALP), as may be amended from time to time.
 - (a) No use shall be permitted which creates electrical interference with radio aids or communications, or results in glare in the eyes of pilots using the Airport, or impairs visibility in the vicinity of the Airport by the creation and discharge of smoke, steam, dust, or other obstructions to visibility, or endangers the landing, taking off, or maneuvering of aircraft.
 - (b) No structure or tree shall be erected, altered, or allowed to grow above the height of the imaginary surface of the Airport as specified in Section 77.13 of Part 77 of the Federal Aviation Regulations. The Code Enforcement Officer may waive this restriction upon receipt of written approval from MaineDOT Airports and Aviation and/or the Federal Aviation Administration (FAA). Forms for requesting an exemption may be obtained from the Code Enforcement Office.
 - (c) Construction standards which result in an outdoor-indoor noise level reduction of at least 25 decibels shall be encouraged.

- D. Exemptions. The provisions of this section shall not apply to any building existing as of September 27, 1989, nor to any building for which a building permit was issued on or before September 27, 1989, nor to any lot in an approved subdivision. For the purposes of this section, an approved subdivision shall include any subdivision for which a sketch plan was accepted before September 27, 1989.

ARTICLE XII

Rushton Street Institutional Controls Overlay I and II Zones

§ 280-12-1. Purpose.

The purpose of these zones is to:

- A. Protect the City's implementation of remedial control measures at the former Rushton Street landfill site.
- B. Prevent additional surface or ground water contamination.
- C. Prevent exposure to contamination from the landfill itself.
- D. Protect neighboring properties from the risk of groundwater contamination that could occur in the absence of the restrictions contained in this chapter.
- E. Comply with the requirements of Paragraph 37 of the Administrative Order by Consent signed by the City and the Maine Department of Environmental Protection on November 11, 1999.

§ 280-12-2. Area of zones.

The area of these zones shall be as delineated on the Rushton Street Institutional Controls Overlay Zoning Map, prepared by Sevee and Mahar Engineering and dated September 12, 2000.

§ 280-12-3. Rushton Street Institutional Controls Overlay I Zone.

The restrictions set forth in this section shall apply to any property or portion of property located within the Rushton Street Institutional Controls Overlay I (RSIC-I) Zone and shall be in addition to those restrictions set forth in the underlying zoning district in which the property is located. The owner of any property or portion of property located within the RSIC-I Zone or any person authorized to act on behalf of the owner shall acquire written approval from the Maine Department of Environmental Protection prior to undertaking any of the following activities:

- A. The drilling or digging of any water supply well.
- B. Any dewatering, pumping, or injection into or out of the groundwater on the property.
- C. Any soil excavation on the site. This requirement shall not apply to minor excavations associated solely with lawn maintenance or the planting of small bushes or trees, where no soil will be removed from the property.
- D. Paving, soil compacting, or the placement of any impervious materials on the site soils.
- E. Any change in the use of the property that could affect the integrity or effectiveness of the remedial measures or any monitoring well installed under the terms of the Administrative Order by Consent.

§ 280-12-4. Rushton Street Institutional Controls Overlay II Zone.

The restrictions set forth in this section shall apply to any property or portion of property located within the Rushton Street Institutional Controls Overlay II (RSIC-II) Zone and shall be in addition to those restrictions set forth in the underlying zoning district in which the property is located. The owner of any property or portion of property located within the RSIC-II Zone or any person authorized to act on behalf

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of the owner shall acquire written approval from the Maine Department of Environmental Protection prior to undertaking any of the following activities:

- A. The drilling or digging of any water supply well.
- B. Any dewatering, pumping, or injection into or out of the groundwater on the property.
- C. Any excavation that will occur below elevation two-hundred-forty-two (242) feet above mean sea level.

ARTICLE XIII
Conditional Uses

§ 280-13-1. Purpose and definition.

- A. The purpose of this article is to establish the procedures and standards to enable the City to review applications for conditional use permits.
- B. A conditional use is a use that the City has determined to be generally appropriate within a zone but that has the potential for creating undue or unusual impacts on the public health, safety, and welfare, surrounding properties, the natural environment, or on municipal services and therefore requires case-by-case review and approval in accordance with the provisions of this article.

§ 280-13-2. Conditional use approval required.

- A. A building, structure, or lot of land may be used for a conditional use if: **[Amended 9-20-2022 by Order No. 22-440-01]**
 - (1) The use is specifically listed as a conditional use in the zone; and
 - (2) Conditional use approval is granted by the Planning Board.
- B. Any project involving the establishment of a new conditional use or the construction or expansion of a building for a conditional use shall obtain site plan approval by the Planning Board in accordance with Article XVI.
- C. Applications for location and/or construction of a mental health and abuse clinic referred by the City Clerk require review as a conditional use as part of Chapter 149: Licensing.

§ 280-13-3. Administrative procedures.

- A. Prior to submitting a formal application for conditional use approval, the applicant and/or his or her representatives should meet with the Planning Director to informally discuss the proposed application and the review process. The purpose of this meeting is informational to allow the applicant to understand the process and clarify any questions before submitting a formal application.
- B. An application for conditional use approval shall be made to the Planning Director on forms provided for that purpose.
- C. The application form shall be accompanied by the supporting materials set forth in §§ 280-16-6G and 280-16-G(2)(d)[10] and an application fee as established by the City Council.
- D. Upon receipt of an application, the Planning Director shall review it for completeness within ten (10) days and shall refer it to other departments for review. If the application is complete, the Planning Director shall place it on the Planning Board's agenda. If the application is not complete, the Planning Director shall provide the applicant with a written description of the additional information required.
- E. Within forty-five (45) days of the application being determined to be complete, the Board shall notice and conduct a public hearing in conformance with § 280-4-1 **[Amended 5-7-2019 by Order No. 19-258-01³⁶]**

36. Editor's Note: This ordinance also repealed former Subsections F, G and H, regarding notice and public hearing, and redesignated former Subsection I as Subsection F.

- F. Within thirty (30) days of the initial consideration of the application by the Planning Board, the Planning Board shall act to approve, approve with conditions, or deny the application. The period for consideration of the application may be extended by mutual agreement of the applicant and Planning Board.

§ 280-13-4. Applications for mental health and abuse clinics. [Amended 8-21-2018 by Order No. 18-348-01]

Applications for a mental health and abuse clinics, shall also meet the following criteria:

A. Location criteria.

- (1) No clinic may be located within one-half (1/2) mile (walking distance) of any church, school, family child-care home, child-care center or nursery school, or public park or playground.
- (2) No clinic may be located within the bounds of the following revitalization and/or growth areas: Sanford Downtown, Lafayette Circle and Springvale Village.

B. Neighborhood compatibility standards. No approval shall be recommended if the Planning Board finds that the granting of the license will violate one (1) or more of the following neighborhood compatibility standards:

- (1) Neither the proposed use nor the proposed site on which the use will be located is of a character such that the use will have significant adverse impact on the value or quiet possession of surrounding properties. The Planning Board shall not find that this standard is satisfied unless:
 - (a) The size of the proposed use is comparable to the size of surrounding uses;
 - (b) The amount and type of traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces are comparable to surrounding uses;
 - (c) The generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances is comparable to that generated by surrounding uses;
 - (d) The impact of the use on the quality and quantity of groundwater available to abutting properties is comparable to that for surrounding uses;
 - (e) Unusual physical characteristics of the site, including size and shape of the lot, topography, and soils, do not aggravate adverse impacts upon surrounding properties.
- (2) Vehicular and pedestrian access and circulation to, from, into and within the site will be safe, and no public way will be overburdened or made hazardous as a result of the new use and/or development of the property.
 - (a) The Planning Board may not find that this standard has been satisfied unless:

[1] Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Adequate capacity means that: Intersections on major access routes to the site within a one-half (1/2)-mile radius of any entrance road will function after development, at a minimum, at Level of Service C, as defined in Maine Department of Transportation regulations, 17-229 CMR Ch. 305, Rules and Regulations Pertaining to Traffic Movement Permits (2000); or

- [2] If any such intersection is functioning at a Level of Service D, as defined in Maine Department of Transportation regulations Chapter 305, cited above, or lower prior to the development, the project will not reduce the current level of service.
- (b) The Planning Board may recommend approval of an application not meeting this requirement if the applicant demonstrates that a public agency has committed funds to construct the improvements necessary to bring the level of service to said standard, or the applicant will assume financial responsibility for the improvements necessary to bring the level of service to said standard and will guarantee the completion of the improvements within one (1) year of approval of the license.
- (3) The topography of the site shall permit the construction of all driveways, entrances or proposed streets to meet the standards set forth in §§ 280-14-4, 280-15-5, 275-35 and 275-51.
- (4) Adequate facilities are present to assure the safety of pedestrians passing by or through the site.
- (5) Municipal or other facilities serving the proposed use will not be overburdened or made hazardous. The Planning Board shall not find that this standard is satisfied unless:
- (a) The capacity of sewerage and water supply systems is adequate to accommodate the proposed use;
- (b) The capacity of the storm drainage system is adequate to accommodate the proposed use; and
- (c) The ability of the fire department to provide necessary protection services to the site and development is adequate.
- (6) The soils on the proposed site shall have adequate capacity and stability to support all loadings, including fill, developed by the proposed use, and the use will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water to the extent that a dangerous or unhealthy condition may result on the site or the land of abutters. In considering whether this standard is satisfied, the Planning Board shall take into account the elevation of the site and surrounding properties above sea level, its relation to floodplains, the slope and vegetation of the land and their effects on drainage.
- (7) The design of the proposed structures with respect to materials, scale and massing shall be compatible with existing structures within five-hundred (500) feet of the site in areas where the existing structures are of a similar scale and architectural treatment.
- C. Screening requirements. All clinics shall be required to erect and maintain opaque fencing to provide an effective visual screen at least six (6) feet in height, to be located along side and rear property lines that abut properties in residential use. Said fencing is intended to screen the clinic entrance and parking lot from ordinary view from all directly adjoining properties.

§ 280-13-5. Standards for conditional use approval.

- A. The Planning Board shall approve a conditional use application, or approve it with conditions, if it makes a positive finding, based on the information presented, that the proposed use, with any conditions attached, meets the following standards:
- (1) The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that

would result from similar uses in other situations;

- (2) The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, volume and intensity of use by both pedestrians and vehicles, reduction in level of service, need for infrastructure improvements including but not limited to intersection traffic controls, and the visibility afforded to pedestrians and the operators of motor vehicles; **[Amended 4-19-2022 by Order No. 22-151-01]**
- (3) The proposed use will not cause water pollution, sedimentation, or erosion, contaminate any water supply or reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;
- (4) The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;
- (5) The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties;
- (6) The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;
- (7) The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and
- (8) If located in the Shoreland Overlay Zone, the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; will conserve shoreland vegetation; will conserve visual points of access to waters as viewed from public facilities; will conserve actual points of access to waters; will conserve natural beauty; and will avoid problems associated with floodplain development and use.
- (9) A proposed ground-mounted commercial solar system or utility solar system in the Rural Residential Zone (RR) shall minimize impacts on prime or unique farmland soils, farmland soils of statewide significance, and active farmland. **[Added 4-7-2020 by Order No. 19-772-01]**
- (10) A proposed Utility Solar System in the Residential Development Overlay Zone shall: **[Added 5-3-2022 by Order No. 21-494-01]**
 - (a) Provide an analysis that demonstrates it is not economically feasible to extend a compact pattern of residential development because of the physical and natural features of the property. The analysis shall review topography and natural features including, but not limited to streams, rivers, ponds, wetlands, flood plains, rock outcrops, steep slopes, soil conditions, and critical habitats on the site within the context of meeting state and local regulations for development, but exclude the cost of extending required public sewer and water services to the property.
 - (b) Minimize impacts on existing abutting residential development and/or residential zones.
- (11) A proposed retail use allowed in the Industrial Business (IB) Zone shall provide a traffic impact analysis that assesses development impacts on level of service and safety on the street network and improvements that may be warranted for mitigation of impacts. The traffic impact analysis

shall be prepared by a Maine licensed professional engineer and conform with Maine Department of Transportation Rules and Regulations Pertaining to Traffic Movement Permits. **[Added 4-19-2022 by Order No. 22-151-01]**

- B. Nonprofit service organization. In addition to the requirements of this section and any other applicable section of the City's ordinances, the minimum lot size for this use is ten (10) acres. **[Added 3-6-2007; amended 9-20-2022 by Order No. 22-440-01]**
- C. Horse shows. In addition to the requirements of this section and any other applicable section of the City's ordinances, the minimum lot size for this use is twenty (20) acres. **[Amended 3-6-2007; amended 9-20-2022 by Order No. 22-440-01]**
- D. Antiques stores. In addition to the requirements of this section and any other applicable section of the City's ordinances, the following guidelines shall be used in the review of applications: **[Added 7-20-2010]**
- (1) The limits of outdoor display will be determined by the Planning Board during site plan review such that they are found to be consistent with the character of the neighborhood.
 - (2) No stripping of antiques and/or furniture is permitted on the premises.
 - (3) Signs shall be of residential character on simple posts and/or attached to the building and shall be consistent with the requirements of § 280-14-13. If a sign is illuminated it shall be of low wattage, not create a public hazard or nuisance, and be compatible with the character of the property and the surrounding neighborhood. **[Amended 12-19-2017 by Order No. 17-163-01]**
 - (4) Exterior lighting shall be of residential style.
 - (5) The business shall be owner-occupied.
 - (6) The building for the proposed antique store shall have been in existence at least ten (10) years as of the date of the application.
 - (7) Any additional conditions determined by the Planning Board at the time of review.
- E. Commercial schools. In addition to the requirements of this section and any other applicable section of the City's ordinances, the following guidelines shall be used in the review of applications for commercial schools:³⁷
- (1) All activities shall be conducted within a fully enclosed building.
 - (2) Adequate off-street parking shall be provided, the number of spaces to be based on the maximum capacity as determined by the Fire Chief divided by three (3).
 - (3) Signs shall be of residential character on simple posts and shall be consistent with the requirements of § 280-14-13. If a sign is illuminated, it shall be of low wattage, not create a public hazard or nuisance, and be compatible with the character of the property and the surrounding neighborhood. **[Amended 12-19-2017 by Order No. 17-163-01]**
 - (4) Exterior lighting shall be of residential style.
 - (5) The activity may be a stand-alone business or as an accessory use to a residence as long as the

37. Editor's Note: Former Subsection E, Nonprofit medical marijuana dispensary, was repealed 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01. This ordinance also redesignated former Subsection F as Subsection E.

business is owned by the resident of the residence.

- (6) Review and approval by the Planning Board is required, the classification of the site plan to be determined by the Planning Director based on the size of the structure and requirements of the ordinance.
- F. Excavation contracting businesses. In addition to the requirements of this section and any other applicable section of the City's ordinances, where allowed as a conditional use, the following guidelines shall be used in the review of applications for excavation contracting businesses: **[Added 6-18-2024 by Order No. 24-222-01]**
- (1) Frontage. Each use will be located with frontage on a numbered highway (i.e. 4, 11A, 99, 109, 202 or 224), including any roadway that becomes designated as a numbered highway or state route following adoption of this section.
 - (2) Minimum lot size. The minimum lot size for this use is five (5) acres.
 - (3) Minimum setback. Any parking, staging areas, or garages used for equipment storage shall be located with a minimum setback distance of one hundred (100) feet from the property line of a residential use, unless:
 - (a) The residential use is owned by the excavation contracting business, or
 - (b) An easement with any residential abutter(s) along property lines where the required setback cannot reasonably be met stating the excavation contracting business is allowed to operate within the required setback is signed and recorded at the York County Registry of Deeds.
 - (4) Buffering. All outdoor staging or parking areas for equipment used by the excavation contracting business is buffered by a vegetated buffer a minimum of fifteen (15) feet high and thirty (30) feet wide, or other buffering and/or fencing options as determined by the Planning Board. The Board may request a larger buffer if necessary for noise remediation.

§ 280-13-6. Conditions of approval.

The Board may attach conditions to its approval of a conditional use. These conditions may include, but are not limited to, requirements such as:

- A. Off-site street improvements to address impacts generated by the proposed conditional use.
- B. Access restrictions.
- C. Hours of use.
- D. Buffering and screening.
- E. Utility improvements.
- F. Performance guarantees for off-site improvements.

§ 280-13-7. Reapplication.

If the Planning Board denies a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within one (1) year from the date of denial of the first request, unless:

- A. In the opinion of the majority of the Planning Board, substantial new evidence has been brought forward;
- B. The Planning Board finds that an error of law or misunderstanding of facts has been made; or
- C. An amendment to this chapter has changed the status, circumstances, or conditions of the matter which was brought before the Planning Board.

§ 280-13-8. Duration of conditional use approval.

- A. Provided that all conditions and standards of approval are met, a conditional use shall be a continuing grant of permission for as long as the property is used for such purposes. The conditional use shall expire if the owner abandons the conditional use by:
 - (1) Physically altering the property and/or structure so it can no longer be used for the conditional use; or
 - (2) Failing to actively use the property for the conditional use for five (5) years or more.
- B. A conditional use may be expanded in area or function only with the granting of a new conditional use approval by the Planning Board.
- C. Construction, or occupancy if no construction is involved, shall commence within one (1) year of Planning Board approval of the conditional use and a certificate of occupancy issued within three (3) years of approval. If construction or occupancy is not commenced or a certificate of occupancy issued within these time limits, the conditional use approval shall be null and void. The Planning Board may extend these time limits upon written request of the applicant and a finding that such extension is consistent with current requirements.

§ 280-13-9. Scope of approval.

Any permit or approval granted hereunder is subject to all elements of the final plans and specifications submitted by the applicant and to all representations, oral or written, made by or on behalf of the applicant in support of the application or with respect to the nature and scope of the use, activity or work proposed, and all such permits or approvals shall include, as an express condition, a written statement to said effect.

§ 280-13-10. Appeal of conditional use decision.

Appeal from an action of the Planning Board on a conditional use application shall be to the Superior Court in accordance with state law.

ARTICLE XIV
General Standards

Note: General Standards apply to activities which do not require Site Plan, Subdivision, or Planning Board approval.

§ 280-14-1. Conformance required.

The use of land, buildings, and structures shall conform to the following general standards as applicable.

§ 280-14-2. Relationship of buildings to lots.

Every building hereafter erected shall be located on a lot as defined in § 280-2-2. In no case shall there be more than one (1) principal residential building and its accessory buildings on one (1) lot, except in the case of projects such as multiple dwelling or building developments intended and designed to be managed as a unit on an unsubdivided lot.

§ 280-14-3. Access of lots to streets.

No building shall be erected on a lot unless the lot has frontage on a street as defined in § 280-2-2.

§ 280-14-4. Creation of lots along arterials.

The following limitations shall apply to the creation of all new lots on all land located adjacent to Route 4, Route 109, Route 202, Route 11A and Route 224.

- A. Access to new residential lots. Any new residential lots created adjacent to the principal arterials listed above shall be divided so that vehicular access to the lot is obtained from a local or collector street rather than the arterial. Access to the new lots shall be obtained from any local or collector street, a street in an approved subdivision, or a private way approved by the Planning Board. This requirement shall apply to any new lot whether, or not, the lot is part of a subdivision.
- B. Waiver of the access limitation for new lots.
 - (1) The Planning Board or Site Plan Review Committee may waive the access limitation provisions of this subsection when there are unique conditions which make access, other than from the arterial impractical. The Planning Board may grant a waiver only if one (1) of the following conditions is met: **[Amended 9-20-2022 by Order No. 22-440-01]**
 - (a) There is too little road frontage to reasonably allow for the creation of a local street, and there will be no further subdivision of the lot; or
 - (b) The shape or physical condition of the lot does not permit access to or the creation of a local street, and there will be no further subdivision of the lot.
 - (2) The owner of the lot seeking a waiver shall make a written request to the Planning Board setting forth how the project conforms to the above criteria.
- C. Existing lots. Any lot of record existing as of the date of the adoption of this section shall be permitted one (1) vehicular access point to a principal thoroughfare, notwithstanding the provisions of this chapter, unless such lot also has frontage on a local street.

§ 280-14-5. Curb cuts and driveways.

A. Curb cut permit required. No person may build or construct a driveway which provides an access to a public street without first obtaining a curb cut permit from the Code Enforcement Officer. The Code Enforcement Officer shall refer all permit applications to the City Engineer for review. If the City Engineer finds that the application meets the requirements of §§ 280-14-5B and 280-14.5C, the City Engineer shall approve the curb cut and notify the Code Enforcement Officer to issue the permit. Such permits shall be issued only to the property owner or to the person having an option or lease on the property in question. If the work authorized by a curb cut permit has not been completed within twelve (12) months of the date of issuance, the permit shall be null and void.

B. Curb cut limitations.

- (1) Each single-family and/or multifamily residential lot fronting on an arterial or collector street shall be entitled to one (1) curb cut, and no more.
- (2) The number of curb cuts allowed for any lot fronting on an arterial or collector street that is used for institutional, retail, commercial, service, or industrial use shall be determined based upon the amount of its street frontage. The following curb cut standards shall apply for these types of uses:

Feet of Street Frontage	Number of Curb Cuts
Zero to one-hundred-ninety-nine (0 to 199)	One (1)
Two-hundred (200) plus	Two (2)

- (3) The Planning Board may waive these limitations if it finds that the characteristics of the site and/or use necessitate additional curb cuts and that the additional curb cuts can be provided without affecting public safety.
- (4) Drive-up or drive-through windows when allowed by the Planning Board, will be designed such that there will be no direct access, including entrances or exits, to Routes 4, 109, 202, 11A, and 224.

C. Curb cut requirements.

- (1) Location. All curb cuts shall be located to minimize the impact on traffic safety and flow at least twenty-five (25) feet from the point of tangency of streets as shown on the diagram in § 280-14-10B. For lots fronting on arterial or collector streets, a curb cut may not be located less than fifty (50) feet from the point of tangency of streets at any unsignalized intersection or less than one-hundred (100) feet from the point of tangency of streets at any signalized intersection.
- (2) Width.
 - (a) The width of curb cuts shall conform to the following standards:
 - [1] Single-family residential use: maximum twenty (20) feet.
 - [2] Multifamily residential use: maximum twenty-six (26) feet.
 - [3] Commercial use: maximum twenty-six (26) feet.
 - [4] Industrial use: maximum thirty (30) feet.

- (b) The Planning Board or Site Plan Review Committee may allow wider access drives if necessary to accommodate turning lanes or the anticipated volume of traffic as part of site plan review.
- (3) Separation.
 - (a) Within the Urban Compact Zone as defined in 23 M.R.S.A. § 754(2)(A), as may be amended from time to time, the distance between curb cuts shall be fifty (50) feet from the edge of each curb cut. Outside of the Urban Compact Zone, for lots fronting on arterial or collector streets, the minimum allowable distance between the center lines of each curb cut shall be at least fifty (50) feet.
 - (b) The Planning Board or Site Plan Review Committee may approve applications for curb cuts that do not meet the minimum standards if one (1) or more of the following circumstances is demonstrated:
 - [1] The development proposal reduces the number of curb cuts that exist within the minimum separation distance;
 - [2] The proposal consolidates curb cuts for one (1) or more abutting lots; or
 - [3] The speed limit and sight line distance permit safe siting of the curb cut.
 - (c) Notwithstanding the existence of one (1) or more of these circumstances, the minimum separation standard of twenty (20) feet from edge to edge shall apply.
- (4) Construction standards. Curb cuts shall be constructed in accordance with a plan approved by the City Engineer and shall meet the following standards:
 - (a) A permanent surface of asphalt or concrete shall be used for the finished surface within the street right-of-way lines for all curb cuts constructed for commercial or industrial uses.
 - (b) The existing grade of sidewalks which are crossed by curb cuts shall be maintained so as to provide a safe area for people to walk. Such sidewalks may be required to be reconstructed to withstand expected traffic loads.
 - (c) Where the positioning of curb cuts requires the location, removal, or installation of drainage facilities, such relocation, removal, or installation shall be done in accordance with traffic safety and drainage standards, as authorized by the City Engineer. The City Engineer shall consider the effect of the change on adjacent and downgrade properties, and the potential for and probable impact of increased erosion and/or flooding caused by pertinent factors relative to human and/or environmental health and safety.
 - (d) The cost of curb cuts shall be borne by the applicant.
 - (e) All curb cuts which are constructed within the state right-of-way shall conform to all provisions and regulations set forth by the Maine Department of Transportation as well as the provisions of this chapter. In the case of contradictory regulations the most restrictive prevail.

§ 280-14-6. Development of rear lots.

A rear lot is a lot which is located to the rear of another lot or lots which front on a street as defined in this chapter. A rear lot existing as of the date of adoption of this section may be used for uses allowed within

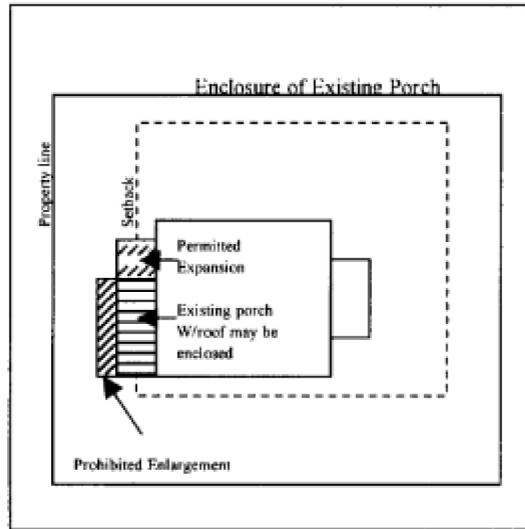
the zone in which it is located provided that:

- A. There is an unobstructed access to the rear lot from the street over land which is not needed to meet the minimum requirements of the zone for the front lot.
- B. Access is at least twenty-five (25) feet wide.
- C. The access strip is in the same ownership as the rear lot.
- D. The access strip may not be used to meet the requirement for minimum lot size of the zoning district.
- E. The rear lot shall meet all requirements of the zoning district, other than minimum frontage. For the purpose of setback requirements, the setback line of such lots is deemed to be the prescribed setback distance from the deepest rear property line of the lot or lots between said rear lot and the nearest street.

§ 280-14-7. Projections into required setbacks.

Notwithstanding other provisions of this chapter, the following structural elements may project into a required setback as set forth below:

- A. A cornice, eave, or canopy or other similar architectural features, but not including a bay window, may project up to two (2) feet into required setbacks.
- B. A fire escape may project up to four (4) feet into required setbacks.
- C. A chimney may project up to two (2) feet into required setbacks.
- D. An open, unenclosed platform, stoop, or steps, not covered by a roof, may project up to six (6) feet into required setbacks. The platform or stoop shall be no more than sixteen (16) square feet.
- E. Any porch with a roof that existed as of the date of adoption of this provision may be enclosed and used as living area even if it currently encroaches on the required setback. The enclosed porch shall not further encroach on the setback but it may be enlarged in such manner as to maintain the existing relationship to the property line.



- F. Facilities for handicapped access, including ramps, lifts, and elevators, added to a building constructed prior to December 30, 1990, may project into any required setback area provided that the facilities are approved by the Fire Department on the basis that they will not create or aggravate any public safety or fire-fighting issues.
- G. Signs consistent with the requirements of § 280-14-13B. **[Added 12-19-2017 by Order No. 17-163-01]**

§ 280-14-8. Structures permitted above height limits.

Notwithstanding other provisions of this chapter, roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment; fire or parapet walls; skylights; steeples; flagpoles; chimneys; smokestacks; domestic radio or television masts; and water tanks or silos may be erected not more than twenty (20) feet above maximum height limits specified in the zone in which they are located.

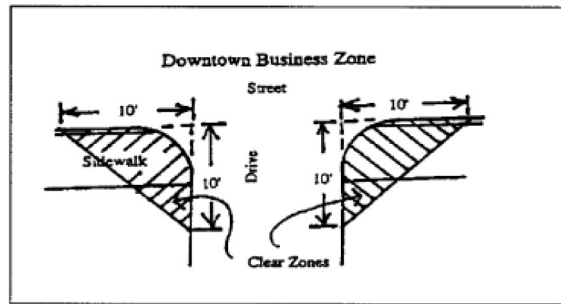
§ 280-14-9. Temporary activities and events.

Notwithstanding the provisions of this chapter, temporary uses of a community or nonprofit nature, such as festivals, fairs, carnivals, and similar events, may be permitted in any zone by vote of the City Council, as long as such temporary use is not contrary to the objectives of this chapter. A vote by the City Council allowing such temporary use shall not be deemed a change in the zoning and shall apply to the specific event or activity only for its stated duration.

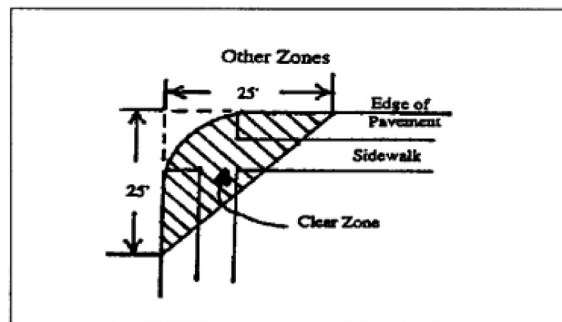
§ 280-14-10. Required sight lines.

The purpose of this provision is to maintain a clear line of sight for drivers of vehicles at street and driveway intersections. This requirement shall apply to buildings, structures, fences, signs, landscaping or other elements.

- A. Within the Urban Zone, no visual obstruction that interferes with a vehicle operator's line of sight shall be located within the triangular area created by measuring ten (10) feet back from the point of intersection of the travel way of two (2) streets or a street and a driveway and connecting these points.



- B. In other zones, no visual obstruction shall be located within the triangular area created by measuring twenty-five (25) feet back from the point of intersection of the travel way of two (2) streets or a street and a driveway.



- C. Existing trees shall not be considered to be visual obstructions, nor shall objects located within thirty (30) inches of the ground or located more than six (6) feet above the ground. Any landscaping within this area shall be maintained so that a clear line of sight is retained at all times.

§ 280-14-11. Noise control.

All use of land, buildings, and structures shall conform to the requirements of Chapter 178: Noise.

§ 280-14-12. Off-street parking. [Amended 8-21-2018 by Order No. 18-348-01; 11-12-2024 by Order No. 24-401-01]

- A. Applicability. Off-street parking shall be provided for all new construction, expansions, and changes of use in accordance with the requirements and standards of this section.
- B. Minimum requirements for off-street parking. Off-street parking shall be considered an accessory use when required or provided to serve any legal use located in any zone. An off-street parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet long and may be open or covered. Access to individual parking spaces shall be unobstructed except for parking for residential uses. Parking for single and two (2)-family dwellings may be arranged in a stacked layout so that access to one (1) space is over another. Stacked parking may also be used for multifamily residential uses if the parking spaces are assigned to units and the access to one (1) unit's parking space is not obstructed by the parking space of another unit. In order to determine compliance with this section, the Code

Enforcement Officer shall require a plan showing the physical layout of all required off-street parking areas. Any change in the evidence or conditions upon which the plan is approved shall nullify such approval.

- (1) Parking shall be provided on the lot occupied by the use for which the parking is required or on an adjacent lot owned or controlled by such use. In addition, uses located within the Urban Zone may provide all or part of the required off-street parking through any of the following:
 - (a) Private off-street parking located on another lot that is located within 1,000 feet of the subject lot and that is controlled by long-term lease or ownership by the proposed use.
 - (b) Off-street parking shared with other uses located within 1,000 feet of the subject lot, provided that the Planning Board or Site Plan Review Committee finds that there is adequate parking capacity to meet the parking requirements of all uses sharing the parking due to variation in the time of parking demand and/or anticipated use of parking to access multiple uses in a single trip, and that the shared parking is controlled through a leasehold or other enforceable agreement. The Planning Board or Site Plan Review Committee may allow off-site parking to be more than 1,000 feet from the site if it finds that the distance is reasonable given the nature of the proposed use.
 - (c) For nonresidential uses, off-street parking located in a municipal parking lot provided by the City, subject to the Planning Board or Site Plan Review Committee finding that there is adequate available parking to meet the needs of the use based on the parking standards of this chapter. The Planning Board or Site Plan Review Committee may allow legal on-street parking to be used to meet the parking requirement of a nonresidential use in the Urban and Industrial Redevelopment Zones if it finds that this parking can reasonably be expected to be available for customers of the use and is located within close proximity of the use.
- (2) Where multiple use of a lot occurs, off-street parking shall be provided for each use in accordance with this section. Where the applicant can demonstrate and document nonconflicting periods of use, shared use of parking spaces may be permitted by the Planning Board or Site Plan Review Committee.
- (3) Travel and queuing aisles associated with off-street parking, drive-in facilities and motor vehicle fuel pumps shall be provided and shall not interfere with the use of or be part of the required off-street parking.
- (4) Minimum number of parking spaces required.
 - (a) The following minimum number of spaces, rounded up to the nearest whole number, shall be provided and maintained for each use on a lot, including each use within all buildings. The Planning Board or Site Plan Review Committee may reduce the required parking:
 - [1] For reuse of an existing building by up to 30%. In granting a reduction, the Planning Board or Site Plan Review Committee shall find that the reduction will not create or worsen parking problems in the neighborhood and that the required number of spaces cannot be reasonably accommodated on the lot; or
 - [2] For new or existing buildings, if the applicant demonstrates to the Planning Board or Site Plan Review Committee that proposed parking is adequate for the use based on national or regional parking demand studies such as those published by the Institute

of Traffic Engineers or by data on actual parking demand for similar uses in similar situations and/or consideration of the availability of parking demand management programs that reduce the demand for on-site parking.

- (b) The maximum number of employees scheduled during peak demand/shift shall be used in calculating the number of required parking spaces when employee is referenced in the list below. Gross floor area shall be used in calculating the number of required parking spaces, unless otherwise noted.

Use	Number of Spaces
Residential	
Single-family dwellings, including mobile and manufactured homes	Two (2) spaces per dwelling unit
Two (2)-family dwellings	Two (2) spaces per dwelling unit
Multifamily	One-and-one-half (1.5) spaces per dwelling unit with one (1) bedroom, and-three-quarter (1.75) spaces for unit with two (2) bedrooms, and two (2) spaces per unit with three (3) or more bedrooms
Renting of rooms; furnishing board	One (1) space per guest room, plus two (2) spaces per dwelling unit, plus one-half (0.5) space per employee
Home occupation	Two (2) spaces in addition to required parking for residences
Convalescent/rest or nursing home and residential or congregate care	One (1) space per four (4) beds, plus one (1) space per employee
Institutional	
Municipal uses/public utilities	One-and-one-quarter (1.25) spaces per employee, plus one (1) space per one-hundred-fifty (150) square feet of public assembly and meeting area
Museums/libraries	One (1) space per three-hundred (300) square feet, plus one (1) space per employee
Places of public assembly, such as theaters, cinemas, auditoriums, stadiums and sports arenas	One (1) space per four (4) seats, plus one (1) space per two (2) employees
Church/synagogue	One (1) space per four (4) seats
Schools	For schools containing places of public assembly, parking shall be required per places of public assembly above or the following, whichever is greater
Grades K-8	One (1) space per classroom, plus one (1) space for each employee
Secondary	Eight (8) spaces per classroom

Use	Number of Spaces
Post secondary	One (1) space for each two (2) students, plus one (1) space for each employee
Child care provider, including nursery school, and/or adult day services center	One (1) space per employee, plus a safe off-street area for vehicle pickup and dropoff of students/children/clients
Schools not listed above	One (1) space per each two (2) students at capacity, plus one (1) space for each employee
Clubs and lodges	One (1) space per one-hundred-fifty (150) square feet, plus one (1) space per employee
Health service facility/hospitals	One-and-one-quarter (1.25) spaces per four (4) beds, plus one (1) space per each full-time staff doctor, plus one (1) space per each other employee
Commercial	
Retail sales	Three (3) spaces per use or three (3) spaces per one-thousand (1,000) square feet [or one (1) space per three-hundred-thirty-three (333) square feet or portion thereof], plus one (1) space per employee, whichever is greater
Gas and/or service station; auto repair garage [For gas stations involving other uses (e.g., gas pumps with convenience stores), the minimum number of required parking spaces shall be the total of the requirements for each use, plus the standards listed above.]	One-quarter (0.25) space per fuel pump, plus one (1) space per employee, plus four (4) spaces per service bay
Motor vehicle sales and service	Three (3) spaces per one-thousand (1,000) square feet [or one (1) space per three-hundred-thirty-three (333) square feet or portion thereof] of nonservice bay area, plus two (2) spaces per employee
Banks	Four (4) spaces per use or three (3) spaces per one-thousand (1,000) square feet [or one (1) space per three-hundred-thirty-three (333) square feet or portion thereof], whichever is greater
Studios of artisans	Three (3) spaces per one-thousand [(1,000) square feet (or one (1) space per three-hundred-thirty-three (333) square feet or portion thereof)], whichever is greater
Personal services and business services	Three (3) spaces per use or four (4) spaces per one-thousand (1,000) square feet [or one (1) space per two-hundred-fifty (250) square feet or portion thereof], whichever is greater

Use	Number of Spaces
Business and professional offices (nonmedical)	Three (3) spaces per use or four (4) spaces per one-thousand (1,000) square feet [or one (1) space per two-hundred-fifty (250) square feet or portion thereof], whichever is greater
Professional office (medical)	Four (4) spaces per doctor, plus one (1) space for each other employee
Wholesale sales/rental of equipment	Four (4) spaces per use or one (1) space per one-thousand (1,000) square feet, plus one (1) space per employee, whichever is greater
Restaurants/eating places/drinking places	One (1) space per four (4) patrons at capacity, plus one (1) space per employee (measurement of standing and seating capacity shall be based upon the latest adopted edition of the ICC International Building Code and NFPA 101, whichever is more stringent)
Motels, hotels and inns	One (1) space per guest room, plus one (1) space per employee, plus four (4) spaces per one-thousand (1,000) square feet [or one (1) space per two-hundred-fifty (250) square feet or portion thereof] of public assembly area
Funeral homes	One (1) space per four (4) seats
Kennels	Three (3) spaces per use or three (3) spaces per one-thousand (1,000) square feet
Veterinary clinics	Four (4) spaces per doctor, plus one (1) space per other employee
Industrial	
Manufacturing	One (1) space per employee
Warehouse	One (1) space per employee
Nonvehicular repair facilities	One (1) space per employee
Research and development	One (1) space per employee
Testing facilities	One (1) space per employee
Tradesmen's shops	Three (3) spaces per use or three (3) spaces per one-thousand (1,000) square feet, whichever is greater
Recreation/Marine	
Golf courses	Four (4) spaces per hole
Marina	One (1) space per boat slip

Use	Number of Spaces
Fully enclosed place of recreation	Five (5) spaces per one-thousand (1,000) square feet [or one (1) space per two-hundred (200) square feet or portion thereof]
Outdoor recreation facilities	One (1) space per two (2) participants
Marine sales/services	Three (3) spaces per use or three (3) spaces per one-thousand (1,000) square feet, whichever is greater
Other Uses	As determined by the Planning Board based upon the ITE Parking Generation Manual

C. Off-street parking design standards. The following design standards shall apply to all new and expanded off-street parking areas:

- (1) Parking areas for uses other than single- and two (2)-family dwellings shall be designed so that vehicles will not back out into a street.
- (2) Parking areas shall not inhibit emergency vehicle access to any building or structure.
- (3) Parking areas shall be separated from the front of all buildings by a landscaped area at least five (5) feet wide.
- (4) Wheel stops/curbs shall be placed where needed to prevent encroachment into walkways, landscaped areas, circulation aisles, streets and structures.
- (5) Where possible, parking spaces and travel aisles shall be clearly delineated.
- (6) All parking areas shall be designed to adequately control drainage. In furtherance of this standard, drainage calculations used shall reflect a paved condition, and all parking areas shall be constructed with base material which can withstand normally expected vehicle loading and winter maintenance.
- (7) In lots with ten (10) or more parking spaces, at least five percent (5%) of the parking spaces shall be designed and designated for handicapped parking. These spaces shall be located in close proximity to the entrances to the building.

§ 280-14-13. Signs. [Amended 12-19-2017 by Order No. 17-163-01; 12-3-2019 by Order No. 19-540-01; 9-20-2022 by Order No. 22-440-01; 11-26-2024 by Order No. 24-448-01]

A. Applicability. All signs erected, altered, displayed, or maintained in all areas of the City and visible from a street shall meet the standards of this section. Signs not in conformance with this section shall be removed. This section shall not apply to signs listed in § 280-14-13A(1) through § 280-14-13A(6).

- (1) Traffic movement signs and devices erected, altered, displayed, or maintained by the City or the State.
- (2) Official business directional signs.
- (3) Signs bearing noncommercial messages erected, altered, displayed, or maintained in the street, outside of traveled ways, by a duly constituted governmental body, soil and water conservation district, or regional planning commission.

- (4) Hand-held signs not affixed to the ground or buildings.
 - (5) Historic markers and/or plaques.
 - (6) Seasonal signs.
- B. General provisions. All signs shall be in conformance with the following provisions, except as may be otherwise regulated in this chapter including but not limited to § 280-15-11H(11):
- (1) Signs shall be clean, legible, and free from all hazards, such as faulty wiring, loose fastenings, or dilapidated or deteriorated condition, including, but not limited to, signs which have parts which are falling off, and shall be maintained so as not to be detrimental to the public health or safety or create a public nuisance, distraction, or obstruction that impairs vehicular or pedestrian traffic movement or safety. If the Code Enforcement Officer finds that a sign does not meet the requirement of this subsection or is a nuisance or safety hazard, the sign shall be removed or repaired by the owner of the land, building, or structure upon which the sign is located.
 - (2) Signs shall be designed, located, and maintained so that they do not create a vehicular or pedestrian traffic, safety, or health hazard or nuisance due to illumination, placement, display, or manner of construction. All signs shall be located so as not to obstruct views of traffic and shall be placed so as to maintain a clear line of sight for drivers and pedestrians at street intersections and shall not be located within the area of a triangle with vertices measured twenty-five (25) feet from the intersection of the curb lines of a traveled way.
 - (3) Signs shall conform to the Building and Electrical Codes.
 - (4) Existing nonconforming signs may be rebuilt, maintained, repainted, or refaced, except that a nonconforming sign shall be brought into conformity with the provisions of this section when it is enlarged or relocated or when the principal use of the property is changed to a residential use as outlined in the Table of Land Uses.³⁸
 - (5) Signs shall be securely connected to the ground or a building unless the sign can be temporarily moved from place-to-place without equipment.
 - (6) Any sign which becomes a nuisance or safety hazard shall be removed.
 - (7) Temporary signs located on the inside of windows shall not be included when calculating cumulative sign area and shall meet the following standards. Signs located on the inside of windows shall:
 - (a) Not be permanently affixed to the interior surface of the windows.
 - (b) Take up no more than fifteen percent (15%) of total window area or six (6) square feet of any single storefront, whichever is smaller.
 - (c) Be displayed for no more than thirty (30) days with no limit on the total number of days per year. The date of placement of an interior window sign shall be written in indelible ink on the lower, right hand corner of the sign.
 - (d) Be removed if the Code Enforcement Officer finds that it is frayed, torn, broken, or illegible.

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

- (e) Existing temporary signs that are not in compliance with this section shall be removed within one (1) year of effective date of December 3, 2019.
 - (8) Any sign at a location where goods, services, or a point of interest has ceased to be available for a period of one (1) year or more shall be considered abandoned and shall be removed by the owner of the land, building, or structure upon which the sign is located. Any abandoned sign shall not be replaced with a non-conforming sign. A temporary sign on a property that is for sale may remain on the property for up to two (2) weeks after the date of sale of the property.
 - (9) Freestanding signs shall be set back twenty (20) feet from the street, outside of traveled ways, unless a waiver is granted by the Code Enforcement Officer. The waiver shall be granted only if the required setback cannot be met due to traffic safety, lot area, building or site constraints, or to reflect compact patterns of development described in § 280-15-11. A minimum setback of at least five (5) feet from the curb line or pavement edge shall be maintained.
 - (10) A sign shall not exceed one-hundred-fifty (150) square feet in cumulative sign area, notwithstanding other provisions of this section.
 - (11) A sign shall not exceed twenty-five (25) feet above the ground level upon which it is located; except that the maximum height of a sign that is affixed to or is part of a building is ten (10) feet above the roof of the building.
 - (12) Signs, awnings, and canopies may extend over or be placed in the street, provided that the sign is located at least two (2) feet behind the curb line, or edge of pavement if no curb exists, and is located so as not to obstruct pedestrian or vehicular movement.
- C. Prohibited signs. The following signs are prohibited in all areas unless specifically provided for in this section:
- (1) Off the premises business signs.
 - (2) Signs that imitate, resemble, or interfere with official traffic or emergency control signs, signals, lights, or intersections.
 - (3) Signs that move, flash light intermittently, change color, blink, fade, scroll, strobe, or have animated parts or the appearance of movement, except for electronic and changeable displays, as provided for in § 280-14-13H. A revolving barber pole sign is not considered to be a sign that moves.
- D. Signs allowed without a permit. The following types of signs may be installed in all zones without obtaining a sign permit from the Code Enforcement Officer; however, they shall comply with all other applicable standards of this section:
- (1) Public safety signs.
 - (2) Signs indicating that access is prohibited.
 - (3) Temporary signs, located on the inside of windows or not in the public right-of-way.
 - (4) Temporary signs bearing noncommercial messages placed within the public right-of-way, with the following conditions:
 - (a) Placement is limited to a maximum of six (6) weeks per calendar year;

- (b) Shall not be placed within thirty (30) feet of another temporary sign bearing the same or substantially the same message;
 - (c) Shall be labeled with the name and address of the individual, entity, or organization that placed the sign; and
 - (d) The date of placement of the temporary sign and designated time period that the sign will be maintained shall be written in indelible ink on the lower, right hand corner of the sign.
- (5) Address numbers, nameplates, name of a building or structure, name of the company that built or designed the building or structure, hours of operation, information about credit cards accepted, decals identifying membership in the Chamber of Commerce or Sanford Regional Economic Growth Council, and similar standardized business information. These types of signs shall be excluded from the cumulative sign area.
- (6) Movement control signs such as entrance and exit signs at any premises with the following conditions:
- (a) Shall be attached or freestanding;
 - (b) Shall not exceed five (5) square feet;
 - (c) May contain words that shall not exceed six (6) inches in height; and
 - (d) Shall convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located.

E. Residential Standards

- (1) Single family residential properties shall be allowed signs associated with a home occupation as described in § 280-2-2.
- (2) Residential subdivisions, multifamily dwellings, and condominium complexes, excluding mixed use properties shall:
 - (a) Be allowed one permanent freestanding sign, not to exceed twenty-four (24) square feet. One (1) such sign shall be allowed for each separate street entrance and/or street frontage. No sign shall extend more than six (6) feet above the ground.
 - (b) Be allowed one (1) sign per building, not to exceed twenty-four (24) square feet per each street frontage.
 - (c) Be allowed temporary signs, not to exceed a total of eight (8) square feet in cumulative sign area.
 - (d) Not be allowed electronic and changeable displays.
 - (e) Be allowed to be lighted.

F. Commercial, industrial, institutional, agricultural, and mixed use standards. Commercial industrial, institutional, agricultural and mixed use properties shall:

- (1) Be allowed one (1) freestanding sign, not to exceed sixty-four (64) square feet in cumulative sign area per street frontage. Corner lots and lots with frontage on more than one (1) street are allowed one (1) additional freestanding sing, not to exceed sixty-four (64) square feet in

cumulative sign area. Freestanding signs used as a directory of tenants engaged in commercial activity on the premises shall be allowed an additional six (6) square feet of sign area per tenant in excess of four (4) tenants.

- (2) Be allowed one (1) building sign per tenant, not to exceed one and a half (1.5) square feet per one (1) linear foot of the suite associated with building frontage that faces a public street or parking lot up to a maximum cumulative sign area of one-hundred-ninety (190) square feet.
- (3) Be allowed additional building sign area, not to exceed a cumulative sign area of one and one-half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or parking lot, including signage allowed in § 280-14-13F(2).
- (4) Be allowed temporary signs, not to exceed a total of thirty-two (32) square feet in cumulative sign area placed outside on private property, with the following conditions:
 - (a) Placement is limited to a maximum of thirty (30) days at a time for no more than a total of ninety (90) days per calendar year.
 - (b) Shall not be placed within thirty (30) feet of another temporary sign bearing the same or substantially the same message.
 - (c) Shall be labeled with the name and address of the individual, entity, or organization that placed the sign; and
 - (d) Shall be labeled with the date of placement of the temporary sign in the lower, right hand corner of the sign.
- (5) Be allowed one (1) electronic and changeable display for each sign face, not to exceed twenty-four (24) square feet per sign face.

G. Lighting standards.

- (1) Luminaires shall be fully capped, shielded, and directed at the sign being illuminated. No light shall be directed at any portion of the public way or be of such intensity or brilliance as to cause glare or impair the vision of an operator of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
- (2) Signs shall be illuminated so that they do not create a public hazard or nuisance for the traveling public and/or neighborhood. Lamps and light bulbs, in general, shall be shielded by landscaping and/or other means and shall be directed to minimize glare and light pollution beyond the signage.
- (3) Internally illuminated signs shall be lighted so they do not create a hazard or nuisance for the traveling public and/or neighborhood. Lamps and light bulbs, in general, shall be fully shielded inside the fixture to reduce glare and light pollution.
- (4) Sign lighting shall not be motion activated.

H. Electronic and changeable displays.

- (1) The display on each side of an electronic and changeable display may not have a message period of less than ten (10) seconds. If a message changes it must be without transition or animation. The change of message shall occur simultaneously for the entire display. The display may not phase, fade, dissolve, pulse, roll, scroll, flash, move, blend or contain any movement-type

changes between or during display periods. The display may not stream information or contain video animation. Official public notices are exempt from these standards.

- (2) The display may consist of alphabetical or numeric text on a plain or colored background and may include graphic, pictorial, and photographic images.
 - (3) An electronic and changeable display shall contain automatic dimming controls, either by photo cell or software settings and shall comply with the maximum luminance level of one-hundred (100) candelas per square meter at least one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise as determined by the National Oceanic and Atmospheric Administration for the specific geographic location and date to reduce hazard or nuisance for the traveling public and/or neighborhood and to reduce glare and light pollution.
- I. Planning Board approval. The Planning Board may approve the installation of:
- (1) Additional freestanding signs if it finds that due to the unique physical characteristics of the site a single sign is impractical or confusing;
 - (2) Additional building signs, including electronic and changeable displays, required to identify different product lines sold by the business: or,
 - (3) Historical or artistic building signs, which may or may not represent the current business and may otherwise place a burden on the applicant to meet the total allowable signage area.
- J. Substitution clause. For every commercial sign that is allowed under this chapter, any non-commercial message may be legally substituted.

ARTICLE XV
Performance Standards

Note: Performance Standards apply to activities which do not require Site Plan, Subdivision, or Planning Board approval.

§ 280-15-1. Groundwater protection standards.

- A. Applicability. The general provisions of this section apply to all land uses, including storage of hazardous materials, new construction, structural alteration, and substantial change in use, occurring in the City. Additional standards and requirements apply in areas delineated as Public Water Supply Protection Districts.
- B. Delineation of the Public Water Supply Protection Districts.
- (1) Public Water Supply Protection Districts shall be delineated on copies of the Assessor's maps and shall be titled "Public Water Supply Protection Districts Map: City of Sanford." This map shall be deemed an integral part of this chapter and shall be maintained on file in the Code Enforcement Office.
 - (2) The Public Water Supply Protection Districts shall operate as overlay districts. If there is any conflict between the provisions of the Public Water Supply Protection Districts and other sections of this chapter, the more restrictive provision shall apply.
 - (3) The Public Water Supply Protection Districts are comprised of areas in and around Water District well fields and in the Branch Brook Aquifer where aquifer recharge occurs. Regulatory standards apply to the following districts:
 - (a) District 1, as delineated on the Official Public Water Supply Protection Districts Map, consists of the New Dam Well, the Eagle Drive 1 Well, the Eagle Drive 2 Well, and the Branch Brook Aquifer.
 - (b) District 2, as delineated on the Official Public Water Supply Protection Districts Map, consists of the Old Mill Road Well, the Route 109 at Sam Allen Road Well, Bernier Road Well, and the Country Club No. 2 Well.
 - (c) District 3, as delineated on the Official Public Water Supply Protection Districts Map, consists of the Cobb 1 Well, the Cobb 2 Well, and the Main Well Field.
 - (4) Each area is further defined by two (2) distinct zones delineated by the hydraulic travel time to a wellhead. These zones designate different levels of wellhead protection:
 - (a) Zone A, as delineated on the Official Public Water Supply Protection Districts Map, consists of the area in which it would take a leachable material introduced into the groundwater two-hundred (200) days or less to reach a public water supply. The travel time boundary of this zone is based on the length of time viruses present in the wastewater can survive in the soil. Zone A is therefore an area regulated for sanitary purposes.
 - (b) Zone B, as delineated on the Official Public Water Supply Protection Districts Map, consists of the areas from which it would take a leachable material two-hundred (200) to two-thousand-five-hundred (2,500) days of travel time to reach a public water supply. This zone is regulated to reduce the risk of contamination of the groundwater supply from land

use activities that pose a major threat.

- (c) Hydraulic travel times are the most commonly used instruments for defining an area of groundwater protection. Zones A and B have been mapped accordingly around existing and proposed public water supply well fields and aquifers to protect the health and safety of the public as well as maintain the integrity of the groundwater resource.
 - (5) If any portion of a lot is located in Zone A and/or B, all of the land located in Zone A shall be governed by the regulations for Zone A, and all of the land located in Zone B shall be governed by the regulations for Zone B. **[Amended 9-20-2022 by Order No. 22-440-01]**
 - (6) The delineation of all districts and Zones A and B may be revised only by amendment to the Public Water Supply Protection Districts Map in accordance with the provisions of § 280-4-2.
 - (7) If there are questions as to the location of the district or zone boundaries, the location shall be determined in accordance with provisions of § 280-9-3.
- C. General performance standards. All use of land, buildings, and structures in the City shall comply with the following standards:
- (1) Sites at which hazardous materials are stored, used or generated shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 - (2) Areas and facilities for loading and unloading hazardous materials and polluting materials shall be designed and constructed to prevent discharge or runoff to groundwater.
 - (3) Facilities shall be designed so that all stored, spilled or leaked hazardous materials are contained on site.
 - (4) Secondary containment for aboveground areas where hazardous materials are stored or used shall be provided.
 - (5) Existing and new storage tanks shall meet all state and federal requirements.
 - (6) Outdoor storage of hazardous materials shall use product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
 - (7) Discharge of fluids from any motor vehicle shall not be permitted into or onto the ground.
 - (8) General purpose floor drains shall be approved by the Local Plumbing Inspector prior to installation. The Local Plumbing Inspector may consult with the Water District and/or Sewerage District prior to approving floor drains.
- D. Additional performance standards in Public Water Supply Protection Districts. All uses of land, buildings, and structures in a designated Public Water Supply Protection District shall comply with the following standards in addition to those set forth in § 280-15-1C:
- (1) The volume and quality of groundwater recharge shall be maintained at predevelopment levels.
 - (2) Stormwater management and containment facilities shall not increase the level of contaminants entering the groundwater.
 - (3) In areas which are not served by public sewer, no more than one (1) dwelling unit may be connected to a subsurface waste disposal system.

E. Prohibited uses.

- (1) The following uses shall be prohibited within Zones A and B of Public Water Supply Protection Districts 1, 2 and 3:
 - (a) The disposal of solid waste, sludge, and ash.
 - (b) The discharge of commercial or industrial wastewater or wash water to an on-site sewage disposal system.
 - (c) Sand and gravel excavation within five (5) feet of the seasonal high-water table.
 - (d) The land application of sludge and the spray application of industrial wastewater or sewage.
- (2) The following uses shall be prohibited within Zones A and B of District 2:
 - (a) The commercial use, storage, or manufacture of hazardous materials or wastes.
 - (b) The commercial use, storage, or manufacture of petroleum products.
 - (c) The bulk storage of leachable materials, including concrete, asphalt, tar, coal, and salt.
 - (d) The commercial storage and application of pesticides.
- (3) The following uses shall be prohibited within Zone A of Districts 1, 2 and 3:
 - (a) On-site sewage disposal systems for any new use. Replacement septic systems for existing uses are permitted subject to review by the Water District. Notwithstanding this provision, the Local Plumbing Inspector may issue a permit for a septic system for a new single-family residential use if all of the following conditions are met:
 - [1] The lot existed at the time of adoption of this provision;
 - [2] The lot is located entirely within Zone A;
 - [3] There is no reasonable alternative for sewage disposal;
 - [4] The Water District has reviewed the proposed location of the system; and
 - [5] The location of the system maximizes the protection of the public water supply.
 - (b) Manure spreading between November 1 and April 1 and at any other time when the ground is frozen.

F. Water supply protection permit required. Any use of the land, construction or alteration of a building or structure, change in the occupancy of a building, or modification of existing industrial processing or storage facilities which increases the volume or changes the type of hazardous materials present on a site shall be permitted within the Public Water Supply Protection Districts only after the issuance of a water supply protection permit in accordance with § 280-15-1G.

G. Water supply protection permit procedures. The Code Enforcement Officer is authorized to review applications for and issue water supply protection permits for any activities covered by this section that do not trigger site plan review under this chapter. Prior to issuing a permit, the Code Enforcement Officer shall notify the abutters of the property and their right to review and provide written comments on the application. The Code Enforcement Officer shall not issue the permit until at least

five (5) business days after the mailing of notices to the abutters. For activities requiring a water supply protection permit and/or site plan review, the water supply protection permit shall be considered as part of the site plan review process described in Article XVI.

- H. Compliance with the requirements of § 275-42.
- I. Review criteria. When reviewing an application, the Code Enforcement Officer, Site Plan Review Committee, or Planning Board shall approve the application only if it finds that the applicant has adhered to all performance standards contained in §§ 280-15-1C and 280-15-1D.
- J. Notification requirement. Within sixty (60) days of the adoption of this section, the Planning Director shall notify the owners of all lots within a Public Water Supply Protection District of the adoption of these provisions and the importance of compliance with the requirements and shall provide them with a copy of the performance standards and other requirements. **[Amended 9-20-2022 by Order No. 22-440-01]**

§ 280-15-2. Watershed performance standards.

In addition to the other requirements of this chapter, any use of land or development activity within the Mousam River watershed or the Great Works River watershed that is subject to site plan review shall conform to the following standards:

- A. The area of the site stripped of existing vegetation at any given time shall be minimized. Stripping of the site shall be phased where practical so that areas are revegetated and permanently stabilized before additional areas are stripped of existing vegetation.
- B. Not more than thirty-five percent (35%) of the total vegetated area of a lot may be covered by impervious surfaces, including buildings, structures, and paved or gravel surfaces, unless the owner of the lot demonstrates that such development will be carried out in accordance with the Best Management Practices as set forth in "Stormwater Management for Maine: Best Management Practices," published by the Maine Department of Environmental Protection, as may be amended from time to time. **[Amended 9-20-2022 by Order No. 22-440-01]**
- C. Any area of disturbed ground resulting from construction or similar activities shall be either temporarily or permanently stabilized by use of riprap, seed, mulch, or other ground cover within one (1) week from the time it was actively worked.
- D. Vegetated buffer strips at least twenty-five (25) feet wide shall be maintained adjacent to waterways, drainage ditches, and swales. Waterways, ditches, and swales shall be revegetated prior to September 15.
- E. Stormwater collection systems shall be designed to use overland flow into vegetated buffer strips whenever possible. When enclosed storm drainage systems are used, provisions for managing nutrient export shall be incorporated consistent with Best Management Practices.
- F. Silt fencing and hay bale barriers in accordance with the York County Soil and Water Conservation District's erosion and sedimentation control standards shall be used during all phases of construction.
- G. The Planning Board may require that projects classified as major developments under this chapter conduct an analysis of nutrient export levels and incorporate nutrient loading control devices such as sedimentation/retention ponds, infiltration systems, wet ponds, swales, or flow strips if necessary to reduce the level of nutrient export to acceptable levels. This analysis shall be carried out in accordance with "Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New

Developments," published by the Maine Department of Environmental Protection, as may be amended from time to time. If the phosphorous method requires removal of more than seventy-five percent (75%) of the increase in phosphorous load to meet the phosphorous export limit, the Planning Board may increase the limit to a level obtainable through on-site use of Best Management Practices as identified in the Stormwater Best Management Practices Manual.

- H. If the project is classified as a major site plan and is in the watershed of a great pond, phosphorus impacts will be managed in compliance with the relevant requirements of §§ 275-47 and 275-60.

§ 280-15-3. Industrial performance standards.

All uses involving the manufacturing or processing of materials or products shall conform to the following standards:

- A. Storage of derelict vehicles or equipment. No derelict vehicles or equipment shall be stored on the site unless they are enclosed within a secure area and screened from view from public streets and adjacent properties.
- B. Vibration. Equipment and other activities shall not produce vibration measured at the lot line which is perceptible without instruments. In no case shall vibration at the lot line exceed three-one-thousandths (0.003) of one (1) inch.
- C. Odors and air quality. No offensive, harmful, or noxious odors shall be emitted that create a public nuisance or hazard beyond the lot line of the lot, an adjoining unit, building, or property, documented by multiple complaints. All facilities shall have a properly designed and maintained ventilation and air filtration system which takes into consideration the square footage and number of elements in the industrial process. Smoke, debris, dust, fluids, and other substances shall be managed in compliance with Maine Department of Environmental Protection Regulations Chapter 110 Ambient Air Quality Standards. Filters shall be checked every six (6) months and shall be replaced as needed or based on the manufacturer's recommended schedule, whichever is more recent. **[Amended 9-20-2022 by Order No. 22-440-01]**
- D. Electromagnetic interference. No electromagnetic interference shall be permitted that does not conform to state and federal standards.
- E. Lights. No lights used in the industrial process or on the site of the industrial process shall produce pollution, glare, or brightness that would create a public nuisance or hazard. All lights shall be shielded and oriented such that they shall not extend beyond the property lines. All power sources, electrical fixtures, and electrical conveyances shall be installed, connected, and maintained in conformance with the City's building, electrical, fire, and other health, safety and technical codes, including but not limited to Chapters 90: Building and Building Regulation and 128: Fire Prevention.
- F. Noise. Noise from an exhaust fan or other aspects of the operation shall not exceed the maximum permissible noise level established by the City in Chapter 178: Noise.
- G. Carbon dioxide and/or other gases. If carbon dioxide and/or other gases are used in the industrial process, carbon dioxide alarms and/or alarms for other gases shall be provided and maintained in good operating condition.
- H. Security. The facility shall be secured so as to render it inaccessible to any unauthorized persons during all hours. Security measures shall be reviewed and approved to manage nuisance activity, unauthorized entry into a facility, and/or thefts. The Planning Board may require that a Knox-Box[®] of

an approved type listed in accordance with UL 1037 shall be installed in an accessible location to provide access in the event of an emergency.

§ 280-15-4. Residential cluster development standards.

- A. Purpose. The purpose of these provisions is to allow for contemporary concepts of housing development where variations of design may be allowed. The Planning Board may approve residential cluster developments as an alternative to conventional subdivisions. The Planning Board may approve subdivisions as residential cluster developments in which the size of individual lots is less than that normally required by this chapter, provided that a sufficient area of the total lot being developed is reserved as permanent open space. **[Amended 9-20-2022 by Order No. 22-440-01]**
- B. Basic requirements for cluster developments.
- (1) Cluster development shall meet all requirements for subdivision approval and shall be in conformance with a site plan for its overall development.
 - (2) Each lot or building shall be an element of an overall plan for site development. When the development consists of the creation of lots, the plan shall establish a building envelope for each lot that identifies the area within which the buildings will be located. When the development involves the construction of buildings on a single lot, the plan shall show the location of each building. **[Amended 9-20-2022 by Order No. 22-440-01]**
 - (3) The total residential density may be no greater in a cluster development than is normally permitted in the zone in which the development is proposed.
 - (4) Residential cluster developments in accordance with this section are allowed in all residential zones.
 - (5) Only those residential uses allowed in a zone are allowed in a residential cluster development. In addition, in the Rural Residential and Rural Mixed Use Zones newer mobile homes, as defined in this chapter, may be allowed on a slab-type foundation provided that the individual mobile home sites or lots are rented and not sold.
 - (6) A cluster development may have no fewer than five (5) dwelling units.
- C. Dimensional requirements.
- (1) Individual lot sizes may be less than that required in the zone in which the cluster development is located, provided that the amount of land by which the lot is reduced is reserved as open space. Within the Rural Residential and Rural Mixed Use Zones, individual lots may be as small as twenty-thousand (20,000) square feet, provided that the soils are adequate to support a lot of that size. In other zones, the area of individual lots may be reduced by up to fifty percent (50%).
 - (2) Other lot dimensional requirements may be reduced as follows:
 - (a) Lot frontage: fifty percent (50%) of that required in the zone.
 - (b) Side lot line setback: fifty percent (50%) of that required in the zone.
 - (c) Front lot line setback: ten (10) feet.
 - (d) Rear lot line setback: ten (10) feet.

(e) Lot depth: fifty percent (50%) of that required in the zone.

D. Open space.

- (1) At least forty percent (40%) of the total area of the cluster development must be in open space, and not more than twenty percent (20%) of the required open space area may be wetland and/or slopes greater than fifteen percent (15%).
- (2) The open space shall be dedicated to the recreational amenity and environmental enhancement of the development, shall protect natural resources, and shall be recorded as such. For the purpose of these provisions, open space means an area that is:
 - (a) Not encumbered in any way by a principal structure;
 - (b) Not devoted to use as a roadway, road right-of-way, parking lot, or sidewalk;
 - (c) Left in its natural or undisturbed state, if wooded, except for cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, play fields, picnic areas, or similar activities;
 - (d) Capable of being used and enjoyed for the purpose of informal and unstructured recreation and relaxation; and
 - (e) Legally and practicably accessible to all residents of lots in the cluster development out of which the open space is taken.
- (3) The common open space shall be controlled by one (1) or more of the following methods:
 - (a) Common ownership by the owners of units within the project;
 - (b) Common ownership by the owners of the units within the project with a conservation easement granted to the City, subject to acceptance by the City Council or recognized conservation organization;
 - (c) Dedication to the City as public open space subject to acceptance by the City Council;
 - (d) Transfer, with permanent restrictions, to a land trust or other recognized conservation organization; and/or
 - (e) Ownership by a private party for agricultural or other natural resource use, provided that permanent restrictions are in place to provide for its continued use for this purpose.
- (4) Any subdivision proposed under this section shall specify the ownership, use, management, and person responsible for maintenance of all common areas and facilities. The Planning Board shall approve the arrangements for the ownership, control, and maintenance of the common open space as part of the approval of a final subdivision plan. No changes in the use or management of the common open space shall be made without Planning Board approval.
- (5) Any common open space or facility not retained by a private owner shall be maintained by a homeowners' association unless and until it is transferred in its entirety to the City or a recognized conservation organization, and until the transfer actually is completed. The formation and incorporation by the developer of a homeowners' association shall be accomplished prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or

unit. The association's documents shall specify that:

- (a) The association shall have the responsibility of maintaining the common open space and other private facilities dedicated to the use in common by the development's residents.
- (b) The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.
- (c) The developer shall maintain control of common open spaces and facilities and be responsible for their maintenance until at least fifty-one percent (51%) of the development's lots or units have been completed and sold, with evidence of such completion and sales submitted to and approved by the Planning Board.

E. Design standards. In addition to other standards of this chapter and of Chapter 275: Subdivision of Land, the following design standards shall apply to cluster developments:

- (1) Priorities for layout of lots and open space. The Planning Board shall find that individual building lots/sites are laid out and open space preserved to achieve the following objectives, as applicable. Where the Planning Board finds that objectives conflict, the objectives shall be achieved in the order listed:
 - (a) Where on-site wastewater disposal is to be used, it will be located on suitable soils for subsurface wastewater disposal;
 - (b) The layout preserves, as part of the required open space, environmentally sensitive areas, such as wetlands, steep slopes, floodplains, wildlife habitat rated by the Maine Department of Inland Fisheries and Wildlife as high value, and unique natural features;
 - (c) The design maximizes, as part of the required open space, the amount of contiguous, usable area for agriculture or woodlot production;
 - (d) The layout preserves cultural features of the rural landscape, such as stone walls, tree lines, and important or unique structures;
 - (e) The layout maximizes, as part of the required open space, the amount of undisturbed, contiguous wildlife habitat, including habitat that may not be rated as high by the Maine Department of Inland Fisheries and Wildlife;
 - (f) Where the development abuts a body of water, the design includes, as part of the required open space, a minimum of twenty-five percent (25%) of the shoreline;
 - (g) The layout encourages buildings to be located within woodlands or along the edges of open fields adjacent to woodlands;
 - (h) The layout provides for buildings in locations least likely to block or interrupt scenic vistas, as seen from the public roadway;
 - (i) The design maximizes open space that is usable for outdoor recreation;
 - (j) Each house lot has direct access to the open space, which means that the owner of one (1) house lot does not have to cross another's house lot to reach the open space;
 - (k) The layout minimizes the length of roadways, public utility lines, and other infrastructure within the proposed development;

- (1) The design provides planting, landscaping, fencing, and screening to buffer the development from, and integrate it with, the character of any surrounding development.
- (2) Vehicular access, street layout and construction.
 - (a) All vehicular access to buildings and lots shall be from a street within the development and not from an existing public road.
 - (b) All streets, roads, access drives, and parking areas shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all-season emergency access, snow storage, delivery and collection services, and potential connections to abutting land.
 - (c) Streets shall be designed and constructed in conformance with Chapter 275: Subdivision of Land.
- (3) Buffering. A cluster development shall be buffered from a street or road, other than the street or road serving individual lots in the development, or from any abutting single-family dwelling lot, by a distance equal to two (2) times the normal minimum setbacks required for the zone. This buffer shall be established and maintained with a screen to provide an effective visual barrier from the ground to a height of at least ten (10) feet. This screen may be composed of a landscaped earth berm, planted evergreen bushes and trees, or existing evergreen bushes and trees, or a combination of such features.
- (4) Utilities. Utilities shall be installed underground wherever possible. Transformer boxes, pumping stations, and meters shall be located so as not to be unsightly or hazardous to the public.

§ 280-15-5. Manufactured housing.

- A. Modular homes. Modular homes shall be allowed in any zone in which a residential structure is allowed and subject to the requirements of that zone.
- B. Newer mobile homes. Newer mobile homes shall be treated as single-family homes allowable in the Rural Residential, Rural Mixed Use, and Residential Development Zones but may not be located on a lot of land which fronts on Route 109, 202, 99, 11A, 224 or 4. **[Amended 9-20-2022 by Order No. 22-440-01]**
- C. Nonconforming homes. All other mobile homes and trailers, and modular homes which fail to meet the definition of modular home as defined in this chapter, which were lawfully located in the City as a residential unit prior to November 20, 1984, and all other mobile homes which are lawfully located within the City subsequent to that date pursuant to § 280-15-5D, shall be considered nonconforming structures and may continue and may be maintained, repaired, improved, enlarged, or replaced with a like home the same size or larger. Such a nonconforming structure may be moved to another lot in the Rural Residential, Rural Mixed Use, or Residential Development Zones but may not be relocated to a lot of land which fronts on Route 109, 202, 99, 11A, 224 or 4. **[Amended 9-20-2022 by Order No. 22-440-01]**
- D. Additional older homes prohibited. No person, firm, corporation, or other legal entity may locate a factory-built home that is included within the term all other mobile homes as defined in this chapter on a lot of land in the City if such factory-built home was not lawfully located in the City as a residential unit prior to November 20, 1984; provided, however, that: **[Amended 5-7-2019 by Order**

No. 19-258-01; 9-20-2022 by Order No. 22-440-01]

- (1) Any manufactured home or factory-built home that is included within the term all other mobile homes, regardless of its date of manufacture, that is legally sited within the City as of August 4, 1988, may be relocated to another lot of land within the City where newer mobile homes are allowed under § 280-15-5B so long as it complies with all design criteria applicable to newer mobile homes, including but not limited to a pitched, shingled roof, exterior siding which is residential in appearance and located on a permanent foundation; provided, however, that the Board of Appeals may, upon written request by the owner of said home, grant a waiver from said design standards upon the owner's showing of economic circumstances that would cause compliance with said design standards to have the practical effect of preventing said home's relocation within the City; and
 - (2) No manufactured home shall be prohibited solely on the basis of its date of manufacture or failure to comply with the National Manufactured Housing Construction and Safety Standards Act of 1974.
- E. Homes in mobile home parks. A mobile home being located on a lot approved prior to the effective date of this amendment in an existing mobile home park licensed by the Maine Department of Business Regulation shall not be required to be located on a permanent foundation.
- F. Mobile home parks.
- (1) Mobile home parks shall be allowed in the Rural Mixed Use Zone. The use and dimensional requirements of the Rural Mixed Use Zone shall govern, except to the extent otherwise provided by this subsection or state law.
 - (2) Existing mobile home parks not located within the Rural Mixed Use Zone shall be allowed to expand on contiguous property to one-hundred-thirty percent (130%) of the number of lots which existed in said mobile home park on September 7, 1989, subject to all of the provisions set forth in this section.
 - (3) Lots in mobile home parks shall comply with the following:
 - (a) The minimum lot width for any mobile home park lot shall be fifty (50) feet.
 - (b) A mobile home shall not be located less than ten (10) feet from any boundary lines of an individual lot.
 - (c) Any mobile home park lot which is located wholly or partly within a shoreland district shall meet the minimum lot area and shore frontage requirements of that district.
 - (4) No mobile home park lot shall be located with road frontage on any existing public way. Frontage and access to individual mobile home park lots shall be solely from interior roadways constructed within the mobile home park.
 - (5) Privately owned roads within a mobile home park shall:
 - (a) Be built according to acceptable engineering standards and with a professional engineer's seal as required by the Manufactured Housing Board;
 - (b) Have a minimum right-of-way width of twenty-three (23) feet;
 - (c) Have a minimum paved width of twenty (20) feet; and

- (d) Conform to reasonable safety standards applicable to intersections with public ways adjacent to the mobile home park.
- (6) Any person proposing to develop or expand a mobile home park shall prove to the Code Enforcement Officer and the Planning Board that the development will not pollute a public water supply or an aquifer or violate any provision of state law relating to land development, subdivision or use.
- (7) Requirement for buffer strips.
 - (a) None of the provisions of this subsection shall apply unless the per-acre density of the mobile home park is at least two (2) times greater than the density of residential development on immediately adjacent lots of land. **[Amended 9-20-2022 by Order No. 22-440-01]**
 - (b) In addition to the setback requirements set forth in § 280-15-5F(3)(b), a buffer strip of at least forty (40) feet in width shall be required along the boundary of any mobile home park where the abutting property is zoned for residential use.
 - (c) Within the first twenty-five (25) feet of the buffer strip, as measured from the exterior boundaries of the mobile home park, the buffer shall be established and maintained with a screen to provide an effective visual barrier from the ground to a height of at least ten (10) feet. This screen shall be composed of a landscaped earth berm, planted evergreen bushes and trees, or existing evergreen bushes and trees, or a combination of such features.
 - (d) No structures, streets, or utilities may be placed in the buffer strip, except that utilities may cross a buffer strip to provide services to the mobile home park.
- (8) No individual lot within a mobile home park may be separately conveyed unless it meets all of the dimensional requirements of the zoning district, including sufficient frontage on an accepted public way.
- (9) Only newer mobile homes, as defined in this chapter, shall be permitted in mobile home parks.
- (10) This section shall be effective as of January 1, 1990.

§ 280-15-6. Mineral extraction standards.

- A. General. The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading, lagooning, dredging, and other earthmoving activity which would result in erosion, sedimentation, or impairment of water quality or fish and aquatic life is prohibited.
- B. Mineral extraction not requiring site plan review.
 - (1) The following mineral extraction activities shall be allowed without site plan approval:
 - (a) The removal or filling of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and
 - (b) The removal, filling, or transfer of material incidental to construction, alteration or repair of a public or private way or essential services.
 - (2) All other commercial mineral extraction, processing and storage shall require site plan approval

in accordance with Article XVI.

- C. Standards. An application for site plan approval for mineral extraction shall be approved if the following standards are met:
- (1) Excavations below the high-water table shall not be permitted unless a suitable plan for such is approved.
 - (2) Diversions, silting basins, terraces and other methods to trap sediment shall be used.
 - (3) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
 - (4) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
 - (5) Fill shall not restrict a floodway, channel or natural drainageway.
 - (6) The sides of cuts, fill, channels, or artificial watercourses shall be constructed and stabilized to prevent slumping and erosion.
 - (7) No below-grade excavation, except for drainageways, shall be allowed within one-hundred (100) feet of any public road.
 - (8) No below-grade excavation, except for drainageways, shall be allowed within fifty (50) feet of any lot line, except that excavations within five (5) feet of a property line may be permitted on condition that a written report from a licensed soil scientist is provided to the Planning Board stating the suitability of the soils to hold a slope of two (2) to one (1).
 - (9) The sides of cuts, fill or channels along public roads or lot lines shall not exceed a slope of two (2) feet horizontal for every one (1) foot vertical.
 - (10) Adjacent lot lines of one (1) or more owners shall be exempt from §§ 280-15-6C(8) and 280-15-6C(9) if they agree in writing.
 - (11) Permanent ground cover shall be required within one-hundred (100) feet of all property lines, including all boundary slopes. Said ground cover shall comply with soil and conservation standards and recommendations.
 - (12) Upon expiration of any permit or termination of operations, the applicant agrees to implement a suitable plan for reclamation of said site as approved at the time of approval.
- D. Optional conditions of approval. The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the municipality which may include those relating to:
- (1) Methods of removal or processing;
 - (2) Hours of operation;
 - (3) Type and location of temporary structures;
 - (4) Routes for transporting material;
 - (5) Area and depth of excavations;
 - (6) Provision of temporary or permanent drainage;

- (7) Disposition of brush and slash; and
 - (8) Cleaning, repair and/or resurfacing of streets used in removal activity which have been adversely affected by said activity.
- E. Surety and terms of approval. No approval shall be granted without a bond or other security to insure compliance with such conditions as the Planning Board may impose. No approval shall be issued for a period to exceed five (5) years, although such approval may be renewed for additional periods in the same manner.
- F. Existing operations. Any commercial operation involving the excavation, processing or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this chapter becomes effective may operate for a period of two (2) years from the effective date, July 1, 1977. Discontinuance of any existing operation for a period of more than one (1) year shall require application for a new approval. Continuation of any existing operation beyond July 1, 1979, shall require site plan approval from the Planning Board.

§ 280-15-7. Archaeological and historic resources.

- A. Archaeological resources. The following provisions are intended to prevent the disturbance of sites with identified archaeological significance until their importance is documented.
- (1) No municipal approval shall be issued within any identified archaeological resource potential areas until the Maine Historic Preservation Commission (MHPC) has been notified of the nature of the proposed activity in writing by the owner of the property, a copy of the notice provided to the Code Enforcement Officer, and the MHPC provided with the opportunity to conduct a reconnaissance level archaeological survey. The survey requirement will be deemed satisfied if the MHPC has not carried out a survey or responded to the owner in writing within six (6) months.
 - (2) The archaeological resource potential areas as identified in the Comprehensive Plan are limited to abandoned mill sites along the Mousam River.
- B. Historic resources. The following provisions are intended to preserve the architectural character of historic buildings in designated areas of the City.
- (1) Designated areas. The provisions of this subsection shall apply only within the following areas:
 - (a) The triangle, which is the area from Central Park down Main Street to the Goodall Library along Elm Street, up School Street to its intersection with Washington Street. This area is located in the City center and is generally residential in nature. It includes the Goodall Mansion, one (1) of the City's most significant historic structures, in addition to several other older residences.
 - (b) The area starting at the City Hall and continuing along the westerly side of Main Street to the Lebanon Street/Main Street intersection and down both sides of Lebanon Street to the Edison School. The district contains a variety of commercial and residential buildings constructed from 1880, including but not limited to Shaw's Hardware Store and Congregational Church, through the early 1900s.
 - (c) The area on Main Street in Springvale from the demolished railroad overpass up to the Nichols House on the east side of the street and all of the structures on the west side of the street, ending at the Tripp House across from Holdsworth Park. This area contains

numerous older residences.

- C. Modification of existing historic buildings. The owner of an historic building within the designated areas is encouraged to carry out any modifications in a manner that preserves the architectural and historic character of the structure. The owner is also encouraged to consult with the Historical Committee or Planning Department about the building and proposed modifications.

§ 280-15-8. Adult business establishment standards.

Any business that meets the definition of an adult business establishment regardless of its use category shall conform to the following additional requirements:

A. Location.

- (1) An adult business establishment shall not be sited within one-thousand (1,000) feet of the lot lines of any of the following:
 - (a) A public or private elementary or secondary school.
 - (b) A public park or public or private recreational facility or site.
 - (c) A lot on which another adult business establishment is sited.
- (2) The distance cited in this subsection shall be measured in a straight line between the lot line of the proposed site for the adult business establishment and the lot line of the site of the use listed in this subsection at their closest points.

B. Prohibited activities.

- (1) Dancers, performers, employees, owners or officers of an adult business establishment shall not fondle or caress any patron or client, and patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the adult business establishment;
- (2) Patrons or clients shall not directly pay or give any gratuity or object of value to any dancer, performer, employee, owner or officer of the adult business establishment, and dancers, performers, employees, owners or officers shall not solicit any pay, gratuity or object of value from any patron or client; and
- (3) Dancers, performers, employees, owners or officers of an adult business establishment shall not:
 - (a) Perform, offer to perform or agree to perform sexual intercourse with each other or any patron or client; or
 - (b) Commit, offer to commit or agree to commit any sexual act with each other or any patron or client; or
 - (c) Make, offer to make or agree to make sexual contact with each other or any patron or client.

- C. Nudity restricted. Dancers, performers, employees, owners or officers of an adult business establishment shall not expose their genitals to clients, whether or not there is any compensation for this activity.

§ 280-15-9. Transmitter and alternative communication tower standards.

The location and installation of new transmitter towers and alternative communication towers, including the replacement of existing towers, shall conform to the following standards:

- A. Design and color. The Planning Board, at its discretion, may require that a proposed tower be camouflaged or designed to blend with its surroundings, except where dictated by federal or state requirements. This may include, but is not limited to, having a galvanized finish, being painted gray or in a sky tone above the top of surrounding trees and earth tone below treetop level, or being designed to resemble a tree species similar to those in the area.
- B. Landscaped buffer for transmitter tower sites.
 - (1) Unless existing vegetation provides a buffer strip at least the width of the minimum setback for the zoning district, all property lines along roadways or visible to existing abutting or nearby buildings shall be landscaped as follows:
 - (a) Six (6) to eight (8)-foot-high evergreen shrubs shall be planted in an alternating pattern, averaging five (5) feet on center, within fifteen (15) feet of the property boundary.
 - (b) At least one (1) row of deciduous trees, not less than two-and one-half (2 1/2) to three (3) inches caliper diameter at breast height (DBH) and spaced an average of twenty (20) feet apart and within twenty-five (25) feet of the property boundary.
 - (2) In lieu of the foregoing planting requirements, the Planning Board may determine that the existing vegetation may be supplemented to achieve an equivalent means of minimizing the visual impact.
- C. Requirements of other entities. Proposals for towers submitted after the effective date of this amendment shall meet all applicable requirements of federal and state regulations before local approval is given. The Planning Board may waive this requirement if the applicant demonstrates that application has been made for any relevant federal and state approvals or, if no approvals are required, that the project conforms to all federal and state standards or that there are no such standards that apply. If the Planning Board approves an application prior to the applicant receiving all federal and/or state approvals, the Planning Board shall condition its approval on the receipt of those other approvals.
- D. Structural requirements.
 - (1) Towers shall be designed and installed in accordance with the standards of the Electronic Industries Association Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
 - (2) The applicant's engineer shall provide documentation showing that the proposed tower meets or exceeds the current standards of the American National Standards Institute, ANSI/EIA/TIA-222- "E," for York County relative to wind and one-half (1/2)-inch ice loads.
 - (3) For towers placed on buildings or other structures, the applicant shall also provide written certification that the building itself is structurally capable of safely supporting the tower and its accompanying equipment.
- E. Abandonment.
 - (1) It shall be the responsibility of the owner of a tower to notify the Code Enforcement Officer of

the date of abandonment or cessation of use of the tower within one (1) month from the date of such abandonment or cessation. If the owner shall fail to give the notice required by this subsection, the Code Enforcement Officer shall make a determination of such date, which determination shall be conclusive as to such date.

- (2) In the case of an abandoned tower, it shall be removed by the owner of the tower within one (1) year of its abandonment or cessation of use. Abandoned structures associated with abandoned towers shall also be removed. If the owner of the abandoned tower fails to remove the tower, the owner of the property on which the tower is located shall be responsible for its removal.

F. Collocation.

- (1) Tower applicants shall send written notice by prepaid first class United States mail to all other telecommunication tower owners and licensed telecommunication providers in the proposed coverage area stating their siting needs and/or collocation capabilities in an effort to encourage tower collocation. An application for a new tower shall provide evidence that existing or previously approved towers cannot accommodate the telecommunications equipment, including but not limited to antennas and cables, planned for the proposed tower. Such evidence would be:
 - (a) Planned equipment would exceed the structural capacity of existing and approved towers, considering the existing and planned use of those towers, and existing and approved towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost, as defined below;
 - (b) Planned equipment will cause radio wave frequency interference with other existing or planned equipment for that tower, and the interference cannot be prevented at a reasonable cost, as defined below;
 - (c) Existing or approved towers do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
 - (d) Other reasons that make it impracticable to place the equipment planned by the applicant on existing and approved towers.
- (2) Shared use shall be conditioned on the applicant's agreement to pay a reasonable fee and costs of adapting existing facilities to the proposed use.
 - (a) Such costs shall be pertinent to the southern Maine market area.
 - (b) These may include but not be limited to reasonable costs for reinforcing the tower or structure, for preventing radio wave frequency interference, and other changes reasonably required to accommodate shared use.
 - (c) The fee and costs for shared use are unreasonable, among other reasons, if they exceed the cost of the proposed tower.
- (3) If the Planning Board determines that telecommunications equipment proposed by the applicant cannot be accommodated on an existing or approved tower, each tower so found is presumed unable to accommodate similar equipment that may be proposed in the future.
- (4) A proposal to construct a new tower taller than one-hundred (100) feet shall include evidence

that it can structurally support a minimum of three (3) antenna arrays.

- (5) The Planning Board may require evidence of structural support to accommodate additional arrays for non-monopole towers.
- G. Interest of telecommunication entity. A proposal to construct a tower shall include evidence that a telecommunication or other entity proposes to locate on or use the tower.
- H. Lighting. A tower shall be lighted only if it is required by a federal or state agency or if the Planning Board finds that lighting of the tower is needed due to its location with respect to the Airport, its height or other safety considerations with respect to airport operations.
- I. Security. The base of the tower shall be made nonaccessible to unauthorized persons by the installation of a fence designed to deter such access.
- J. Nonconformance. Towers existing before the effective date of this chapter which do not comply with these performance standards or with the use or dimensional requirements of the zoning district in which they are located may continue to be used. The addition, removal, or relocation of telecommunication antennas on such towers shall not constitute the expansion or enlargement of the nonconforming use and does not require review by the Planning Board, provided the total height of the tower, including attached devices, is not increased.
- K. Inspection.
- (1) Inspection of communication towers by a licensed structural engineer shall be required to ensure structural integrity. Such inspections shall be required as follows:
- (a) All towers: upon completion of construction.
- (b) Monopole towers: at least once every ten (10) years.
- (c) Self-support towers: at least once every five (5) years.
- (d) Guyed towers: at least once every three (3) years.
- (2) The inspection report shall be provided to the Public Works Director and Code Enforcement Officer within thirty (30) days of its receipt by the tower owner. Based upon results of the inspection, the City may require the repair or removal of the communication tower.
- L. Floodplain management. Compliance with the requirements of § 275-43.
- M. Identification of freshwater wetlands. Compliance with the requirements of § 275-44.
- N. Stormwater management. Compliance with the requirements of §§ 275-45 and § 275-53.
- O. Traffic conditions. If the project is classified as a major site plan, compliance with the requirements of § 275-51.
- P. Wildlife habitat, rare natural areas or public access to shoreline. If the project is classified as a major site plan, compliance with the requirements of § 275-52.

§ 280-15-10. Marijuana standards.³⁹ [Amended 12-20-2016 by Order No. 16-158.07; 2-20-2018 by

39. Editor's Note: The title of this section was changed from "Medical marijuana standards" to "Marijuana standards" 5-5-2020 by Order No. 19-874-01.

Order No. 17-188-01; 2-20-2018 by Order No. 18-115-01; 4-3-2018 by Order No. 18-193-01; 5-15-2018 by Order No. 18-244-01; 3-5-2019, confirmed 7-9-2019 by Order No. 18-553-01; 5-5-2020 by Order No. 19-874-01; 1-19-2021 by Order No. 20-226-01; 4-19-2022 by Order No. 22-151-01; 9-20-2022 by Order No. 22-440-01; 11-26-2024 by Order No. 24-467-01]

All uses involving the cultivation, processing, storage, manufacturing, and/or distribution of marijuana and outdoor cultivation of hemp shall conform to the following standards:

A. Home cultivation standards.

- (1) Single family detached dwellings. Marijuana, may be grown or cultivated inside and/or outside of the any single family detached, home, outbuilding, and/or garage if cultivation is conducted in conformance with § 280-15-10B.
- (2) Other residential dwellings. In other residential dwellings marijuana may be grown, cultivated, processed, and/or stored inside a dwelling unit if cultivation is conducted in conformance with § 280-15-10B.
- (3) Gases. The use of gas products, including but not limited to carbon dioxide, sulfur dioxide, and butane, and ozone generators is prohibited.
- (4) Hemp shall be grown outdoors.

B. Marijuana general standards.

- (1) Residency. Home cultivation, medical marijuana home production, and medical marijuana home occupation shall only be conducted by a resident for whom the dwelling unit is his/her primary residence in conformance with the Maine Medical Use of Marijuana Act⁴⁰, Marijuana Legalization Act, and state administrative rules, as appropriate.
- (2) Ownership. A home cultivator or medical marijuana caregiver who does not own the property where marijuana is proposed to be cultivated, processed, stored, or distributed shall obtain written permission from the property owner prior to cultivating marijuana and shall make the written permission available to the City, upon request.
- (3) Enclosed, locked facility. Any home cultivation, medical marijuana home production, or medical marijuana home occupation shall be conducted in an enclosed, locked facility, which is accessible only by the individual who is authorized to cultivate the marijuana in conformance with the Maine Medical Use of Marijuana Act,⁴¹ Marijuana Legalization Act,⁴² and state administrative rule, as appropriate. No outdoor cultivation is allowed for a marijuana production facility.
- (4) Limited area dedicated to cultivation. Cultivation shall only be conducted in a contiguous area of not more than one-quarter (1/4) of the total square footage of a dwelling unit or one-hundred-twenty (120) square feet, whichever is less. No marijuana shall be grown, cultivated, processed, and/or stored within a common area or limited common area of the property.
- (5) Screening of outdoor cultivation on a residential property. No exterior evidence of cultivation, including signs, shall be visible from a public way or area. Plants shall be entirely screened from

40. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

41. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

42. Editor's Note: See 28-B M.R.S.A. § 101 et seq.

common visual observation from a public way or area by natural objects, plantings, or a solid fence at least six (6) feet or taller in height, density, and depth sufficient to accomplish complete screening of plants from ordinary view. Should plants grow higher than the screening such that they are visible from a public way or area, either the plants shall be cut to not extend higher than the screening or the individual who is authorized to cultivate the marijuana shall install additional screening sufficient to conceal the plants from public view within ten (10) days of notification of a violation by the Code Enforcement Department.

- (6) Commercial sale of marijuana grown, cultivated, processed, and/or stored on a residential property, except for members of the household and family members who are qualifying patients that do not reside in the household or as otherwise allowed under the Maine Medical Use of Marijuana Act,⁴³ Marijuana Legalization Act,⁴⁴ or state administrative rules, as appropriate, and the sale of marijuana paraphernalia is prohibited.
 - (7) Compliance with health and safety codes. A primary residence, outbuilding, garage, or other structure where marijuana is grown, cultivated, processed, and/or stored shall meet all applicable requirements of the City's building, electrical, fire, and other health safety and technical codes, including but not limited to Chapters 90: Building and Building Regulation and 128: Fire Prevention.
 - (8) Chemicals, cultivation that uses storage, and/or distribution of marijuana shall do so in conformance with the Maine Medical Use Marijuana Act,⁴⁵ Marijuana Legalization Act,⁴⁶ or state administrative rules.
 - (9) Ventilation and odor management. Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties or the public.
 - (10) Waste disposal. All marijuana waste and/or residue from the growth, cultivation, processing, and/or storage of marijuana shall be disposed of in conformance with the Maine Medical Use of Marijuana Act,⁴⁷ Marijuana Legalization Act,⁴⁸ or state administrative rules, as appropriate, as well as Chapter 220: Solid Waste. Waste and/or residue shall not be placed in exterior refuse containers without first being made unusable and unrecognizable through grinding and incorporating it with non-consumable, solid wastes such as paper, plastic, cardboard, food, grease, Bokashi or other compost activators, and/or soil, such that the resulting mixture is at least fifty (50) percent non-marijuana waste. Composting, fermenting, and/or incineration on-site is allowed if undertaken in accordance with state and local regulations.
- C. Licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and marijuana retail store standards. In addition to the requirements of § 280-15-10B a licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall meet the following additional standards:
- (1) No licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall be allowed within five-hundred (500) feet, of any

43. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

44. Editor's Note: See 28-B M.R.S.A. § 101 et seq.

45. Editor's Note: See the Medical Marijuana Act, 15 M.R.S.A. § 5821-A.

46. Editor's Note: See 28-B M.R.S.A. § 101 et seq.

47. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

48. Editor's Note: See 28-B M.R.S.A. § 101 et seq.

existing public or private school, child-care provider, park, playground, and/or church, with the distance between the properties calculated by direct measurement in a straight line between the nearest property line of the land used for public or private school, child-care, park, playground and/or church to the nearest portion of the structure in which the licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store is located. Applicants for public or private schools, child care providers, parks, playgrounds, and/or churches, which are proposed within five-hundred (500) feet of an existing licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall be required to sign a form, which may be obtained from the Code Enforcement Department, which indicates that they are aware that an existing licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store is located within five-hundred (500) feet of their proposed site.

- (2) The owner of a licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and marijuana retail store shall obtain an annual license from the City Council to operate the property and facility in conformance with Chapters 149: Licensing and 161: Marijuana. The number of licensed marijuana properties shall be capped at eight (8) lots as defined in this chapter. All marijuana production facilities, marijuana manufacturing facilities, and marijuana retail stores shall be located on one (1) or more of the eight (8) licensed marijuana properties in conformance with this chapter. Additional buildings may be permitted on licensed marijuana properties for marijuana production, marijuana manufacturing, marijuana retail store, and/or other uses allowed in the zoning district, based on the boundaries of the lots existing as of October 2, 2018, if the owner demonstrates that the proposed expansion meets all applicable requirements of the City's zoning, site plan, and building electrical fire and other health, safety and technical codes, including but not limited to this chapter and Chapters 90: Building Construction and 128: Fire Prevention and the Maine Medical Use of Marijuana Act⁴⁹, Marijuana Legalization Act, and state administrative rules, as appropriate.
- (3) A structure where marijuana is grown, cultivated, manufactured, processed, and/or sold shall be constructed of building materials approved by the Code Enforcement Department and Fire Chief, or their designees. If the structure is six-thousand (6,000) square feet or larger, and/or includes any extraction processes, it shall include an internal sprinkler and/or fire suppressant system approved by the Fire Chief.
- (4) An owner of a licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and marijuana retail store shall prepare an Operations Manual and Safety Plan. The Operations Manual and Safety Plan shall be maintained at the property and/or business and made available for inspections upon request.
 - (a) The Operations Manual and Safety Plan for a licensed marijuana property shall describe, at a minimum, policies and procedures for building security and provision and maintenance of ventilation and odor controls for the property, structures, and common areas that meets the requirements of § 280-15-10C(5).
 - (b) The Operations Manual and Safety Plan for a marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall describe, at a minimum, policies and procedures for employee safety, product and building security, hours of operation, provision and maintenance of ventilation and odor controls that meets the requirements of § 280-15-10C(5), storage and use of hazardous materials, including but not limited to,

49. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

chemicals and gases, waste management, contamination protocols, and methods of distribution to qualifying patients.

(5) Odor control plan.

- (a) An owner of a licensed marijuana property and operator of a marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall prepare an Odor Control Plan specifying the engineering and administrative controls the facility will use to prevent odors from being detected off site, unless a mechanical engineer, or other qualified professional, registered in the State of Maine, certifies the adequacy of the proposed ventilation and odor control system to prevent odors from being detected beyond the boundaries of the property.
- (b) All licensed marijuana properties, marijuana production facilities, marijuana manufacturing facilities and/or marijuana retail store shall be equipped with and maintain sufficient ventilation and odor controls to ensure that air leaving the building through an exhaust vent shall prevent odors from leaving the property. Doors and windows in odor producing areas shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the facility. The Odor Control Plan shall specify building management activities intended to isolate odor producing activities for one (1) or more marijuana production, marijuana manufacturing businesses, and/or marijuana retail store from other areas of the structures and discharge of emissions from structures.
- (c) The City may use contracted staff and peer review escrow fees to review an Odor Control Plan under § 280-3-4B.
- (d) The Odor Control Plan shall be prepared, using industry-specific best control technologies and best management practices, for each odor source in the licensed marijuana property, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store and shall include, at a minimum:
 - [1] A floor plan, with locations of odor producing activities specified. Relevant information shall include, but is not limited to, the location of doors, windows, ventilation systems, odor control systems, and odor sources.
 - [2] The location of specific odor producing activities.
 - [3] Maintenance and replacement schedule for key system components, provided by the manufacturer or supplier of the technology.
 - [4] Staff training procedures including organizational responsibilities and the roles/titles of staff members who shall be trained about odor control.
 - [5] Recordkeeping systems and forms describing what records will be maintained by the facility operator.
 - [6] Description of daily standard operating procedures to verify that the odor control systems are operational.
 - [7] Evidence that ventilation and odor controls are operational, sufficient to effectively mitigate odors for all sources and consistent with accepted and available industry-specific best control technologies designed to effectively mitigate odors.

- (e) In addition, a marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall describe:
- [1] The processes that will take place at the facility and the sources of the odors associated with, but not limited to, vegetative flowering, processing, and storage.
 - [2] For each odor source, specify the administrative processes and technologies the facility will use, including:
 - [a] Description of the proposed actions or technologies for each odor producing activity, including the number of products proposed to be used and product names, provided by the manufacturer or supplier of the technology;
 - [b] Description of the formulas, provided by the manufacturer or supplier of the technology, to size the proposed odor control technologies for the specific space and odor sources to be controlled within the facility.
 - [c] Maintenance and replacement schedule for key system components, provided by the manufacturer or supplier of the technology.
- (6) No medical marijuana qualifying patients shall obtain medical marijuana directly from a licensed marijuana property, marijuana production facility, or marijuana manufacturing facility, except as otherwise allowed under the Maine Medical Use of Marijuana Act⁵⁰, Marijuana Legalization Act, and state administrative rules, as appropriate. A licensed medical marijuana production facility may include an office space, for the purposes of consulting with and distributing medical marijuana to qualifying patients if the facility meets all public safety, public access, parking, and other requirements of City codes as well as the standards in § 280-15-10C(6)(a) through 280-15-10C(6)(i). The office space may qualify as a caregiver retail store but shall not qualify as a medical marijuana dispensary for retail sales or for retail sale of adult use marijuana as defined in the Maine Medical Use of Marijuana Act⁵¹, Marijuana Legalization Act, and State administrative rules, as appropriate. **Such office space shall not qualify as, be operated as, or be used in conjunction with a medical marijuana dispensary, registered dispensary, adult use marijuana store, or any other retail marijuana establishment licensed or authorized for retail marijuana sales under state law. Nothing herein shall be construed to prohibit caregiver retail activities expressly authorized under this section.** This limitation is not intended to prohibit production operations in one (1) unit with potential retail sales of marijuana paraphernalia in another separate unit, as long as retail sales of paraphernalia is allowed in the zone in which the property is located and the two (2) facilities operate as separate legal entities.
- (a) Retail sales of marijuana shall be allowed in conformance with this chapter and Chapter 161, Marijuana.
 - (b) The office shall be no larger than four-hundred (400) square feet.
 - (c) At any point in time, the number of patients shall not exceed occupancy limits, required parking, curb cuts, or other zoning standards, and all elements and conditions of site plan approval.
 - (d) No exterior or interior displays that identify the office as a location where medical marijuana is distributed shall be allowed. All signage shall be in conformance with the Maine Medical Use of Marijuana Act or state administrative rules, as appropriate.
 - (e) Each caregiver's office shall be a separate, enclosed, locked facility, accessible only by the caregiver or his or her authorized employee and medical marijuana patients, vendors or

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50. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

51. Editor's Note: See 22 M.R.S.A. § 2421 et seq.

service providers.

- (f) The office shall include office furniture only. All medical marijuana products shall be stored in a locked piece of furniture including, but not limited to, an armoire, closet, or other opaque fixture such that products shall not be in an open display or directly visible to patients. The caregiver may display and/or provide literature about his or her medical marijuana services.
- (g) Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m.
- (h) (Reserved)
- (i) A licensed marijuana property, marijuana facility, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall comply with the industrial performance standards in this chapter.
- (j) A licensed marijuana property, marijuana facility, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store shall not dispose of marijuana waste and/or residue from the growth, cultivation, processing, storage, and sale of marijuana in an unsecured waste receptacle not in its possession and control.
- (k) Notwithstanding anything to the contrary in 1 M.R.S. § 302, and amendments of this chapter on October 2, 2018, this chapter applies to any application relating to the establishment or operation of a licensed marijuana property, marijuana facilities, marijuana production facility, marijuana manufacturing facility, and/or marijuana retail store whether or not such application had become a "pending proceeding" as defined in 1 M.R.S.A. § 302 prior to the enactment of this chapter.

§ 280-15-11. Design standards. [Amended 10-2-2018 by Order No. 18-426-01; 12-3-2019 by Order No. 19-540-01; 12-3-2019 by Order No. 19-578-01; 11-24-2020 by Order No. 20-149-01; 11-23-2021 by Order No. 21-494-01; 5-3-2022 by Order No. 21-494-01; 9-20-2022 by Order No. 22-440-01; 3-19-2024 by Order No. 24-81-01]

- A. Applicability. Any exterior modification on a lot that is located in a Design District Overlay Zone shall require review by the Design Review Committee and recommendation to the designated reviewing committee or staff as identified in Article XVI, Site Plan Review, except as authorized under § 280-15-11A. The Planning Director, or their designee, is authorized to review, approve, deny, or elevate for review by the Design Review Committee the following proposed modifications within a Design District Overlay Zone:
 - (1) Modifications to a single family dwelling, two (2) family dwelling, three (3) unit multifamily dwelling, and/or demolition of an existing structure.
 - (2) Minor modifications to the color, font, logo, size, shape, number, or location of existing or previously approved signage.
 - (3) Minor modifications to design features, including but not limited to awnings, if there is only one (1) option to meet building or zoning codes.
 - (4) Modifications that are not visible from a public way or street level of a public property or that are proposed to be screened from view from a public way or street level of a public property by one (1) or more techniques including, but not limited to, fences, berms, or landscaping.

- B. Intent. This subsection provides design standards which, if followed, will be considered evidence of meeting the appropriate performance standards of Article XVI, Site Plan Review and Chapter 275: Subdivision of Land. Proposed site plans, subdivisions and exterior improvements and/or changes not in compliance with the design standards of this subsection may be considered, but the applicant shall have the burden of proof to provide clear and convincing evidence that demonstrates it is not possible to comply with the standards, the proposed design shall meet the intent of the standards to the greatest extent practicable, and all other zoning, subdivision, and building standard codes, and statutory criteria shall be met.
- C. Design Districts defined. In the Sanford Downtown Design District Overlay Zone and the Springvale Village Design District Overlay Zone, design standards apply to new development, redevelopment, and change of use. These areas are on well-traveled routes most often seen by the public, where it is crucial to ensure that nonresidential development is in keeping with the character of the District Overlay Zones. The map displaying these Design Districts is available for review in the Planning and Development Office or online at the City's official GIS zoning map.
- D. Sanford downtown design district overlay zone.
- (1) Purpose. The focus of Sanford Downtown has shifted over time, toward an increased emphasis on serving a wider range of commercial activities and an increasing residential population. Sanford Downtown is evolving into a year-round destination. The success of much of Sanford's Downtown business district depends on the success of the visitor experience. That is why all aspects of development in Sanford Downtown shall be designed for both function and aesthetics. These design standards are intended to help the owner, developer, architect, and other consultants understand the basic design goals set for development in the Sanford Downtown Design District Overlay Zone and provide the City with a yardstick against which new projects can be measured. Applicants are invited to submit creative and imaginative projects which build on these standards and contribute to the overall form and character of Sanford's Downtown.
 - (2) Objectives. Sanford Downtown Design District Overlay Zone offers visitors a focal point for services aimed at both visitors, residents, and workers of the surrounding area. Sanford Downtown design standards are intended to promote the characteristic qualities of its historic setting. Note that these design standards do not negate or overrule the City's building codes. Applicants shall review the design standards and meet with the Planning Director at the outset of the design process to discuss the design objectives/issues for each property in Sanford's Downtown, if appropriate. The following objectives shall be considered in all new development:
 - (a) Insist on a high standard of urban design, architecture and landscape architecture for the downtown area, in order to make it attractive to visitors, residents, and workers.
 - (b) Respond to the existing and future needs and interests of a broad range of visitors, residents, and workers through the four (4) seasons.
 - (c) Preserve, where possible, and supplement the existing natural landscape. Abundant landscaping and floral displays are particularly important in the summer and fall months.
 - (d) Use design elements that are cohesive with the City's natural setting and desired architectural character yet still express individuality.
 - (e) Create an atmosphere in the Sanford Downtown Design District Overlay Zone that is open and friendly, which caters to pedestrians by providing open space amenities, including but not limited to outdoor seating areas, activity areas, and site features.

- (f) Accommodate New England climatic conditions.
 - (g) Encourage building design and orientations that maximize views and sunlight.
 - (h) Make preserving the historic character of the Sanford Downtown Design District Overlay Zone a priority.
 - (i) Encourage building design and site planning that ensures logical and functional patterns for the three (3) levels of traffic: pedestrian, automobile, and service and delivery.
 - (j) Insist on building design that reflects the community's desire for human scale, in terms of building placement, height, proportion, site features, roof shapes and building materials. The design standards are not intended as a blueprint for design approval; rather they outline the important elements and features which shall be considered in designing or modifying the building, site, or subdivision.
- (3) Site planning.
- (a) General standards.
 - [1] Building siting, building placement, and setbacks.
 - [a] Preservation of natural features and vegetation is encouraged. Retain existing stands of trees and terrain where possible.
 - [b] Building siting shall consider adjacent development.
 - [2] Orientation to the street. In nearly all circumstances, the building and primary entrance shall be oriented parallel to and close to the street to encourage the creation and/or maintenance of an interesting streetscape and pedestrian activity.
 - [3] Front yard setbacks.
 - [a] The front setback of new buildings shall be consistent with neighboring buildings along the street and in the neighborhood; a new building shall not appear out of place because it is placed much closer to or further from the street than other buildings.
 - [b] If the appropriate front setback is uncertain, the general standard is to keep buildings close to the road, as is typical of traditional village and downtown development.
 - (b) Additional site planning standards. The following site plan elements shall be evaluated for appropriateness.
 - [1] Topography.
 - [2] Geology/soils conditions.
 - [3] Hydrology, drainage, and floodplain considerations.
 - [4] Vegetation.
 - [5] Solar orientation and microclimatic considerations.
 - [6] Access and circulation: pedestrian and vehicular.

- [7] Seasonal differences.
 - [8] Snow management (see § 280-15-11D).
- (4) Site design.
- (a) Ground-level interest. Variety at ground level contributes interest and vitality. Consideration of walkway and landscape detail, scale, and entries is especially important.
 - (b) Street furnishings standards.
 - [1] Street furnishings shall be placed in areas that do not impede pedestrian movement or building maintenance. Public seating and trash receptacles are encouraged.
 - [2] Bike racks shall be highly visible and accommodate locking mechanisms to reduce the risk of theft.
 - (c) Landscaping and other materials standards.
 - [1] Landscaping shall use indigenous or similar hardy plants. Native shade trees shall be the preferred planting along Main Street and major side streets, supplemented with ornamental trees, shrubs, perennials, and annuals to accent pedestrian spaces, building, and site design and to provide visual interest and seasonal color.
 - [2] Design review may require up to ten percent (10%) of gross site area in landscaped open space in mixed use or commercial zones, up to twenty percent (20%) for residential uses.
 - [3] Coordinate landscape treatment with adjacent areas, including the designs of arcades, steps, railings, streetlights, and plantings to achieve continuity on Main Street.
 - [4] All landscape elements adjacent to areas which require snow clearing by machinery shall be designed to resist damage by incorporating durable materials and rounded edges and eliminating unnecessary protrusions.
 - [5] Site features, such as water, public art, flags, banners, and graphics are strongly encouraged, provided they conform to the requirements of this chapter and life safety codes.
 - [6] Planters consistent with the building design are encouraged. All post-construction disturbed areas shall be revegetated per landscape standards.
 - [7] Trees and plantings shall be protected from snow clearing operations.
 - [8] Plant material located in snow dump areas shall be sufficiently durable to survive the effects of snow storage.
 - [9] Summer floral displays shall be strongly encouraged.
 - [10] Grass shall be a uniform turf of species hardy to the City.
 - (d) Irrigation standards.
 - [1] All irrigation systems shall provide for on-site drainage.
 - [2] Underground, automatic watering systems shall be encouraged.

- (5) Servicing standards. Truck access, deliveries, utilities, storage and garbage concealment shall be considered in the design.
 - (a) Provide adequate space for garbage storage and recycling. Garbage and recycling storage areas shall be enclosed and hidden from public view and/or screened by fences and plants compatible with the architecture of structures on and in the vicinity of the site. Containers shall be made of durable materials and shall be easily accessible to garbage trucks. Adequate ventilation shall be provided.
 - (b) Service bays and loading docks shall be unobtrusive.
 - (c) Locate service bays within the building or parking structure. If exterior service bays are necessary, locations visible to front entries or commercial businesses shall be avoided. Provide permanent visual screening where exterior service bays are located.
- (6) Access, parking, and loading standards.
 - (a) The number of parking spaces shall conform with, but not exceed, the requirements of this chapter.
 - (b) Sanford Downtown Design District Overlay Zone driveway standards. Design driveways to a maximum of eight percent (8%) and ideally less than six percent (6%) slope. The slope on driveway approaches to City streets may be increased above eight percent (8%) with the use of heat-tracing or a roof covering.
 - (c) Provide adequate areas for snow storage and drainage. These may be combined with islands of planting, sufficiently durable to survive the effects of snow storage, to break up large areas of paving.
 - (d) On-site parking areas located to the rear of buildings shall be strongly encouraged.
 - (e) Screen surface parking areas by a combination of walls, fences, landscaping, and berms at least four (4) feet in height.
 - (f) Where possible, provide separate pedestrian circulation routes within parking areas.
 - (g) Where possible, provide separate parking areas for buses and recreational vehicles.
 - (h) On-site parking shall be designed to allow vehicles forward entry and exit from the site, except as otherwise authorized under this chapter.
- (7) Lighting standards.
 - (a) Illumination levels shall be of sufficient intensity to provide security but not overpower the nightscape. Illumination shall be low level, low glare, shielded, directed downward, and contained on the property. Warm shades of LED lights are encouraged.
 - (b) Provide exterior lighting to highlight landscaped areas, feature walls, and provide visual interest. In the Mill Yard, this includes projected images on the face of up to two (2) wall of an existing, former mill structure. The intensity and distribution of light shall be taken into account in applying these standards, particularly as it affects neighboring residential properties and the ambience of the neighborhood or district. Care shall be taken to prevent light spillage into windows of residential units in and near the property.

- (c) Provide security lighting where appropriate.
 - (d) No flashing, blinking, or colored lighting, except for Christmas lighting, shall be permitted. Incandescent or other warm-colored lighting is preferred.
- (8) Outdoor activity standards. Outdoor activity areas are vital if the Sanford Downtown Design District Overlay Zone is to project a vibrant atmosphere.
- (a) Outdoor activity areas should be created.
 - [1] Consider providing outdoor activity areas to accommodate a range of ages and activity levels.
 - [2] Seating areas and restaurants overlooking pedestrian, landscaped, and/or natural areas and other prominent viewpoints shall be encouraged.
 - [3] Outdoor seating areas are encouraged where appropriate and shall conform to the pedestrian right-of-way requirements in § 280-15-11D(11)(d).
- (9) Solar access standards.
- (a) Design shall preserve sunlight on neighboring outdoor or indoor spaces for uses intended for outdoor use/activities, particularly late afternoon.
 - (b) The building design and placement should create sheltered sunny pockets in public spaces and on neighboring properties to encourage use in winter months.
- (10) Signage standards.
- (a) Signage shall conform with requirements of this chapter, except as specifically allowed in this section, including § 280-15-D(10)(n).
 - (b) Proposed signs shall be of pedestrian scale and orientation and shall be compatible with the general historic period and architectural character of the districts including, but not limited to, general design, arrangement, texture, material, scale, mass, color, and relationship of fore and background. For the purposes of this section, historic period and architectural character includes, but is not limited to, signs which are set into a panel above the ground floor windows. The size and placement of proposed signs shall maintain the proportionate relationship between the signs and building facades and limit the maximum height of the sign equal to the line of the eaves or the bottom of the second story window sill, whichever is lower. An existing panel that is not centered may be adjusted if the building is resided; however, it may not be increased in size and shall maintain the original dimensions.
 - (c) The removal or alteration of any historic period or architecturally significant signs should be held to a minimum. In the event that replacement of a historic period or architecturally significant sign is necessary, the new sign should attempt to match the sign being replaced in composition, design, color, texture, and other visual qualities and distinctive stylistic features or examples of skilled craftsmanship shall be treated with sensitivity.
 - (d) Contemporary design for new signs shall not be discouraged if such design is compatible with the size, scale, color, material, and character of the district, structures, or the environment. New signs shall be appropriate to the historic period, style, type, size, and scale of the building and district for which it is proposed and with other signs in the

district.

- (e) Installation shall not damage or require removal of historic period materials and shall be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.
 - (f) No more than fifteen percent (15%) of windows shall be covered with temporary window signs.
 - (g) Graphics painted, etched, or otherwise attached to the outside or exterior of a window shall not cover more than thirty percent (30%) of the window; except that coverage may be allowed up to sixty-five percent (65%) if the graphic is not opaque and provides an attractive screen for views of the interior of the property. If text is no more than twenty (20) square feet or twenty percent (20%) of a graphic attached to a window, whichever is less, and the text is less prominent than the artistry of the graphic, the text shall not be counted toward the measurement of cumulative sign area.
 - (h) A maximum of twenty-five percent (25%) of total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
 - (i) One (1) building sign per tenant, not to exceed two (2) square feet per one (1) linear foot of the building frontage of the suite occupied by the tenant that faces a public street or parking lot. The cumulative sign area of proposed building signs shall not exceed two (2) square feet per one (1) linear foot of building frontage that faces a public street or parking lot.
 - (j) Comprehensive signage plans shall be required as part of the permit application on all new structures or renovated centers. An existing center may replace existing signs with those of the same dimensions, but cannot expand them to reflect amendment adopted as of December 3, 2019 without a comprehensive signage plan.
 - (k) Signage shall be low-key and coordinated with the architectural features and finishes of each building.
 - (l) Front-lighting of signs is encouraged, although some limited backlighting is permitted.
 - (m) Exterior neon shall be subject to close scrutiny for its relationship to building design and strict maintenance requirements.
 - (n) In the Mill Yard, signs may be projected onto up to two (2) facades of an existing former mill structure up to a cumulative sign area of three-hundred (300) square feet.
- (11) Architecture standards.
- (a) Building mass, scale and height standards.
 - [1] New buildings or additions to existing buildings shall not be visibly out of scale with neighboring buildings or otherwise out of scale with Sanford Downtown Design District Overlay Zone.
 - [2] Building heights shall be compatible with adjacent structures.
 - [3] The size or bulk of the building shall conform to those nearby; larger buildings shall be broken down architecturally to match the scale, rhythm, and proportion of

adjacent structures.

- [4] The following features, among others, shall be considered as potential elements to help break down building scale: projecting bays, projecting or recessed balconies, and gables and dormers, judiciously utilized to provide interest, individuality, and appropriate scale to new structures; distinct and multiple architectural roof forms, clearly pronounced eaves, distinct parapet designs and cornice treatments; porches, covered walkways, trellises or architectural awnings that provide varying degrees of shade and sun at ground level.

(b) Architectural style/character standards.

- [1] Building designs and treatments that express corporate, franchise, or trademark identity shall not take precedence over these design standards; such development shall conform to the historic, site design, and architectural considerations in these standards. Corporate or franchise developments shall be compatible with the visual character of the Sanford Downtown Design District Overlay Zone.
- [2] Variation in design. Although there is some variation in architectural styles in the Sanford Downtown Design District Overlay Zone, new development shall be compatible with the general area.

(c) Building design standards.

- [1] Facade design shall display consideration of building.
- [2] The scale of a building shall be visually compatible with its site and neighborhood.

(d) Walkways, entries, and overhangs standards.

- [1] Width of covered walkways shall span the sidewalk, if applicable, or be a minimum of six (6) feet wide and nine (9) feet high.
- [2] The weight of snow on top of and shed from covered walkways shall be planned for.
- [3] All building access shall be designed to provide convenient and safe access for disabled persons, the elderly, baby carriages, and others. Sidewalks and walkways shall be free of barriers.
- [4] All walkways shall be designed to maintain visual continuity of eave lines, materials at base, soffits, fasciae, and grade at entry locations. New walkways shall be fully coordinated with adjoining walkways.
- [5] Shop facades shall be designed as individual entities, to strengthen their character and interest to pedestrians. Continuous linear shop fronts are discouraged.
- [6] Outdoor display areas shall be identified as part of applications. Such areas shall not interfere with pedestrian circulation.
- [7] Upper-floor design. Decks, balconies, and porches are strongly encouraged as they provide sunny, usable, outdoor space and add life and interest to the street.

(e) Architectural details.

- [1] Craftsmanship, ornamentation, and architectural details shall be strongly encouraged.

Architectural details shall include the design features of elements including but not limited to doors, windows, dormers, porches balconies, and decorative details such as cornices, columns, pediments, railings, and similar features. Large or small, these details play a key role in defining the style and character of a building and deserve particular attention and respect.

- [2] Detailing that relates to and reflects the character of the area shall be encouraged. Vernacular architectural features help tie together the character of the Sanford Downtown Design District Overlay Zone.
- [3] Roof design standards. Roof design is important for snow management and is a major contributor to design character. Roofscapes are important design elements that are viewed by pedestrians. Sloped roofs shed accumulated snow in avalanche fashion and can be dangerous to pedestrians below. The design of roofs and pedestrian areas below them is referred to as snow management and is discussed in this subsection.
 - [a] The angle of a sloped roof should be typical of traditional New England architecture, approximating twelve to twelve (12:12) pitch.
 - [b] Roof form shall be modulated and broken up with the use of dormers or other architectural features. The ridgeline shall not be continuous but shall be varied in height or broken with chimneys, cupolas, towers, or other features.
 - [c] Roofs of connected buildings shall be fully coordinated with adjoining eaves, peaks, gables, and slopes. Consider the color of neighboring roofs to create a complementary roof palette: avoid selecting strongly contrasting colors.
 - [d] Roof materials. Consider the effects of climate and snow management in selecting roofing materials.
 - [e] Roof-mounted equipment shall be concealed. Satellite dishes, communications antennae and mechanical equipment shall be planned as part of the roof so they are concealed from all pedestrian viewpoints and overlooking development.
 - [f] Where appropriate in Sanford's Downtown, a flat roof may be permissible if the building is multistory and of traditional downtown architecture and use, including but not limited to a retail/pedestrian-oriented first floor, office/residential upper floors, differentiated upper facade, articulated parapet and decorative cornice. Existing buildings of this style shall be maintained for architectural and/or historic integrity.
- [4] Street facade standards.
 - [a] The front facade of both residential and nonresidential buildings, particularly the main entrance, shall be oriented to Main Street, or another primary street frontage if it does not front on Main Street. If an existing main entrance is not located along the primary frontage, the front facade shall be appropriately designed to contribute to the pedestrian-friendly character.
 - [b] For buildings that are sited on a corner lot which fronts on more than one (1) street, the front facade shall be oriented toward the primary street frontage, while a secondary entrance or other appropriate facade treatment is strongly encouraged for the side street.

[5] Entrance standards.

- [a] Principal building entrances shall be accented, and easily visible from the street, to contribute to the pedestrian-friendly character. This may be achieved through the design of the doorway and doorway architectural treatments, by recessing the entry, by adding a porch or pediment for the front door providing shelter or by other means to enhance the entrance.
- [b] Service entrances and loading facilities should be located at the rear or side of structures and screened from public view. Where buildings face more than one (1) public street, service and loading circulation shall be located along secondary streets where appropriate. Where no off-street options are available, loading and service entrances located along public streets shall occupy the minimum space necessary and be compatible with the other uses of the street, including pedestrian activities and retail development.

[6] Proportion and spacing of openings, including but not limited to windows and doors.

- [a] Blank exterior walls without doors, windows, or other architectural features to break up a building's mass shall be avoided. Street facades in particular shall not be blank but have an appropriate rhythm of windows and doors.
- [b] Windows and doors shall be appropriately scaled, vertically oriented, and placed in a regularly spaced pattern. Symmetry of openings on the street facade is traditional, though not essential.
- [c] False windows are discouraged; however, where the interior layout or function of a building does not accommodate windows, the judicious use of false windows may be acceptable. The use of other architectural or natural elements including but not limited to, murals or plantings, which offer vertical contrast, may be an acceptable alternative; however, the quality, subject, and maintenance of murals should be carefully considered.

E. Springvale village design district overlay zone.

- (1) Purpose. The purpose of these design standards is to provide a tool to preserve the village character of Springvale and respect its sense of history for generations to come. These standards are intended to ensure that new, expanded, and rehabilitated development is designed and built in a manner compatible with the character of Springvale Village in terms of scale, aesthetic, and visual effect. They are meant to lead to the construction and layout of buildings and site improvements that are appropriate to their surroundings and to the Springvale Village, by helping property owners, developers, contractors and other professionals understand the community values which their designs shall satisfy to be acceptable to the City.
- (2) Objectives. The focus of these design standards is to maintain and improve, where appropriate, the visual and aesthetic character of the Springvale Village Design District Overlay Zone, as related to site layout and improvement, architecture, and design of properties. Design review does not encompass all elements of zoning, subdivision, or building code review. The City's zoning, subdivision, and building code review processes cover other performance standards including but not limited to traffic, utilities, and environmental impacts, pertaining to nonresidential development.

(3) General standards.

(a) Character. These design standards are a tool to help ensure future development and alterations to existing development are in keeping with the character of the Springvale Village Design District Overlay Zone. Development shall maintain or improve the visual and aesthetic character of the Springvale Village Design District Overlay Zone.

(b) Context. A building's or site's context is important to gauging appropriate design. A building or site shall conform to the Springvale Village Design District Overlay Zone design standards and shall not appear out of place compared to abutting properties, buildings or the surrounding neighborhood. This is an important standard to consider, even though it may be difficult to quantify.

(c) Existing structures.

[1] These standards also apply to the renovation or construction of existing buildings and/or sites within the Springvale Village Design District Overlay District.

[2] For existing structures:

[a] Historic or original architectural elements, including but not limited to doors, windows, dormers, porches, balconies, and decorative features such as cornices, columns, pediments, and railings, shall be retained to the extent possible. Alterations shall be carried out in a way that does not damage or hide these elements. New architectural elements shall match the old in design, color, texture, and, where possible, material; and

[b] Architectural elements that falsify or confuse the history of a building shall be avoided. Replacement of original elements shall be substantiated by documentary and physical evidence. Building owners should find early photographs of their building to best identify its true historic style. These photographs can provide visual evidence of existing or preexisting architectural elements. Property owners are encouraged to consult with the Historical Society or Planning Department about the building and proposed modifications.

(d) Additions.

[1] Historically, a house was expanded incrementally as a family's space requirements grew. Over several generations, additions were added in a manner that was consistent with what had come before but reflective of its own period. Additions shall be designed so that the character of the existing building is not radically changed, obscured, damaged, destroyed, or rendered subordinate to the addition.

[2] Additions shall:

[a] Be differentiated from the existing building with techniques, including but not limited to set backs or offsets from the existing wall plane;

[b] Not obstruct the visual integrity of the original structure;

[c] Be in harmony with the original in size, scale, style and materials; and

[d] Be located where least visible from public view.

- (4) Site planning.
 - (a) General standards.
 - [1] Building siting, building placement, and setbacks.
 - [a] Preservation of natural features and vegetation is encouraged. Retain existing stands of trees and terrain where possible.
 - [b] Building siting shall consider adjacent development.
 - [2] Orientation to the street. In nearly all circumstances, the building and primary entrance shall be oriented parallel to and close to the street to encourage the creation and/or maintenance of an interesting streetscape and pedestrian activity.
 - [3] Front yard setbacks.
 - [a] The front setback of new buildings shall be consistent with neighboring buildings along the street and in the neighborhood; a new building shall not appear out of place because it is placed much closer to or further from the street than other buildings.
 - [b] If the appropriate front setback is uncertain, the general standard is to keep buildings close to the road, as is typical of traditional village and downtown development.
 - (5) Servicing standards. Truck access, deliveries, utilities, storage and garbage concealment shall be considered in the design.
 - (a) Provide adequate space for garbage storage and recycling. Garbage and recycling storage areas shall be enclosed and hidden from public view and/or screened by fences and plants compatible with the architecture of structures on and in the vicinity of the site. Containers shall be made of durable materials and shall be easily accessible to garbage trucks. Adequate ventilation shall be provided.
 - (b) Service bay design shall be durable. Consider wear and tear on these areas. In order to allow winter garbage pickup, design service bay areas to prevent ice and snow buildup.
 - (c) If applicable, projects shall include an area for utility services, including but not limited to meters and propane tanks. The area shall be fully screened from the view of the public and adjacent property owners. Incorporate fire hose connections and utility meters in the building design to avoid damage during snow plowing. Confirm transformer location at an early stage of design process in order to minimize visual impact, especially with reference to adjacent properties.
 - (d) Sufficient truck storage shall be maintained on site to allow efficient delivery service without conflicts while that service is being performed.
 - (e) Delivery trucks shall be able to operate without blocking public rights-of-way. Pedestrians shall be able to access the development from existing pedestrian walkways with little or no traffic conflict.
 - (6) Access, parking, and loading standards.

- (a) The number of parking spaces shall conform with, but not exceed, the requirements of this chapter.
 - (b) On a building lot, parking shall be an accessory use to the principal structure, not a dominating feature of the site. Therefore, off-street parking lots shall be sited behind or to the side of buildings. Parking, whether formal or informal, in the front yard of a residential or nonresidential building is not appropriate and is visually detracting.
 - (c) Off-street parking that is located to the rear of buildings shall be identified with appropriate signage. The provisions of exterior lighting and landscaping, in accordance with this chapter, shall be encouraged.
- (7) Site features and landscaped pedestrian walkways standards.
- (a) Walkways shall provide a safe, handicap-accessible pedestrian connection between the building, parking, and the street. Connections to adjacent sites or developments shall be provided where appropriate.
 - (b) Asphalt surfaces shall predominant for sidewalks in the Springvale Village Design District Overlay Zone, but brick, pavers, stamped concrete, stone, and other materials shall be considered to add character or to prevent cracks or shifting bricks/blocks from becoming eyesores or safety hazards.
- (8) Fence standards.
- (a) Traditional materials, including but not limited to wood, cast- or wrought iron, or stone, shall be recommended. Metal or vinyl fencing that looks like traditional wood or iron fencing may be an acceptable alternative. Chain-link fencing is not appropriate and detracts from the character of the Springvale Village Design District Overlay Zone.
 - (b) When a fence is proposed in front of a building, it shall be open and low, not exceeding forty-two (42) inches in height, so as not to block views. Fences shall be compatible with the building and neighborhood in style and proportion and shall enhance the streetscape.
 - (c) More-solid, taller fences are appropriate to provide privacy or safety but should be located where they have minimal visual impact appropriate to the structure and surrounding area. Five (5) to six (6) feet shall be the recommended maximum height.
 - (d) Wherever fences are located, care shall be taken to modulate the length so as not to create a visual or pedestrian barrier. Landscaping shall be considered in combination with fencing to relieve the visual monotony of a long fence.
- (9) Screening and landscaping standards.
- (a) The setback area between a building and the street shall be appropriately landscaped so as to contribute positively to the character and image of the Springvale Village Design District Overlay Zone. Lawn, planting beds, and/or plant containers shall be strongly encouraged. Native shade trees shall be the preferred planting along Main Street and major side streets, supplemented with ornamental trees, shrubs, perennials, and annuals to accent pedestrian spaces, building, and site design and to provide visual interest and seasonal color.
 - (b) Paved or gravel surfaces, even if not for parking, are not appropriate for the front yard/

setback area.

- (c) In addition to fences, stone walls and hedges shall be appropriate site amenities. Examples of walls or hedges found in Springvale Village Design District Overlay Zone provide visual guidance for appropriate design.
- (d) Landscaping and fencing shall not block a vehicle's sight distance for a driveway or other service/access drive and shall allow for pedestrian access from the street to the building and access to off-street parking.
- (e) Dumpsters and other trash bins shall be sited to the rear of the primary building, unless this area is environmentally sensitive. Regardless of the location, dumpsters and other trash bins shall be adequately screened with fencing and/or landscaping, if not enclosed in a shed. Other unsightly site features, including utility equipment, shall be screened to the extent possible, without compromising necessary access for maintenance.

(10) Lighting standards.

- (a) Illumination levels shall be of sufficient intensity to provide security but not overpower the nightscape. Illumination shall be low level, low glare, shielded, directed downward, and contained on the property. Warm shades of LED lights are encouraged.
- (b) These lighting standards shall apply to architectural and exterior light fixtures on a building, porch, deck, pathway, driveway, or on a post.
- (c) The intensity and distribution of light shall be taken into account in applying these standards, particularly as it affects neighboring properties and the ambience of the neighborhood or district.
- (d) Lamps and light bulbs, in general, shall be fully shielded inside the fixture so that the lamp/bulb itself is not visible from adjacent buildings, or by pedestrians and/or, motorists. A carriage-lamp-style light shall have glass translucent enough to reduce glare.
- (e) Up-lighting and facade lighting standards.
 - [1] Up-lighting, to highlight facades, signs, fountains, waterfalls, and landscaping, shall be minimized to reduce glare and light pollution. Lighting of building facades and significant natural features shall be done judiciously, perhaps limited to special buildings or features that have architectural or cultural significance or character.
 - [2] For signage, lighting from the ground shall be adequately shielded such as with landscaping.
 - [3] Landscape lighting, such as wash lighting of trees, is not appropriate within the Springvale Village Design District Overlay Zone.

(11) Signage standards.

- (a) Signage shall conform with requirements of this chapter, except as specifically allowed in this section, including § 280-15-11D(10)(n).
- (b) Proposed signs shall be of pedestrian scale and orientation and shall be compatible with the general historic period and architectural character of the districts including, but not limited to, general design, arrangement, texture, material, scale, mass, color, and

relationship of fore and background. For the purposes of this section, historic period and architectural character includes, but is not limited to, signs which are set into a panel above the ground floor windows. The size and placement of proposed signs shall maintain the proportionate relationship between the signs and building facades and limit the maximum height of the sign equal to the line of the eaves or the bottom of the second story window sill, whichever is lower. An existing panel that is not centered may be adjusted if the building is resided; however, it may not be increased in size and shall maintain the original dimensions.

- (c) The removal or alteration of any historic period or architecturally significant signs should be held to a minimum. In the event that replacement of a historic period or architecturally significant sign is necessary, the new sign should attempt to match the sign being replaced in composition, design, color, texture, and other visual qualities and distinctive stylistic features or examples of skilled craftsmanship shall be treated with sensitivity.
- (d) Contemporary design for new signs shall not be discouraged if such design is compatible with the size, scale, color, material, and character of the district, structures, or the environment. New signs shall be appropriate to the historic period, style, type, size, and scale of the building and district for which it is proposed and with other signs in the district.
- (e) Installation shall not damage or require removal of historic period materials and shall be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.
- (f) No more than fifteen percent (15%) of windows shall be covered with temporary window signs.
- (g) Graphics painted, etched, or otherwise attached to the outside or exterior of a window shall not cover more than thirty percent (30%) of the window; except that coverage may be allowed up to sixty-five percent (65%) if the graphic is not opaque and provides an attractive screen for views of the interior of the property. If text is no more than twenty (20) square feet or twenty percent (20%) of a graphic attached to a window, whichever is less, and the text is less prominent than the artistry of the graphic, the text shall not be counted toward the measurement of cumulative sign area.
- (h) A maximum of twenty-five percent (25%) of total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
- (i) Sign material, style and color shall complement the building facade.
- (j) Font style shall be encouraged to be consistent with the historic period/traditional lettering style; fonts and lettering that are overly ornate or otherwise unreadable shall be strongly discouraged.
- (k) The following sign styles or features are not allowed in the Springvale Village Design District Overlay Zone:
 - [1] Internally illuminated or translucent plastic signs, flashing elements, or elements that move or change its brightness.
 - [2] Use of fluorescent or neon colors.

- [3] Signs attached to or projecting from the roof.
- [4] Signs that mask the architectural details of a building or whose design dominates the building facade.
- (l) The following sign styles or features are appropriate for the Springvale Village Design District Overlay Zone:
 - [1] Wooden signs, or a sign material that has the look of traditional wood signage, including, but not limited to, vinyl as well as traditional wrought-iron signposts or brackets may be appropriate.
 - [2] Hanging signs, such as from a post or projecting from the building.
 - [3] Freestanding signs with two (2) posts.
 - [4] Wall signs on building facades, placed just above the storefront and appropriately proportioned to the front facade.
- (12) Architecture standards.
 - (a) Building mass, scale and height standards.
 - [1] New buildings or additions to existing buildings shall not be visibly out of scale with neighboring buildings or otherwise out of scale with Springvale Village Design District Overlay Zone.
 - [2] Building heights shall be compatible with adjacent structures.
 - [3] The size or bulk of the building shall conform with those nearby; larger buildings shall be broken down architecturally to match the scale, rhythm and proportion of adjacent structures.
 - [4] The following features, among others, shall be considered as potential elements to help break down building scale: projecting bays, projecting or recessed balconies, and gables and dormers, judiciously utilized to provide interest, individuality, and appropriate scale to new structures; distinct and multiple architectural roof forms, clearly pronounced eaves, distinct parapet designs and cornice treatments; porches, covered walkways, trellises or architectural awnings that provide varying degrees of shade and sun at ground level.
 - [5] Additional building mass, scale, and height standards. Two (2) to three (3)-story buildings are more traditional in, and shall be encouraged in, the Springvale Village.
 - (b) Architectural style/character standards.
 - [1] Building designs and treatments that express corporate, franchise, or trademark identity shall not take precedence over these design standards; such development shall conform to the historic, site design, and architectural considerations in these standards. Corporate or franchise developments shall be compatible with the visual character of the Springvale Village Design District Overlay Zone.
 - [2] Variation in design. Although there is some variation in architectural styles in the Springvale Village Design District Overlay Zone, new development should be done

in a traditional New England Village architectural style. See examples in the Planning Department.

(c) Architectural details.

- [1] Craftsmanship, ornamentation, and architectural details shall be strongly encouraged. Architectural details shall include the design features of elements including but not limited to doors, windows, dormers, porches balconies, and decorative details such as cornices, columns, pediments, railings, and similar features. Large or small, these details play a key role in defining the style and character of a building and deserve particular attention and respect.
- [2] Detailing that relates to and reflects the character of the area shall be encouraged. Vernacular architectural features help tie together the character of the Sanford Downtown and Springvale Village Design District Overlay Zones.
- [3] Roof design standards. Roof design is important for snow management and is a major contributor to design character. Roofscapes are important design elements that are viewed by pedestrians. Sloped roofs shed accumulated snow in avalanche fashion and can be dangerous to pedestrians below. The design of roofs and pedestrian areas below them is referred to as snow management and is discussed in this subsection.
 - [a] The angle of a sloped roof should be typical of traditional New England architecture, approximating twelve to twelve (12:12) pitch. A sloped roof with a flattened pitch is generally not appropriate for the Springvale Village Design District Overlay Zone.
 - [b] Sloped gable or hip roofs are most appropriate for the Springvale Village Design District Overlay Zone. Gambrel, shed, mansard, false mansard, or flat roofs are not allowed.
 - [c] Dormers are an effective way to break up the mass of a sloped roof and add architectural interest and are a typical feature of New England architecture. Dormers shall be of an appropriate proportion and size relative to the building.
- [4] Street facade standards.
 - [a] The front facade of both residential and nonresidential buildings, particularly the main entrance, shall be oriented to Main Street, or another primary street frontage if it does not front on Main Street. If an existing main entrance is not located along the primary frontage, the front facade shall be appropriately designed to contribute to the pedestrian-friendly character.
 - [b] For buildings that are sited on a corner lot which fronts on more than one (1) street, the front facade shall be oriented toward the primary street frontage, while a secondary entrance or other appropriate facade treatment is strongly encouraged for the side street.
- [5] Entrance standards.
 - [a] Principal building entrances shall be accented, and easily visible from the street, to contribute to the pedestrian-friendly character. This may be achieved through the design of the doorway and doorway architectural treatments, by recessing

the entry, by adding a porch or pediment for the front door providing shelter or by other means to enhance the entrance.

- [b] Service entrances and loading facilities should be located at the rear or side of structures and screened from public view. Where buildings face more than one (1) public street, service and loading circulation shall be located along secondary streets where appropriate. Where no off-street options are available, loading and service entrances located along public streets shall occupy the minimum space necessary and be compatible with the other uses of the street, including pedestrian activities and retail development.
- [6] Proportion and spacing of openings, including but not limited to windows and doors.
- [a] Blank exterior walls without doors, windows, or other architectural features to break up a building's mass shall be avoided. Street facades in particular shall not be blank but have an appropriate rhythm of windows and doors.
 - [b] Windows and doors shall be appropriately scaled, vertically oriented, and placed in a regularly spaced pattern. Symmetry of openings on the street facade is traditional, though not essential.
 - [c] False windows are discouraged; however, where the interior layout or function of a building does not accommodate windows, the judicious use of false windows may be acceptable. The use of other architectural or natural elements including but not limited to, murals or plantings, which offer vertical contrast, may be an acceptable alternative; however, the quality, subject, and maintenance of murals should be carefully considered.
- [7] Windows and window treatments standards.
- [a] Avoid modern window styles that are not compatible with traditional New England architecture.
 - [b] Square or vertical windows, with large window openings are preferred.
 - [c] The style of window shall be consistent throughout the building or addition. Visual unity and harmony are usually achieved when the same window style and scale is used consistently on all visible facades.
 - [d] Shutters shall reflect their original use. That is, their size shall be such that they will cover the entire window if closed; arched windows shall have arched shutters. Shutters shall be hung so as to appear operable, and shutter dimensions shall be based on window dimensions. The slats shall point up when shutters are open, and down when closed over the window.
 - [e] Awnings shall not detract from the form of the building or obscure its details. Traditional canvas awnings shall be encouraged; plastic or metal awnings shall be discouraged.
- [8] Porch standards.
- [a] Size, proportions, style, detailing, decorations, and features such as columns and railings are important elements of a porch design. Whether on a residential

or nonresidential building, the design shall be consistent with the architecture and scale of the rest of the building. Other porches found in the Springvale Village Design District Overlay Zone should provide visual guidance for appropriate architectural design and features.

- [b] Decks and patios shall be located at the rear or side of a building and, if visible from a public way, shall be compatible visually with the design of the structure. Appropriate vegetative screening shall be provided.
- [9] Exterior building materials.
- [a] Traditional exterior building materials, including wood clapboard, native stone, or brick, are most appropriate and strongly encouraged.
 - [b] Concrete block and metal siding are not allowed; the use of concrete should be restricted to foundations. Stucco is not traditional for the Springvale Village Design District Overlay Zone and is not allowed.
 - [c] Synthetic or imitation materials, including but not limited to vinyl siding, may be acceptable if they replicate traditional materials. As other new materials are developed that are indistinguishable from natural or traditional products, they may be considered favorably.
- [10] Paint and exterior color standards.
- [a] Traditional New England building colors shall be strongly encouraged. Bright or electric colors shall not be suitable for siding or trim. Softer or muted colors, light or dark, tend to be more traditional. Matching colors with neighboring buildings is not necessarily encouraged, but choosing a color palette that does not clash with adjacent buildings.
 - [b] A well-selected color palette can greatly enhance a building's character, in addition to architectural details. Appropriate accent colors shall be chosen for the trim, doors, and other architectural elements.
- [11] Accessory structure standards.
- [a] Accessory structures, including but not limited to a garage or shed, shall be set back from the street further than the front facade of the principal structure so that the principal structure is more prominent.
 - [b] Adding trim, windows and other architectural details to accessory structures shall be strongly encouraged to bring them into scale and visual harmony with the principal structure. For example, a garage might feature the same siding, color scheme and trim, even window style, as the principal structure.
- [12] Gas station canopy and drive-through standards.
- [a] New or replaced canopies over gas pumps shall be visually sensitive to the neighborhood in color and design. Use of bright colors shall be discouraged. Canopy design shall be encouraged to be architecturally compatible with the principal structure, if appropriate, and the preferred Springvale Village Design District Overlay Zone architectural character described in these standards.

- [b] Canopies and drive-throughs shall be aligned to the building and sited to conform to all other setback and traffic circulation requirements.

§ 280-15-12. Solar energy system. [Added 3-7-2017 by Order No. 17-31.07; amended 4-7-2020 by Order No. 19-772-01]

A. Purpose. The purpose of these provisions is to regulate a solar energy system, allow the City to be informed of the placement of a solar energy system, preserve and protect public health and safety, allow for orderly development of land, and protect property values.

B. Standards.

(1) A residential solar system (RSS) shall:

- (a) Comply with the setback and height requirements of the zoning district in which the system is to be installed.
- (b) Comply with the provisions of all applicable requirements of the City's building, electrical, fire, and other health safety and technical codes, including but not limited to Chapters 90: Building and Building Regulation and 128: Fire Prevention.
- (c) Be installed so as not to cause any wire or wireless communication signal disturbance.
- (d) Be sited to prevent glare onto abutting properties, structures, and roadways.
- (e) Be removed if it has not produced power for a period of twelve (12) consecutive months.

(2) Standards. A commercial solar system (CSS) and utility solar system (USS) shall:

- (a) Comply with the requirements of Article XVI: Site Plan Review.
- (b) Comply with the setback and height requirements of the zoning district in which the system is to be installed; however, the Planning Board may require additional setbacks and buffers from existing abutting residential uses to minimize impacts from the project.
- (c) Comply with the provisions of all applicable requirements of the City's building, electrical, fire, and other health safety and technical codes, including but not limited to Chapters 90: Building and Building Regulation and 128: Fire Prevention.
- (d) Comply with the industrial performance standards specified in § 280-15-3.
- (e) Ground-mounted system.

[1] Secure all ground-mounted electrical and control equipment to prevent unauthorized access. The system shall be enclosed within a minimum seven (7) foot tall fence with locking gate and Knox-Box[®] to provide emergency access. The type of fence shall be appropriate for security, screening, and/or other purposes and shall be similar to and/or compatible with the style of fences used within one-thousand (1,000) feet of the property boundary.

[2] A ground-mounted system in the Rural Residential Zone (RR) shall comply with the standards specified in § 280-15-12B(2)(1).

[3] A ground-mounted system in the Residential Development Overlay Zone shall

comply with the standards specified in § 280-15-12B(2)(m). **[Added 5-3-2022 by Order No. 21-494-01]**

- (f) Install all electrical wire and utility connections, except for transformers and controls, underground to the greatest practical extent. The Planning Board shall consider prohibitive costs and site limitations if asked to waive this standard.
- (g) Limit exterior lighting to that required for safety and operational purposes.
- (h) All signs shall meet the specifications of § 280-14-13.
- (i) Be appropriate to the surroundings and minimize environmental and visual impacts on adjoining properties, including:
 - [1] Screening ground-mounted installations from view by abutting residential properties, using vegetation, topography, and/or fencing.
 - [2] Using a manufactured finish appropriate to and compatible with the surroundings, with reflective characteristics that minimize negative visual impacts to the greatest practical extent.
- (j) Shall plant native, non-invasive groundcover, which is low-maintenance, drought resistant, and non-fertilizer dependent, under and between rows of solar panels to prevent soil erosion. **[Added 5-3-2022 by Order No. 21-494-01⁵²]**
- (k) Be removed if it has not produced power for a period of twelve (12) consecutive months. In the event of a natural disaster, act of violence, or other event which results in the absence of electrical generation for twelve (12) months, by the end of the twelfth (12th) month of nonoperation the applicant shall demonstrate to the City that the project shall be substantially operational and producing electricity within twenty-four (24) months of the event. If such demonstration is not made to the City's satisfaction, the decommissioning shall be initiated eighteen (18) months after the event.
- (l) A performance guarantee in compliance with Article XVII shall be provided prior to initiating construction. The performance guarantee shall provide adequate funds to cover the total cost of decommissioning. Every five (5) years after the start of construction, updated proof of the cost of decommissioning shall be submitted to the City Engineer. If the amount of the current performance guarantee is inadequate to cover the total cost of decommissioning, the applicant shall provide a new performance guarantee to the Planning Department in an amount which is adequate to cover the total cost of decommissioning.
- (m) A USS in the Rural Residential Zone (RR) shall require conditional use approval by the Planning Board in accordance with Articles XIII and XVI and the following standards:
 - [1] Shall not be sited on active farmland.
 - [2] Shall minimize impacts on active farmland including, but not limited to, fencing, use of waterways, obstructions created by placement of structures and/or overhead collection lines, division of larger fields into smaller or irregularly shaped fields, need for extensive areas of cut and fill, among other factors that create a burden or

52. Editor's Note: This order also redesignated former Subsection B(2)(j) through (l) as Subsection B(2)(k) through (m), respectively.

unreasonable impact on active farming activities.

- [3] Shall encourage siting on unproductive land and previously disturbed land to the greatest extent possible. All topsoil disturbed during construction shall be stockpiled and returned to the site.
 - [4] Shall locate access roads and overhead collection lines along the edge of agricultural fields in areas next to field boundaries and hedgerows and in nonagricultural portions of the site. The width of access roads shall be no larger than that required to meet the fire code. Access roads that are proposed to be constructed through agricultural fields shall be level with the adjacent field surfaces, where possible.
 - [5] Shall demonstrate how the site shall be restored to its original state, including surface grade, soil, and vegetation, as part of removal of infrastructure and decommissioning.⁵³
- (n) A USS in the Residential Development Overlay Zone (RDO) shall require conditional use approval by the Planning Board in accordance with Articles XIII and XVI and the following standards:
- [1] Shall not be sited on properties where public sewer and water services can be extended and a compact pattern of residential development can feasibly be developed in conformance with the purpose of the RDO Zone.
 - [2] Shall minimize impacts on nearby existing residential development and/or residential zones, including, but not limited to siting, fences, buffers, and/or screens.
 - [3] Shall locate access roads and overhead collection lines to minimize impacts on nearby existing residential development and/or residential zones.
 - [4] Shall demonstrate that stormwater, erosion control, and landscape plans maintain water quality and minimize export of sediment, phosphorus, and other contaminants from the site in support of the City's efforts to restore Goodall Brook by protecting the headwaters of Goodall Brook and vulnerable water bodies in its watershed.

§ 280-15-13. Accessory dwelling units (ADUs). [Added 12-3-2019 by Order No. 19-168-01; amended 1-16-2024 by Order No. 23-516-01]

- A. Purpose. The purpose of these provisions are to regulate the construction of accessory dwelling units (ADUs), to assist in meeting the stated Housing Goals of the Maine Department of Economic and Community Development, and to provide the residents of Sanford alternative housing options.
- B. Applicability.
- (1) ADUs shall be allowed in any zone which allows residential uses.
 - (2) Unless specified in § 280-15-13, the ADU shall conform to the standards of the zone in which it is located.
 - (3) Unless specified in § 280-15-13, all regulations pertaining to overlay zones affecting the subject

53. Editor's Note: Former Subsection B(2)(m)[5], which required the planting of certain kinds of plants between rows of solar panels, was repealed 5-3-2022 by Order No. 21-494-01. For current provisions, see Subsection B(2)(j) of this section. Order No. 21-494-01 also renumbered former Subsection B(2)(m)[6] as Subsection B(2)(m)[5].

parcel shall also apply to the ADU.

- (4) The creation of an ADU within a preexisting nonconforming structure is permitted provided that it does not increase the nonconformity of the structure and meets all other standards of this chapter.
- (5) All ADUs shall conform to Chapter 265: Floodplain Management, Chapter 270: Shoreland Zoning, and Chapter 275: Subdivision of Land.
- (6) The Code Enforcement Officer, with concurrence of the Planning Director, shall find that an ADU conforms to the standards of § 280-15-13. The Code Enforcement Officer may elevate the review of ADU application based on the size or complexity of the project, in conformance with § 280-16-5.

C. Standards.

- (1) Growth zone. Within the Growth Zone of the City's Comprehensive Plan on record at the time of application, there shall be allowed up to two (2) ADUs on a parcel. For all other parcels, there shall be allowed one (1) ADU per parcel.
- (2) Configuration. An ADU may be created in any of the following ways:
 - (a) Using space within the interior of an existing dwelling;
 - (b) Building an addition onto an existing dwelling such that the addition is made part of the principal structure or is attached to the principal structure by a breezeway not exceeding twenty feet (20) in length; or
 - (c) Building a new detached structure or renovating an existing free standing structure.
- (3) Principal dwelling structure. An ADU must be constructed in reference to a principal dwelling structure located on the same lot or parcel. A principal dwelling structure may be any of the following:
 - (a) A single-family dwelling;
 - (b) A two-family dwelling; or
 - (c) A multifamily dwelling having less than five (5) individual dwelling units.
- (4) Size. In no case shall an ADU occupy more than forty percent (40%) of the living area of the principal dwelling structure or one thousand (1,000) square feet, whichever is greater, or have more than three (3) bedrooms.
- (5) Density. An ADU shall not be counted as a unit when calculating units per acre.
- (6) Parking. There are no off-street parking requirements for an ADU. If parking spaces are designated, they shall be provided in conformance with § 280-14-12.
- (7) Ownership. The principal dwelling structure and the accessory dwelling unit(s) shall be in the same ownership. An ADU shall not be sold separately from the principal dwelling structure.
- (8) Owner occupancy. The owner of the property shall occupy either the principal dwelling structure or the ADU. An applicant shall submit a written statement indicating which unit will be owner occupied to the Code Enforcement Officer. Continued occupancy of an ADU upon

sale or transfer of the property shall be conditioned on the new owner agreeing to the owner occupancy requirement.

- (9) Buffering. If an addition or new construction is proposed, the orientation of an ADU shall, to the maximum extent practical, maintain the privacy of residents in abutting properties as determined by the physical characteristics surrounding the ADU, including but not limited to landscaping, screening, fencing, and window and door placement. The Code Enforcement Officer may require additional landscaping or buffering to preserve privacy of abutting residential properties. If the applicant disagrees with the Code Enforcement Officer's requirement for additional landscaping or buffering, he or she may request that the proposal be reviewed by the Planning Board.

§ 280-15-14. Affordable Housing Density Bonus. [Added 3-5-2024 by Order No. 24-16-01]

- A. Purpose. The purpose of the Affordable Housing Density Bonus is to provide options for housing developments that qualify as affordable using metrics set by the U.S. Department of Housing and Urban Development (HUD). The provisions in this chapter support alternate residential development options which are not restricted to any one zoning district.
- B. Applicability.
- (1) Affordable Housing is defined by 30-A M.R.S. § 4364 as:
- (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 51% or more of the units in the development 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 51% or more of the units in the development without spending more than 30% of the household's monthly income on housing costs.
- (2) The Affordable Housing Density Bonus is available in any zone which allows multifamily residential development.
- (3) The Affordable Housing Density Bonus may only be used if the development is located within the Growth Zone of the City's Comprehensive Plan on record at the time of application, or served by public water and sewer services.
- (4) Unless specified in § 280-15-14, the development shall conform to the standards of the zone in which it is located.
- (5) Unless specified in § 280-15-14, the development shall conform to the standards of all overlay zones in which it is located.
- (6) Unless specified in § 280-15-14, Affordable Housing Developments shall conform to Chapter 265, Floodplain Management, Chapter 270, Shoreland Zoning, and Chapter 275, Subdivision of Land.

- (7) The Code Enforcement Officer, with concurrence of the Planning Director, shall find that an Affordable Housing Development conforms to the standards of § 280-15-14. The Code Enforcement Officer may elevate the review of the application based on the size or complexity of the project, in conformance with § 280-16-5.

C. Standards.

- (1) Density. The total residential density may be no greater in an Affordable Housing Development than 2.5 times the base density normally permitted in the zone in which the development is proposed.
- (2) Parking requirements. Parking provided for the Affordable Housing Development shall be in conformance with § 280-14-12, Off-street parking, but in no instance shall the number of required parking spaces exceed two parking spaces for every three dwelling units.
- (3) Existing density bonus. The Planning Board may elect to approve an Affordable Housing Development which meets any or all of the standards of the stated density bonus of the underlying zone if the development meets all other development standards of that zone.
- (4) Affordability. The Affordable Housing Development shall comply with the income restrictions and standards as defined by the U.S. Department of Housing and Urban Development. The total breakdown of units must be identified in a table on the site plan and designate if units are to be rentals or home-ownership units.

§ 280-15-15. Campgrounds [Added 11-12-2024 by Order No. 24-401-01]

A. Purpose. The purpose of the campgrounds ordinance is to allow for the safe and enjoyable use of nature and rural characteristics of Sanford by those choosing to stay in a campground, while promoting the general welfare of area residents.

B. Applicability.

- (1) Campgrounds shall be allowed in zones as identified in the Table of Land Uses.⁵⁴
- (2) Campgrounds shall conform to Chapter 265: Floodplain Management and Chapter 270: Shoreland Zoning.
- (3) No person shall use a tenure of any length of time at a campground to establish residency in the City of Sanford.

C. Standards.

- (1) Minimum lot size. The minimum lot size for any campground is five (5) acres.
- (2) Minimum setbacks. The minimum setback of any campground site, structure, or parking area within a campground shall be:
 - (a) In conformance with the underlying zone where the campground abuts a nonresidential use.
 - (b) Seventy-five (75) feet from the property line of a residential use, except that the campground office and/or store shall adhere to the setbacks of the underlying zone.

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

- (3) Buffering. A vegetated buffer a minimum of eight (8) feet high and fifty (50) feet wide shall be required for campgrounds, except that:
 - (a) Other buffering and/or fencing options may be allowed as determined by the Planning Board due to topography, wetlands, wildlife habitat, or other site constraints;
 - (b) A note may be added to the site plan referencing the book and page number of a signed agreement between the owners of the abutting property and the campground for a reduced buffer as recorded with the York County Registry of Deeds; and,
 - (c) Access paths and roadways may traverse the vegetated buffer if the vegetated buffer is relocated or enhanced to provide adequate coverage, as determined by the Planning Board.
- (4) Off-street parking. A minimum of two hundred (200) square feet per campground site shall be allotted for off-street parking.
- (5) Signage. Campground sites shall be physically labeled or numbered with signage or other markers that correspond to the approved site plan. This signage shall not count towards the total allowable signage of a commercial use.
- (6) Seasonality. A campground shall be allowed to operate only between the dates of April 15 and November 1 of any given calendar year.

ARTICLE XVI
Site Plan Review

§ 280-16-1. Planning Director.

This article shall be administered by the Planning Director, except that the Code Enforcement Officer shall be responsible for enforcement.

§ 280-16-2. Purpose.

The purpose of this article is to establish procedures and standards to enable the City to review applications for the development of nonresidential and multifamily residential uses.

§ 280-16-3. Site plan approval required. [Amended 3-7-2017 by Order No. 17-31.07; 8-20-2019 by Order No. 19-397-01]

A. Site plan approval shall be required for any of the following:

- (1) The construction of any new building or structure or the expansion of an existing building or structure for any use identified in this chapter as permitted, permitted with site plan review, or conditional.
- (2) The establishment of a use identified as permitted with site plan review or conditional that does not involve a building or structure.
- (3) The construction or expansion of a ground-mounted commercial solar system or utility solar system. **[Amended 4-7-2020 by Order No. 19-772-01]**
- (4) Existing buildings:
 - (a) The change in use of an existing building from a use that is permitted with site plan review or conditional to another use that is permitted with site plan review or conditional, but only if one (1) or both of the following are met:
 - [1] The new use requires fifteen percent (15%) or more off-street parking in accordance with this chapter than the previous use; or
 - [2] Changes in site development are proposed, including but not limited to into and through the site, layout and location of parking, or provisions for stormwater drainage, lighting, or buffering of adjacent uses.
 - (b) A change in occupancy of an existing building or use that replaces a use that is permitted with site plan review or conditional with another use that is permitted with site plan review or conditional that does not increase the parking requirement more than fifteen percent (15%) or result in changes to site development shall not require site plan review.
- (5) The construction or expansion of parking areas to serve a use that is permitted with site plan review or conditional involving an area of more than two-thousand (2,000) square feet in any three (3)-year period.
- (6) The creation of a private way.

B. This section does not apply to the construction or modification of single-family or two-family homes, the placement of manufactured housing on individual lots, agriculture, forest management and timber

harvesting activities, or any permitted use identified in this chapter.

- C. No land, building, or structure shall be used or occupied and no building permit, sign permit, plumbing permit, or certificate of occupancy shall be issued for a development within the scope of this chapter unless and until a final plan of the development has been approved in accordance with the procedures set forth below.

§ 280-16-4. Classification of projects.

Projects subject to site plan review shall be divided into two (2) classes: major developments and minor developments.

- A. Major development. A major development shall be any project which requires site plan approval and which meets any one (1) of the following criteria. In addition, the Site Plan Review Committee may, by formal vote, reclassify a minor development to a major development if it finds, because of the scale or complexity of the proposal, that it has implications similar to projects defined as major developments, except that the establishment of a child care center or nursery school for thirteen (13) or more children and/or an adult day services center for thirteen (13) or more clients shall be classified as a major development. **[Amended 8-21-2018 by Order No. 18-348-01]**

- (1) Involves the construction of more than thirty-thousand (30,000) square feet of gross floor area. **[Amended 8-20-2019 by Order No. 19-397-01]**
- (2) Involves the creation of ten (10) or more dwelling units.
- (3) Is designated as a conditional use in this chapter.
- (4) Involves the establishment or the construction or expansion of a building or structure for any of the following categories of uses as set forth in the Table of Land Uses.⁵⁵ An expansion of a building or structure for any of these uses involving the creation of two-thousand (2,000) square feet or more of gross floor area shall be classified as a major development. Projects involving an expansion of less than two-thousand (2,000) square feet shall be classified as a minor development.
 - (a) The keeping of pigs, chickens, and fowl for commercial purposes, except in the Rural Residential or Rural Mixed Use Zones.
 - (b) Mineral extraction.
 - (c) The reuse of existing agricultural buildings for nonagricultural purposes.
 - (d) Mobile home park. **[Amended 8-20-2019 by Order No. 19-397-01]**
 - (e) Expansion of existing mobile home park. **[Amended 8-20-2019 by Order No. 19-397-01]**
 - (f) Convalescent, rest, or nursing home. **[Amended 8-20-2019 by Order No. 19-397-01]**
 - (g) Boarding or congregate care facility. **[Amended 8-20-2019 by Order No. 19-397-01]**
 - (h) Child-care centers or nursery school for thirteen (13) or more children and/or adult day services center for thirteen (13) or more clients.

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

- (i) Private school and college. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (j) Nonprofit club and lodge. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (k) Fully enclosed place, of recreation. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (l) Campground. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (m) Drinking place. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (n) Drive-through eating place. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (o) Unenclosed storage of unregistered cars, junk cars, or junked car parts.
- (p) Petroleum product storage.
- (q) Church. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (r) Nonprofit medical marijuana dispensary.
- (5) An amendment of a previously approved site plan for a major development involving the construction of five-thousand (5,000) square feet or more of gross floor area. [**Amended 8-20-2019 by Order No. 19-397-01**]
- (6) Involves the construction or expansion of more than thirty-thousand (30,000) square feet of a ground-mounted commercial solar system in the Rural Residential (RR) or Residential Development Overlay (RDO) Zones or a utility solar system. [**Added 3-7-2017 by Order No. 17-31.07; amended 8-20-2019 by Order No. 19-397-01; 4-7-2020 by Order No. 19-772-01; 11-23-2021 by Order No. 21-494-01**]
- B. Minor development. Any project which requires site plan approval and is not classified as a major development shall be a minor development. [**Amended 3-7-2017 by Order No. 17-31.07; 5-7-2019 by Order No. 19-258-01**]
 - (1) Minor development. Any project which requires site plan approval and is not classified as a major development shall be a minor development in one of the following five (5) categories:
 - (2) Uses permitted with site plan review in the Table of Land Uses.⁵⁶ [**Amended 8-20-2019 by Order No. 19-397-01**]
 - (3) Private way.
 - (4) Staff review. [**Amended 8-20-2019 by Order No. 19-397-01**]
 - (a) Planning Director.
 - (b) Code Enforcement Officer.
- C. Design standards. Any development on a lot that is located in the Sanford Downtown or Springvale Village Design District Overlay Zones shall require review by and a recommendation to the designated reviewing committee or staff. [**Amended 8-20-2019 by Order No. 19-397-01; 9-20-2022 by Order No. 22-440-01**]

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

§ 280-16-5. Review and approval authority.

- A. Major developments. The Planning Board is authorized to review and act, after recommendation by the Site Plan Review Committee, on all site plans for major developments. In considering site plans under this article, the Planning Board may act to approve, disapprove or approve the project with such conditions as are authorized by this article. **[Amended 8-20-2019 by Order No. 19-397-01]**
- B. Minor developments. The Site Plan Review Committee is authorized to review all site plans for minor developments, except as authorized under § 280-16-4B(3), and may approve, disapprove, or approve the project with such conditions authorized by this article. In addition, the Site Plan Review Committee may reclassify a minor development to a major development as set forth in this article and forward it to the Planning Board with recommendations for Planning Board action. **[Amended 8-20-2019 by Order No. 19-397-01]**
- C. Site Plan Review Committee.
- (1) Composition and quorum.
- (a) The Site Plan Review Committee shall be comprised of the following eight (8) members. An employee of each member's respective organization may serve as an alternate in the event that a member is unable to attend a scheduled Site Plan Review Committee meeting. A quorum shall be defined as a minimum of five (5) members. **[Amended 8-20-2019 by Order No. 19-397-01; 4-21-2020 by Order No. 19-864-01]**
- [1] The Fire Chief or designee;
- [2] The Police Chief or designee;
- [3] The City Engineer or the Public Works Director;
- [4] The Planning Director;
- [5] The Superintendent of the Water District;
- [6] The Superintendent of the Sewerage District;
- [7] A representative of the Planning Board;
- [8] The Code Enforcement Officer.
- (b) The Planning Director shall serve as Chair of the Site Plan Review Committee and shall be responsible for scheduling its meetings.
- (2) Powers and duties. The Site Plan Review Committee shall:
- (a) Review and approve applications for minor developments; and
- (b) Advise the Planning Board on applications for major developments.
- (3) Procedures. The Site Plan Review Committee may, after advance notice and hearing, adopt reasonable written regulations to govern the conduct of its meetings, provided that such regulations are not inconsistent with any applicable statute or ordinance.
- (4) Appeals. Any action on a minor site plan may be appealed to the Planning Board by the applicant, any abutter to the project within two-hundred-fifty (250) feet of the subject lot, or any

other party who participated in consideration of the application. The appeal shall be made in writing to the Planning Department within fifteen (15) days of final action on the minor site plan. **[Amended 8-20-2019 by Order No. 19-397-01; 9-20-2022 by Order No. 22-440-01]**

D. Design Review Committee.

(1) Creation, officers, and purpose.

(a) Creation. The Design Review Committee shall consist of a minimum of five (5) and a maximum of seven (7) members. Members shall serve alternating two (2) year terms. Up to three (3) members of the Planning Board shall serve on the Design Review Committee. The remaining members shall be nominated by the City Manager and approved by majority vote of the Planning Board. Design Review Committee members shall live or work in the City. In the nomination and appointment of members, the goal shall be to include members with a combination of educational, professional, and life experiences with design and development related issues. In the event of a vacancy the Chair shall notify the City Manager. **[Amended 10-2-2018 by Order No. 18-426-01]**

(b) Officers. One of the members of the Planning Board shall serve as Chair for the Design Review Committee and the Design Review Committee shall elect a Secretary. The Planning Director shall notify the Chair when there is a proposed development which requires review and comment by the Design Review Committee. The Design Review Committee shall schedule regular monthly meetings and maintain communications and report the status of all projects to the Planning Board in a timely manner. The Secretary shall maintain meeting minutes for all meetings with applicants. The Planning Director shall distribute meeting minutes as appropriate, and handle written communication on behalf of the Design Review Committee. **[Amended 8-20-2019 by Order No. 19-397-01]**

(c) Purpose. To help the owner, developer, architect, and other consultants understand the basic design goals that have been adopted for development of Sanford Downtown and Springvale Village Design District Overlay Zones and provide the Planning Board and Code Enforcement Officer with a yardstick against which proposed development can be measured. Applicants are invited to submit creative and imaginative projects which build on the Design Review Standards and contribute to the overall form and character of Sanford Downtown and Springvale Village Design District Overlay Zones. **[Amended 10-2-2018 by Order No. 18-426-01]**

(2) Powers and duties. **[Amended 10-2-2018 by Order No. 18-426-01; 8-20-2019 by Order No. 19-397-01]**

(a) Responsibilities. It shall be the responsibility of the Design Review Committee to encourage new development and renovation within the designated Sanford Downtown and Springvale Village Design District Overlay Zones to achieve the purpose, objectives, and standards of the Design Review Standards. The Design Review Committee shall advise the Code Enforcement Officer, Planning Director, Site Plan Review Committee, and the applicant and, in that capacity, may make recommendations concerning project design proposals as it deems appropriate.

(b) Review and recommendation to the Code Enforcement Officer, Planning Director, Site Plan Review Committee, and/or Planning Board. All applicants are encouraged to meet with the Planning Department and Design Review Committee early in the design process to avoid the need for substantial revision of an application for site plan review or building,

sign, or other permits for exterior improvements modification. An applicant shall submit three hard copies of all required materials, plans, maps, drawings, and illustrations sufficient to convey the general intent and approach to conforming with the basic design standards and one (1) CD of digital PDF files of all the information submitted as hard for review to the Planning Department. The Planning Director shall schedule the application for review by the Design Review Committee. Following its review, the Planning Director shall prepare a written summary and recommendations and forward it to the applicant, Code Enforcement Officer, Site Plan Review Committee or Planning Board prior to review of the site plan application or building, sign, or other permit. The Design Review Committee may make general comments and suggestions to help meet the standards. The applicant may request additional meetings with the Design Review Committee as the proposed design is developed or revised.

E. Staff review. Staff is authorized to review, approve, disapprove, or approve with conditions the following minor site plans: **[Amended 8-20-2019 by Order No. 19-397-01]**

(1) The Code Enforcement Officer, with agreement of the Planning Director, for:

- (a) The reconstruction of any conforming structures;
- (b) The construction/reconstruction of preexisting nonconforming structures that are within the same footprint;
- (c) Construction which does not increase the building footprint or impervious coverage by more than five-hundred (500) square feet; parking by more than fifteen percent (15%); or any conditions of a previous approval.

(2) The Planning Director, with agreement of the Code Enforcement Officer and City Engineer, for:

- (a) Construction which increases the building footprint between five-hundred (500) and five-thousand (5,000) square feet and does not increase parking demand by more than twenty-five percent (25%), or any conditions of a previous approval.
- (b) Any project when directed by the Planning Board.

§ 280-16-6. Scheduling, submission, fee, and review procedures. [Amended 10-18-2016 by Order No. 16-133.09; 12-20-2016 by Order No. 16-158.07; 3-7-2017 by Order No. 17-31.07; 2-20-2018 by Order No. 18-115-01; 2-20-2018 by Order No. 18-118-01; 5-7-2019 by Order No. 19-258-01; 8-20-2019 by Order No. 19-397-01; 12-3-2019 by Order No. 19-579-01; 4-7-2020 by Order No. 19-772-01; 5-5-2020 by Order No. 19-874-01; 11-23-2021 by Order No. 21-494-01; 4-19-2022 by Order No. 22-151-01; 4-19-2022 by Order No. 22-151-01; 5-3-2022 by Order No. 21-494-01; 9-20-2022 by Order No. 22-440-01; 4-1-2025 by Order No. 25-65-01]

A. Preapplication meeting.

- (1) The applicant shall initiate the application process by either requesting a building permit from the Code Enforcement Officer and being instructed to obtain a site plan permit from the Planning Director or by directly scheduling a preapplication meeting with the Planning Director. The purpose of this meeting is to familiarize the applicant with the review procedures and submission requirements, review the approval criteria and standards, and familiarize the Planning Director with the nature of the project. No decisions relative to the plan may be made at this meeting. The Planning Director may ask representatives of other departments and

agencies to participate in the meeting. In this meeting, the Planning Director will confirm the classification of the application.

- (2) If the application is classified as a minor site plan, the Planning Director may determine that an on-site inspection is needed to familiarize the Site Plan Review Committee with the project site. The on-site inspection shall be scheduled by the Planning Director and shall be attended by the applicant and/or the applicant's representative and members of the Site Plan Review Committee.

B. Application preparation.

- (1) Using the most current application form, which is available from the Planning Department, the applicant shall submit a formal application for review and approval to the Planning Department, consistent with the requirements of § 208-16-6G and the classification assigned under this article.
- (2) Upon receipt of an application, the Planning Department shall provide the applicant with a dated receipt showing the nature of the application and the fees paid.

C. Review for completeness. Within seven (7) days of receipt of an application the Planning Director shall review and determine if it is complete. The Planning Director shall review any request for waivers from the submission requirements and shall act on these requests prior to determining the completeness of the application; provided, however, that if the Planning Board determines that such submission is necessary, the information shall be required to be submitted. If the application is lacking required information, the Planning Director shall notify the applicant in writing of this determination, and the action on any waivers and shall provide copies of the application to all official and ex officio members of the Site Plan Review Committee. If the application is incomplete, the Planning Director shall notify the applicant in writing of this determination, specify what additional materials or information is required to complete the application, and advise the applicant that the revised application package will be re-reviewed for completeness when it is resubmitted. Once the application has been found complete, the Planning Director shall provide copies of the application information to all members of the Site Plan Review Committee and schedule it for the next available committee meeting which will be at least two (2) weeks from the date the application is determined to be complete.

D. Notice to abutters and public hearing.

- (1) Once an application is determined to be complete, the Planning Director shall provide notice and conduct a public hearing in conformance with § 280-4-1.
- (2) No notification of abutters is required for a minor amendment of a previously reviewed and permitted site plan which is classified for staff review under this article.

E. Planning Board action.

- (1) A public hearing shall be held by the Planning Board on a major site plan application prior to its taking action in conformance with § 280-4-1.

F. Waivers. The applicant may request a waiver of any submission requirement in its site plan application. The request shall be in writing at the time of submission of the application and shall specify why the waiver is being sought. The Planning Director shall review any requests for waivers and may grant requested waivers for the purpose of presenting the application to the designated reviewing committee. The designated reviewing committee may approve, deny, or approve the requested waivers with conditions.

G. Submission requirements. The application for site plan review shall contain the following exhibits and information; except that applications for staff level review under § 280-16-4B(4) may provide a reduced list of exhibits and information in conformance with the Planning Board's bylaws. The applicant shall provide a date and description of changes on all revised plans and documents. A generic statement that revisions are "per staff comments" shall not be adequate.

(1) Application elements. The application shall consist of:

- (a) Three (3) hard copies of all required written materials, plans, maps, and drawings and one (1) CD or thumb drive with digital PDF files of all the information submitted as hard copies. The application shall contain the information listed below. The written materials shall be contained in a single report. The plans, maps, and drawings shall be at an accurate scale sufficient to allow review of the items listed under approval criteria, but in no case shall it be more than fifty (50) feet to the inch for that portion of the land being proposed for development.
- (b) A fully executed and signed copy of the application for site plan review.
- (c) The required application and development review fees.
- (d) A complete list of abutters within two-hundred-fifty (250) feet of property boundaries of the site, together with a set of mailing envelopes, stamped with first class postage, that are addressed to each abutter on the list and includes the Planning Department's return address. Two (2) sets of stamped and addressed mailing envelopes will be required for major developments.

(2) Required information.

(a) General information.

- [1] Record owner's name, address, and phone number and applicant's name, address and phone number, if different.
- [2] Zoning classifications of the property, including shoreland, floodplain, and overlay zones, if applicable, and the location of zoning boundaries if the property is located in two (2) or more zones or abuts a different zone.
- [3] Location of all building setbacks, yards and buffers required by this chapter.
- [4] Reduction of the City tax map showing the general location of the site.
- [5] Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
- [6] Assessing tax map and lot number of the lot or lots.
- [7] Copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- [8] General description of the proposed activity or use.

(b) Existing conditions.

- [1] Location and size of existing sewer and water mains, culverts and drains, on-site

sewage disposal systems, wells, and power and telephone lines and poles on the property to be developed and of any that will serve the development from abutting streets or land.

- [2] Location, names, and widths of existing streets and rights-of-way within or adjacent to the proposed development.
 - [3] Location, dimensions and ground floor elevations of all existing buildings on the site.
 - [4] Location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
 - [5] Location of intersecting roads or driveways within two-hundred (200) feet of the site.
 - [6] Location of open drainage courses, floodplains, wetland boundaries, stands of trees, major trees, and other important natural features, with a description of features to be retained.
 - [7] Copy of Phase 1 and Phase 2 Environmental Assessments that have been prepared for the development site.
 - [8] Direction of existing surface water drainage across the site.
 - [9] Location, front view and dimensions of existing signs.
 - [10] Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
 - [11] Location of the nearest fire hydrant, dry hydrant or other water supply for fire protection and description of any existing fire protection systems.
- (c) Proposed development activity.
- [1] Location and dimensions of provisions for water supply and wastewater disposal and evidence of their adequacy for the proposed use or expansion of use, including test pit data if on-site sewage disposal is proposed. If the project will be served by the Sewerage District and/or Water District, provide letters from the respective districts indicating approval of the provisions and the adequacy of systems to accommodate the proposed use.
 - [2] Direction of proposed surface water drainage across the site and provisions for drainage handling, including the size, location, and pertinent elevations of culverts.
 - [3] Provisions for handling solid wastes, including the location, dimensions, and materials of proposed enclosures, and proposed treatment of any on-site collection or storage facilities.
 - [4] Location, dimensions, and ground floor elevations of all proposed buildings or expansion on the site.
 - [5] Location and dimensions of proposed driveways, parking and loading areas, and walkways.
 - [6] Location, front view, materials, and dimensions of proposed signs, together with methods for securing the sign.

- [7] Location, type, and specifications for exterior lighting. The Planning Director may require submission of a photometrics plan to evaluate potential impacts of light spillage on adjoining residential properties.
 - [8] Landscaping plan showing the type, size, and location of shrubs, trees, and other plants to be installed at the site.
 - [9] Location and nature of all electrical, telephone, and other utilities, including fire protection systems, to be installed at the site.
 - [10] Draft language for any proposed easements on the property or adjacent properties, as appropriate.
 - [11] Evidence that the Federal Aviation Administration has been notified of the proposed development if the building or structure is taller than existing surrounding structures or the natural terrain and encroaches on the imaginary surface of the Airport as specified in Section 77.13 of Part 77 of the Federal Aviation Regulations.
- (d) Supplemental information.
- [1] If the Planning Director determines that the project has potentially significant adverse impact on traffic flow, safety or the environment, s/he shall recommend that the project be classified as a major development.
 - [2] The Planning Director may require the applicant to provide a boundary survey of the lot, tied to the Maine state coordinate system, if property lines are not clearly and easily determined on the ground.
 - [3] Supplemental information for major developments. If the application is for a major development, it shall also include the following information:
 - [a] The bearings and distances of all property lines tied, to the Maine state coordinate system, and the sources of this information. The Planning Director may waive the requirement for a formal boundary survey when sufficient information is available to establish, all property boundaries on the ground.
 - [b] The name, registration number and seal of the architect, landscape architect, engineer and/or similar professional, registered in the State of Maine, who prepared the plan.
 - [c] The location of all buildings within fifty (50) feet and the location of intersecting roads or driveways within two-hundred (200) feet of the site.
 - [d] The existing topography of the site shown with two (2) foot contour intervals. A greater contour interval may be used if it is determined that the plan is adequate to evaluate site conditions.
 - [e] A grading plan showing the proposed changes in the topography of the site at a two (2)-foot contour interval or such other interval as determined by the Planning Board. This plan may be combined with the site plan.
 - [f] A stormwater drainage and erosion control program showing:
 - [i] The existing and proposed method of handling stormwater runoff.

- [ii] The direction of flow of the runoff through the use of arrows.
 - [iii] The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - [iv] Engineering calculations prepared and stamped by a professional engineer registered in the State of Maine showing the drainage requirements based upon a storm frequency established by the City Engineer if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces being proposed including but not limited to pavement and building area, and the pre- and post-development rates of runoff.
 - [v] Methods and locations of devices proposed to be used to control erosion and sedimentation during and after construction.
 - [g] Building plans showing, at a minimum, the first floor plan and front elevation of all proposed principal and accessory buildings and structures.
 - [h] Assessments of the impact of the project. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service, and safety of adjacent streets, if the project or expansion will provide parking for fifty (50) or more vehicles or generate more than one-hundred (100) trips during the a.m. or p.m. peak hour based upon the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers.
- [4] Supplemental information for development in the Airport Development Zone shall be identified as necessary for adequate review and approval by the Planning Director, the Site Plan Review Committee, or the Planning Board and may include any of the following:
- [a] An emergency management plan;
 - [b] A fire protection plan;
 - [c] A public safety plan, which shall include any requirements necessary to address Airport security and homeland security issues;
 - [d] A traffic control plan showing the location and dimensions of proposed driveways, parking areas, loading areas, and walkways; describing on-site vehicular activity and its impact on the surrounding traffic patterns; and showing access to and from the Airport, if proposed; and,
 - [e] A narrative report indicating how the proposed land use and development activity is consistent with the Airport Clear Zone and Airport Approach Protection Overlay Zone standards.
- [5] Supplemental information for private ways.
- [a] A plan showing the private way prepared by a land surveyor registered in the State of Maine. The plan shall be drawn in permanent ink or permanent transparency material and shall be sealed by the surveyor preparing the plan. The plan shall be labeled "A Plan of a Private Way" and shall provide an

approval block for signatures of a legal majority of the Planning Board, the date of approval, and the words "Private Way, Approved by the City of Sanford Planning Board." The plan shall show information sufficient to establish on the ground the exact location, width, and length of the private way.

[b] Plan notes. The plan shall contain the following notes:

[i] A note which shall read "The City of Sanford shall not be responsible for the maintenance, repair, plowing, or similar services for the private way shown on this plan."

[ii] A note which shall read "The private way shown on this plan shall not be accepted as a public street by the City of Sanford unless the way complies with the standards for public streets, including but not limited to, width of right-of-way, existing at the time acceptance is requested."

[6] Supplemental information for transmitter towers and alternative communication towers. If the project involves an alternative communication tower, the application shall include the following supplemental information:

[a] A report from a professional engineer, registered in the State of Maine, that describes the tower and the technical reasons for the tower design and describes the capacity of the tower, including the number and types of antennas that it can accommodate and the basis for the calculations of capacity.

[b] Written approval or a statement that no approval is required from the Federal Aviation Administration and written approval from any other applicable federal or state agencies.

[c] A letter of intent that commits the tower owner and his or her successors in interest to:

[i] Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.

[ii] Negotiate in good faith for shared use by third parties that have received a Federal Communication Commission license or permit.

[iii] Allow shared use if an applicant agrees in writing to pay reasonable charges.

[iv] Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference, all being pertinent to the southern Maine market area.

[v] Notify the City if use of the tower is discontinued.

- [vi] Remove the tower within one (1) year after its use is discontinued.
- [d] Evidence that collocation on existing or approved towers is not possible. If the proposed tower cannot be accommodated on each existing or approved tower site, assess whether such tower site could be changed to accommodate the proposed tower, and generally describe the means and projected cost of shared use of the existing or approved tower site.
- [e] Proof of financial capacity to build, maintain, and remove the proposed tower.
- [7] Supplemental information for a water supply protection permit shall contain the following information:
 - [a] The location of Public Water Supply Protection District boundaries based upon the official map if they cross the lot.
 - [b] Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous materials.
 - [c] Location of all new or modified underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar facilities.
 - [d] Location of new or modified exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater; the point of discharge for all drains and pipes shall be specified on the site plan;
 - [e] Delineation of areas on the site which are known or suspected to be contaminated, together with a report of the status of cleanup.
 - [f] Location of new or modified subsurface waste disposal systems, sewage lift stations, force mains, and grease traps.
 - [g] Location and distance to existing and planned wells of the Water District.
 - [h] A description of the manner in which the applicant shall meet all applicable performance standards.
 - [i] In cases where the Code Enforcement Officer, Site Plan Review Committee, or Planning Board finds that the land use poses a serious threat to groundwater quality, an applicant shall be required to submit:
 - [i] A complete list of all pesticides, fuels and other potentially toxic or hazardous materials which are used, manufactured or stored on the premises in quantities greater than those associated with normal household use and a description of measures to provide for the control of leaks or spills.
 - [ii] A completed list of products proposed for application to the land, quantities to be applied, schedule of application, and a detailed description of the application program.

- [iii] A conservation plan, reviewed by the York County Soil and Water Conservation District, for animal husbandry operations.
- [j] The Site Plan Review Committee or Planning Board may also require the following additional information if the Sanford or Kennebunk, Kennebunkport, and Wells Water District expresses concerns, in writing, about the impact of the proposed activities on a public water supply.
 - [i] A hydrogeological study of the proposed use's or activity's impact on groundwater.
 - [ii] Water quality data from on-site monitoring wells.
 - [iii] Any other information necessary to prove that the activity or use will not adversely impact the groundwater quality.
- [8] Supplemental information for mineral extraction for commercial excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral. The development plan shall be prepared by a land surveyor or professional engineer, registered in the State of Maine, except as otherwise specified, showing:
 - [a] The existing contours of the land within and extending beyond the boundaries of the site for two-hundred (200) feet at intervals not to exceed five (5) feet, referred to mean sea level.
 - [b] The contours as proposed following completion of the operation at intervals not to exceed five (5) feet, referred to mean sea level.
 - [c] The location of all proposed access roads and temporary structures.
 - [d] The proposed provisions for drainage and erosion control, including drainage calculations.
 - [e] Other information necessary to indicate the physical characteristics of the proposed operation.
 - [f] A closure plan showing how the site will be reclaimed in accordance with the performance standards of this chapter.
 - [g] Written evidence that the York County Soil and Water Conservation District has reviewed the plans and finds them in conformance with its standards.
 - [h] If fewer than five-hundred (500) cubic yards of material is involved, if all slopes affected have less than a ten-percent (10%) grade, and if the area under consideration is not subject to erosion or excessive stormwater runoff, a written plan prepared by an agent of a qualified professional may be submitted as the required plan.
 - [i] The Planning Board shall require the submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality and water supply wells within the general area if excavation within five (5) feet of the observed seasonal high-water table is proposed.
 - [j] Submission requirements for renewal of a five (5)-year site plan permit for

commercial excavation, processing, and storage of soil, loam, sand, gravel, rock and other minerals. All submission requirements shall be described and located on site plans and in written analyses and assessments submitted as part of the application and shall include:

- [i] Description of past excavation and reclamation activity on the site, including areas modified over the previous five (5)-year permit, and areas proposed to be excavated and reclaimed over the proposed new five (5)-year permit.
- [ii] Current conditions plan, prepared by a land surveyor or other qualified professional, licensed in the State of Maine, which identifies excavated and reclaimed areas over the previous five (5) years, natural features and wetlands, including locations which may have changed since the previous submission, and one (1) or more benchmarks on the site which may be identified by the City Engineer. The Planning Board may allow, at a minimum, spot grade elevations at the top and bottom of embankments.
- [iii] General description of and location where crushing, screening, and processing activity operated over the previous five (5)-year permit and where they are proposed for the new five (5)-year permit.
- [iv] General description and location where imported materials and/or materials relocated from other portions of the site have been or are proposed to be used to rebuild slopes or reclaim areas.
- [v] Certification by a qualified geologist, with specialization in hydrogeology, who is licensed in the State of Maine, that the previously submitted hydrogeologic analysis reflects current conditions and remains valid. The Planning Director may require an updated hydrogeologic analysis if the original analysis requires updating or an update was recommended in the original analysis, or if there are changes in conditions on site, within the aquifer, in municipal regulation, or in professional knowledge about extraction operations or hydrogeology. Furthermore, if the Planning Director determines that the elevation of the seasonal high water table, identified in the previously submitted analysis, has changed or is contradicted by evidence obtained during inspection and/or observation, additional hydrogeologic information including, but not limited to, test pit data, may be required to verify existing high and seasonal groundwater elevations.
- [vi] Updated groundwater monitoring plan, prepared by a qualified geologist, with specialization in hydrogeology, who is licensed in the State of Maine, including all required components of the monitoring system.
- [vii] General description, location, and/or dimensions of proposed stockpiled materials. The Planning Director may require a general description and location of proposed methods to minimize leaching or transport of materials into surface and/or groundwater for materials which are relocated from elsewhere on site or are imported from off site if there are changes in proposed operations, conditions on site, within the aquifer, in municipal regulation, and/or in professional knowledge about extraction

operations or hydrogeology.

- [viii] Updated Operations Manual, with changes from the previously approved Manual highlighted. If the Planning Board finds that the Updated Operations Manual is incomplete or inadequate, it may require a subsequent revision to be prepared by a qualified professional, licensed in the State of Maine.
 - [ix] Updated performance guarantee for reclamation. The amount shall be set by the Planning Board, based on the recommendation of the City Engineer, at a rate of \$4,000/acre or another amount which reflects unique characteristics of the operation, for the area anticipated to be open to excavation and/or reclamation over the proposed new five (5)-year permit. In addition to these areas, the performance guarantee shall include stockpile areas and areas outside of active excavation which have not been reclaimed. The City recognizes that the organization which issues a performance guarantee may annually review and renew the guarantee; however, the City shall require the applicant to provide the City with an acceptable guarantee until the City Engineer finds that the reclaimed landscape meets required cover standards through at least one (1) full growing season. This obligation may require the guarantee to extend beyond the expiration of the five (5)-year permit.
 - [x] Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this amendment of § 280-16-6G(2)(d)[8][j] applies to any application relating to the establishment or operation of a mineral extraction operation, whether or not such application had become a pending proceeding as defined in 1 M.R.S.A. § 302 prior to the enactment of this amendment of the Ordinance.
- [9] Supplemental information for a marijuana production facility, marijuana retail store, or other projects that:
- [a] Have the potential for generating adverse odors, as determined by the Planning Director, shall indicate whether the proposed facility is designed with a closed or open ventilation system. If an open system is proposed, the application shall describe the pathway of outdoor air through the facility and include an Operations Plan and Odor Control Plan that conforms with §§ 280-15-10C(5) and 280-15-10C(6) unless the applicant provides a plan and report, prepared and sealed by a mechanical engineer, or other qualified professional, registered in the State of Maine, for a properly designed, installed, and maintained ventilation and air filtration system to prevent odors from being detected beyond the boundaries of the property. The City may use contracted staff and peer review escrow fees to review an Odor Control Plan under § 280-3-4B.
 - [b] Involves the use and/or storage of chemicals or gases shall include a floor plan showing the type and location of the storage of any chemicals or gases used in the facility and shall be subject to review and approval by the Fire Chief.
- [10] Supplemental information for conditional uses. The Planning Board may waive any of the submission requirements in accordance with § 280-166.6F, upon written request of the applicant at its initial consideration of the application. In waiving any

submission requirement, the Planning Board shall find that the waived information is not needed to allow it to determine conformance with the standards of approval due to the scale or nature of the proposed activity.

- [a] A description of the exact nature of the proposed use, including but not limited to the type of use, square footage involved, hours of operation, types and amount of any pollutants to be generated, and types and amount of traffic expected to be generated.
- [b] A scale drawing, including existing and proposed buildings, important natural features, driveways, parking areas, pedestrian ways, streets and other rights-of-way, and location of signs and outdoor lighting.
- [c] The Planning Board may also request, at the initial consideration of the application, that additional information be provided to allow it to determine compliance with the standards of approval. The burden of providing the information upon which the Planning Board shall base its findings. The applicant may submit additional information, including narrative materials which demonstrate how the application complies with the standards of approval of §§ 280-13-5 and 280-16-7.

[11] Supplemental information for a solar energy system.

- [a] A site location map which shows scenic resources, historic sites, and/or significant wildlife habitat, identified by state regulatory agencies, within one (1) mile of the proposed development.
- [b] Description of proposed and associated facilities, including manufacturer and model and all nonproprietary manufacturer's specifications for solar panels, key components, controls, and other equipment, sound emission levels, normal and emergency operational shutdown procedures, number and individual ratings of panels in the array and/or modules, and aggregate generating capacity of the total system.
- [c] Array/module design.
- [d] Written evidence that all applicable state regulatory agencies with jurisdiction over the project have been notified of the pending application.
- [e] Certification that the system shall comply with utility notification requirements, required by Maine law and accompanying regulations, unless the applicant indicates it will not be connected to the electricity grid.
- [f] Site line, photographic and, if applicable, screening information to help evaluate environmental and visual impact of construction and operation of the system.
- [g] A plan which describes how decommissioning will be undertaken, the work required, how solid waste shall be disposed of in compliance with state and local regulations, a cost estimate for decommissioning and a schedule of contributions to its decommissioning fund, and demonstration of the applicant's financial capacity to complete the decommissioning as proposed. The applicant shall also provide examples of other projects of similar size and describe the

amount of surety which was required.

[h] If the project is located in the Rural Residential (RR) Zone:

[i] Identify location of prime or unique farmland soils and farmland soils of statewide significance, as mapped by the Natural Resources Conservation Service (NRCS) and/or York County Soil and Water Conservation District (YCSWCD).

[ii] Identify location and description of active farmland on the site.

[iii] Describe measures to conserve and manage natural resources, maintain and minimize impacts on active farming and forested lands, and control and prevent nonpoint source pollution.

[i] If the project is located in the Residential Development Overlay (RDO) Zone:

[i] Identify nearby existing residential development and residential zones.

[ii] Describe measures to plant native, non-invasive groundcover, which is low-maintenance, drought resistant, and non-fertilizer dependent, under and between rows of solar panels to prevent soil erosion.

[iii] Describe stormwater, erosion control, and landscape measures on plans and in a narrative to maintain water quality and minimize export of sediment, phosphorus, and other contaminants from the site to protect Goodall Brook and vulnerable water bodies in its watershed.

[12] Supplemental information for retail sales in the Industrial Business (IB) Zone.

[a] A traffic impact analysis that assesses development impacts on level of service and safety on the street network and improvements that may be warranted for mitigation of impacts. The traffic impact analysis shall be prepared by a Maine licensed professional engineer and conform with Maine Department of Transportation Rules and Regulations Pertaining to Traffic Movement Permits.

H. Fees.

- (1) Any request for site plan review shall be accompanied by a filing fee established by the City Council and shall be administered in conformance with § 280-3-4.
- (2) Review and construction compliance fees. An applicant shall deposit a review fee with the Planning Department at the time of the submission of an application. The Planning Department shall maintain a project account for each application showing the amounts of the deposits and the charges incurred for review of the application in compliance with § 280-3-4. The applicant shall also be required to post additional amounts to cover the cost of construction compliance review.

I. Review procedures.

- (1) Once an application is determined to be complete and at least fourteen (14) days prior to a regularly scheduled meeting of the reviewing committee, the Planning Director shall schedule of the application for review.

- (2) The Planning Director shall schedule review by the Site Plan Review Committee and the Planning Board and provide appropriate notice of public hearing as required in this chapter and in conformance with § 280-4-1.
- (3) Within sixty (60) days of any required public hearing, the Planning Board shall complete its review of and take action on the application. The Planning Board may extend this review period with the consent of the applicant.
- (4) The reviewing committee shall determine whether the application complies with the standards and criteria of § 280-16-7. If the reviewing committee finds that the application conforms to these standards and criteria, committee members shall vote to approve the application. Approval by the reviewing committee shall require the vote of a majority of committee members. A binding vote shall include a minimum of three (3) members. The applicant may request a continuation of the reviewing committee's consideration of the application if only three (3) voting members. The applicant shall be notified in writing of the committee's action.
- (5) The reviewing committee may impose conditions on the approval of a site plan. Any conditions imposed by the reviewing committee shall be related directly to the approval standards and criteria.

J. Inspections.

- (1) General. The applicant shall be responsible for demonstrating that the construction of the project meets the standards of this chapter.
- (2) Private ways. The private way shall be inspected under the direction of a professional engineer, registered in the State of Maine. Prior to the issuance of any certificates of occupancy for lots served by a private way, the engineer shall certify to the Code Enforcement Officer that the private way has been constructed in accordance with this section.

K. Signing, recording, and providing copies of recorded approved plans.

- (1) General requirement. Upon approval by the reviewing committee, the applicant shall provide five (5) copies of the site plan which includes any required changes or conditions of approval prior to the issuance of a building permit.
- (2) Private ways. The original plan shall be recorded in the York County Registry of Deeds within thirty (30) days of approval by the Planning Board and prior to the issuance of building permits for any lots served by the private way. If the plan is not recorded within this period, the approval of the Planning Board shall be null and void. Prior to the expiration of the thirty (30) day period, the Planning Board may extend this time limit upon written request by the applicant and a finding that such extension is consistent with current zoning requirements.

§ 280-16-7. Approval criteria and standards. [Amended 5-7-2019 by Order No. 19-258-01; 8-20-2019 by Order No. 19-397-01; 9-20-2022 by Order No. 22-440-01; 4-1-2025 by Order No. 25-65-01]

The following criteria shall be used by the Site Plan Review Committee and the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Site Plan Review Committee or the Planning Board determines that the applicant has failed to meet one (1) or more of these standards. In all instances, the burden of proof shall be on the applicant, and such burden of proof shall include the production of

evidence sufficient to warrant a finding that all applicable criteria have been met.

- A. Utilization of the site. The plan for the development shall reflect the natural capabilities of the site to support development. Buildings, lots, and support facilities shall be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, such as wetlands, steep slopes, floodplains and unique natural features, shall be maintained and preserved to the maximum extent. Natural drainage areas shall be preserved to the maximum extent.
- B. Access to the site. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate one-hundred (100) or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic Engineers, intersections on major access routes to the site within one (1) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development shall function at a minimum of Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project shall not reduce the current level of service. The Planning Board or Site Plan Review Committee may approve a development not meeting this requirement if the applicant demonstrates that:
 - (1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or
 - (2) The applicant shall assume financial responsibility for the improvements necessary to bring the level of service to this standard and shall assure the completion of the improvements with a financial guaranty acceptable to the City.
- C. Access into the site. Vehicular access into the development shall provide for safe and convenient access.
 - (1) Any exit driveway or proposed street shall be designed so as to provide minimum sight distance to meet the Maine Department of Transportation standards.
 - (2) Points of access shall be located to avoid hazardous conflicts with existing turning movements and traffic flows.
 - (3) The grade of any proposed drive or street shall be not more than three percent (3%) for a minimum of two (2) car lengths or forty (40) feet from the intersection.
 - (4) The intersection of any access drive or proposed street shall function at a Level of Service C following development if the project will generate one-thousand (1,000) or more vehicle trips per twenty-four (24) hour period or at a level which shall allow safe access into and out of the project if fewer than one-thousand (1,000) trips are generated.
- D. Internal vehicular circulation. The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.
 - (1) Nonresidential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-50 vehicles.
 - (2) Clear routes of access shall be provided and maintained for emergency vehicles to and around all buildings and will be posted with appropriate signage marked fire lane - no parking.
 - (3) The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street.

- (4) All roadways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all-season emergency access, snow storage, and delivery and collection services.
- E. Pedestrian circulation. The development plan shall provide for pedestrian circulation within the development. If the project is located in an area where sidewalks exist or are located within one-thousand (1,000) feet of the site, provisions shall be made for connection to the existing sidewalk system.
- F. Stormwater management. Adequate provisions shall be made for the disposal of all stormwater collected from proposed streets, parking areas, roofs, and other surfaces through a stormwater drainage system and maintenance plan which shall not have adverse impacts on abutting or downstream properties.
 - (1) To the extent possible, the plan shall detain stormwater on the land at the site of development and do so through the use of the natural features of the site.
 - (2) For major developments, stormwater runoff systems shall detain or retain water falling from the site such that the rate of flow from the site does not exceed the predevelopment rate, unless the development site is adjacent and discharges to a surface water body and detention of water on the site will compound peak flows in the water body and aggravate flooding.
 - (3) The applicant shall demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects or shall be responsible for the improvements to provide the required increase in capacity.
 - (4) All natural drainageways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Site Plan Review Committee or Planning Board and appropriate state agencies, if required.
 - (5) The design of stormwater drainage systems shall provide for the disposal of stormwater without damage to streets, adjacent properties, or downstream properties.
 - (6) The design of the storm drainage systems shall be fully cognizant of upstream runoff which shall pass over or through the site to be developed.
 - (7) The biological and chemical properties of the receiving waters shall not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, on-site vegetated waterways, reduction in use of deicing salts and fertilizers, rain gardens and other techniques to reduce phosphorus and protect water quality may be required, especially where the development stormwater discharges into a gravel aquifer area, water supply source, or watershed overlay district.
- G. Erosion control.
 - (1) For all projects, building, site designs, and roadway layout shall fit and use existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation, and earthmoving activity shall be kept to a minimum. Parking lots on sloped areas shall be terraced to avoid undue cut and fill and the need for retaining walls. Natural vegetation shall be preserved and protected wherever possible.
 - (2) During construction of major developments, soil erosion and sedimentation of watercourses and water bodies shall be minimized by an active program meeting the requirements of the York

County Soil and Water Conservation District's best management practices. Erosion control devices shall be installed prior to the start of construction or land disturbance. Erosion control devices shall be inspected prior to and after major storm events and shall be maintained until land surfaces are permanently stabilized. Special care with maintenance is required prior to and over the winter and spring melt seasons. Three (3) notification by the Code Enforcement Officer about failure to install or maintain erosion control devices shall result in the requirement that the property owner submit a performance guarantee to cover costs associated with erosion control and permanent stabilization of the site and may result in revocation of a building permit or delay in receipt of an occupancy permit, at the sole discretion of the Code Enforcement Officer.

H. Water supply.

- (1) The development shall be provided with a system of water supply that provides each use with an adequate supply of drinking water.
- (2) If the project will be served by the Water District, the applicant has secured, in writing, a statement from the Water District that the proposed water supply system conforms to its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.

I. Sewage disposal.

- (1) A sanitary sewer system shall be installed at the expense of the developer if the project is located within a sewer service area as defined by the Sewerage District. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where service is not available, except in the Residential Development Zone (RD).
 - (a) Upstream sewage flows shall be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.
 - (b) All components of sanitary sewerage facilities that connect to the Sewerage District's system shall be designed by a professional engineer, registered in the State of Maine, and shall be tested in full compliance with the design specifications and construction practices as established by the District. The construction of sewer lines shall include the construction of laterals to the property line of each lot where individual lots are created.
 - (c) All individual and community on-site systems shall be designed in full compliance with the Maine State Plumbing Code (May 1, 1995, edition), as amended. Upon the recommendation of the Local Plumbing Inspector, the Site Plan Review Committee or Planning Board may require the location of reserve areas for replacement systems.
- (2) If the project will be served by the Sewerage District, the applicant shall secure, in writing, a statement from the Sewerage District that the proposed sewerage system conforms to its design specifications and construction practices and that the project will not result in an undue burden on the system.

J. Utilities. The development shall be provided with electrical and telephone service adequate to meet the anticipated use of the project.

K. Natural features. The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation

insofar as practical during construction. Extensive grading and filling shall be avoided as far as possible.

- L. Groundwater protection. The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.
- M. Exterior lighting. The proposed development shall provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours. All exterior lighting shall be designed and shielded to direct light downward and avoid spillage beyond the boundaries of the applicant's property.
- N. Solid and hazardous waste disposal. The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.
 - (1) All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - (2) All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility, and evidence of a contractual arrangement with the facility shall be submitted.
- O. Landscaping. The development plan shall provide for landscaping to define street edges, improve community appearance, and provide shade for pedestrians, break up parking areas, soften the appearance of the development, and protect abutting properties from adverse impacts of the development. No invasive species shall be planted as part of an approved landscape plan and native species are strongly encouraged.
- P. Shoreland relationship. The development shall not adversely affect the water quality or shoreline of any adjacent water body. The development shall demonstrate that the cutting or removal of vegetation along water bodies shall not increase water temperature or result in shoreline erosion or sedimentation of water bodies. The development plan shall provide for access to abutting navigable water bodies for the use of occupants of the development.
- Q. Technical and financial capacity. The applicant has demonstrated that s/he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan. In determining the applicant's technical ability, the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, the history of performance on past applications, nonpayment of outstanding invoices associated with permitting or violations of previous approvals involving the applicant, consultants, contractors, or other agents of the applicant. If necessary to satisfy this criteria, the Planning Board may require the applicant to retain qualified contractors and consultants to prepare plans and applications and to supervise, construct, and inspect required improvements in the proposed development.
- R. Buffering. The development shall provide for the buffering of adjacent uses where there is a transition from one (1) type of use to another use and to screen service and storage areas. The buffer areas required by the designated reviewing committee or this chapter shall be provided and maintained.
- S. Airport encroachment. Development and/or landscaping shall not encroach above the imaginary surface of the Airport as specified in Section 77.13 of Part 77 of the Federal Aviation Regulations unless such encroachment shall not have a detrimental impact on the instrument landing approach minimums currently in use or likely to be in use in the future.
- T. Supplemental criteria and standards for private ways. The Planning Board shall approve the use of private ways which meet the standards of this chapter, including but not limited to those described

below to provide access to and frontage for individual lots of land.

- (1) Each lot having access from an approved private way shall be improved with no more than one (1) dwelling unit and related accessory buildings and uses, except for residential uses allowed in the Urban Zone as outlined in the Table of Land Uses, which may allow use of the private way to access other types of residential uses if the Planning Board finds that the proposed use is in conformance with § 280-16-7T(3)(h).
- (2) If the private way provides access to two (2) or more lots, a maintenance agreement shall be prepared. This agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the private way. This agreement shall be approved by the Planning Board and shall be recorded in the York County Registry of Deeds within thirty (30) days of approval by the Planning Board. Prior to the expiration of the thirty (30) day period, the Planning Board may extend this time limit upon written request by the applicant and a finding that such extension is consistent with current zoning requirements.
- (3) Private ways shall have a minimum right-of-way width of thirty-three (33) feet and a paved apron twenty (20) feet in length commencing at the existing edge of pavement where it intersects with the private way. The paved apron shall be constructed to the following standards:
 - (a) Fifteen (15) inches of base gravel, Maine Department of Transportation (MDOT) Spec. 703.06 Type D.
 - (b) Three (3) inches of three-quarter (3/4)-inch crushed gravel.
 - (c) Minimum of two (2) inches of paved surface or greater as specified by the Public Works Director.
 - (d) Negative two percent (2%) grade from the existing edge of pavement to an appropriate drainageway but in no case less than five (5) feet from the travel surface of the public way it intersects.
 - (e) The construction of private ways shall meet the following minimum standards.

	Number of Lots Served	
	One (1) to three (3)	Four (4) or more
Minimum roadway width	Sixteen (16) feet	Same as local residential streets
Minimum subbase (heavy road gravel)	Fifteen (15) inches	
Wearing surface (fine gravel)	Two (2) inches	
Maximum length	None	
Maximum grade	Eight (8)%	
Minimum grade	One-half (0.5)%	
Turnaround at dead end	Hammerhead or T subject to approval by the Fire Department	

	Number of Lots Served	
	One (1) to three (3)	Four (4) or more
Stormwater drainage	Approval of Director of Public Works	

- (f) Notwithstanding other provisions of the Code to the contrary, no private way shall provide access to or serve in any way to provide compliance with the requirements of the Code for more than three (3) individual lots unless construction of the way complies with the local residential street standards as set forth in Chapter 275: Subdivision of Land, except that up to ten (10) residential units may be allowed in the Urban Zone if the Planning Board finds that the private way is in conformance with § 280-16-7T(3)(h).
- (g) The land within the right-of-way of an approved private way shall not be used to meet the frontage or lot area requirements of any lot. The creation of a private way shall not reduce the frontage or lot area of an existing conforming lot below that required by the zone in which it is located nor reduce the frontage or lot area of an existing nonconforming lot.
- (h) The Planning Board may allow up to ten (10) residential units on a private way in the Urban Zone if:
 - [1] It has granted site plan approval for the private way;
 - [2] The private way is paved;
 - [3] The width of the right-of-way is adequate to ensure that there is adequate area to accommodate necessary drainage and other improvements, address topographic conditions, ensure safe disposal of stormwater, provide adequate widths of travel lanes to serve anticipated traffic, restrict onstreet parking, require that residential units are sprinklered, siting and construction of fire hydrants, etc. If the Planning Board determines that the right of way needs to be expanded to address these conditions, it may require up to a maximum fifty (50) foot right of way; and
 - [4] All other standards shall be in conformance with requirements for private ways in this chapter and Chapter 275, Subdivision of Land, including, but not limited to, provisions for turnarounds, maintenance agreements, recording of the approved site plan and maintenance agreements at the York County Registry of Deeds.

§ 280-16-8. Amendments to approved plans. [Amended 8-20-2019 by Order No. 19-397-01]

Approvals under this article are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals, and supporting documents, except minor changes that do not affect approval standards, is subject to review and approval as provided herein. Minor changes that do not alter the essential nature of the proposal or affect approval criteria may be approved by the Planning Director by written endorsement of the changes on the approved plan. The procedure for obtaining review and approval of other amendments shall be determined by the Planning Director based on the classification of the amendment itself. The applicant shall provide a date and description of changes on all revised plans and documents. A generic statement that revisions are "per staff comments" shall not be adequate.

§ 280-16-9. Appeal of Planning Board actions.

Appeal of any actions taken by the Planning Board with respect to this article shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

§ 280-16-10. Duration of site plan approval. [Amended 8-20-2019 by Order No. 19-397-01]

Construction or occupancy if no construction is involved, shall commence within one (1) year of the approval of the site plan and a certificate of occupancy issued within three (3) years of approval. If construction or occupancy is not commenced or a certificate of occupancy issued within these limits, the site plan approval shall be null and void. Prior to the expiration of site plan approval, the Planning Board or Site Plan Review Committee may extend these time limits upon written request of the applicant and a finding that such extension is consistent with current zoning requirements.

ARTICLE XVII

Performance Guarantees

§ 280-17-1. Types of guarantees.

- A. With submittal of the application for final development approval, the applicant shall provide one (1) of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs:
- (1) Either a certified check payable to the City or a savings account or certificate of deposit for the establishment of an escrow account in such form as permitted by law and approved as to form by the City Manager;
 - (2) An irrevocable letter of credit from a financial institution establishing funding for the construction of the development, from which the City may draw if construction is inadequate, approved by the City Manager; or
 - (3) Any other performance guarantee approved by the City Manager, provided that, in his or her opinion, such performance guarantees provide substantially similar financial protection for the City as in § 280-17-1A(1) or 280-17-1A(2).
- B. The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the City Engineer or Public Works Director.

§ 280-17-2. Contents of guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction, taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the City shall have access to the funds to finish construction.

§ 280-17-3. Escrow account.

A cash contribution for the establishment of an escrow account shall be made by either a certified check made out to the City, the direct deposit, or a functional equivalent, into a savings account, or the purchase of a certificate of deposit in such form as permitted by law and approved as to form by the City Manager. For any account opened by the applicant, the consent of the City Manager shall be required for a withdrawal.

§ 280-17-4. Letter of credit.

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the development and may not be used for any other project or loan and may be released only upon written authorization of the City Manager.

§ 280-17-5. Duration of guarantee.

The performance guarantee shall remain in force for the entire period during which development occurs or, in the case of default, while the City pursues its remedies for default, until the guarantee is released by the City in accordance with § 280-17-6. If the time frame for constructing the improvements covered by the guarantee is extended, the performance guarantee shall also be extended.

§ 280-17-6. Release of guarantee.

Prior to the release of any part of the performance guarantee, the Planning Director and City Engineer shall determine to their satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the development for which the release is requested.

§ 280-17-7. Default.

If, upon inspection, the City Engineer, or other engineer retained by the Director of Public Works, finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, s/he shall so report in writing to the Director of Public Works, Planning Director, City Manager, and the applicant. The City Manager shall take any steps necessary to preserve the City's rights.

§ 280-17-8. Improvements guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for construction including but not limited to streets, stormwater management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE XVIII

Waivers

§ 280-18-1. Waiver of submission requirements authorized. [Amended 9-20-2022 by Order No. 22-440-01]

When the Planning Board makes written findings of fact that there are special circumstances relating to a particular lot proposed to be developed, it may waive portions of the submission requirements, unless this chapter specifically prohibits waivers. For a waiver to be granted, the applicant shall demonstrate that:

- A. The performance standards of this chapter have been or will be met;
- B. The public health, safety, and welfare are protected; and
- C. The waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, this chapter, or these requirements.

§ 280-18-2. Waiver of standards authorized.

When the Planning Board makes written findings of fact that, due to special circumstances of a particular property, the provision of certain required improvements is not required to provide for the public health, safety or welfare or is inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, the Planning Board may waive the requirement for such improvements, subject to appropriate conditions, provided that:

- A. The waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, this chapter, or these regulations; and
- B. The performance standards of this chapter have been or will be met by the proposed development.

§ 280-18-3. Conditions.

Waivers may only be granted in accordance with this subsection. When granting waivers, the Planning Board shall set conditions, as appropriate, so that the purposes of these regulations are met.

§ 280-18-4. Waivers to be shown on final plan.

When the Planning Board grants a waiver to any of the improvements required by these regulations, the final plan, provided to the Planning Department, shall indicate the waivers granted and the date on which they were granted.